

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
AURANGABAD ZONE AURANGABAD

Case No. CGRF/AZ/Aur/U/353/2011/33

Date of Filing 16.09.2011
Date of Decision 18.10.2011

M/s Aayudh Tools,
Plot No.1E-70/15,MIDC, Waluj ,
Dist. Aurangabad. Complainant
(Consumer No. 490019043130)

V/s
01) Nodal Officer, Respondents
Urban Circle, M.S.E.D.C.L.,
Aurangabad.

02) GTL Limited,
Cannaught Place, CIDCO, Aurangabad.

CORAM

Shri V.B. Mantri Chairperson
Shri V.S.Kabra Member
Shri Mohd.Quamarudin Tech. Member

JUDGEMENT

01) The complainant putforth his grievance against the bill of Rs.3,73,097 issued by the respondents for additional load, which is abnormal and not as per approved charges.

02) The case of the complainant in brief is that, the complainant is the consumer bearing consumer No.490019043130. He has set up his factory at Plot No.E-70/15, MIDC, Waluj, Aurangabad. The complainant had taken 11KV HT connection of 70 KVA from MSEDCL in the month of January 2007.

Case No.353/2011/33
Page No. 01/06

- 03) The complainant submitted an application for enhancement of contract demand from 70 KVA to 150 KVA and connected load from 125 KW to 335 KW to M/s GTL Ltd. on 18.06.2011. The GTL Ltd. sanctioned the additional load and asked the complainant to pay amount of Rs.3,73,097 towards service charges, security deposit, testing charges etc. It is the grievance of the complainant that, such demand is abnormal and not as per the MERC approved charges. It is therefore prayed that, the respondents be directed to issue revised demand letter, as per MERC guidelines.
- 04) The Nodal Officer for respondent No.1 appeared and submitted reply and tried to inform rather than to submit that, GTL Ltd., is bound to collect the charges as per MSEDCL rules and regulations. He did not choose to file the copy of those rules. The reply also does not appear to be para-wise reply.
- 05) The GTL Ltd. has submitted para-wise reply to the complaint, and admitted the facts that, the complainant is consumer having its factory at MIDC Waluj. The complainant has applied for enhancement of contract-demand from 70 KVA to 150 KVA and connected load from 125 KW to 335 KW to GTL Ltd., on 18.06.2011. The GTL Ltd., however denied that, demand notice of Rs.3,73,097 is not as per MERC approved charges. The demand is as per approved charges by MERC. The complaint is frivolous filed without approaching IGR. The complaint be dismissed.
- 06) Considering case of the complainant and reply filed by the respective respondents, this Forum proceeded to strike the points in controversy on 10.10.2011. The parties were then heard on those controversial points.
- 07) Mr. Kapadiya, representative for complainant argued for complainant Mr. Borde argued for GTL Ltd., considering the submissions and on perusing the documents, circular, this Forum proceed to record findings on controversial points as follows:-

POINTS	FINDINGS
01. whether service connection charges, security deposit, testing charges, costs of agreement forms and processing charges demanded by M/s GTL Ltd., are not as per MERC approved charges ?	1) The charges are correct except testing charges. 2) The testing charges should be Rs.200/- instead of Rs.2000/-
02. Whether M/s GTL Ltd. has demanded abnormal and unjustified service connection charges, security deposit, testing charges & Agreement form & processing charges. ?	No except testing charges. The testing charges should be Rs.200/- instead of Rs.2000/-

REASONS

08. There is no dispute that, the complainant is the consumer bearing consumer No. 490019043130 having his factory at Plot No.E-70/15, MIDC, Waluj, Aurangabad. The complainant has applied for enhancement of contract demand from 70 KVA to 150 KVA and connected load from 125 KW to 335 KW on 18.06.2011. The GTL Ltd. sanctioned additional load.

09. There is no dispute that, the GTL Ltd. issued load sanction order on 05.07.2011 and asked the complainant to pay charges as follows:

a.	Service connection charges	Rs. 1,75,000=00
b.	Security deposit	Rs. 1,94,877=00
c.	Testing Charges	Rs. 2,000=00
d.	Costs of Agreement Forms	Rs. 220=00
e.	Processing charges	Rs. 1,000=00
	TOTAL	Rs. 3,73,097=00

10. It is the grievance of the complainant that, above charges so demanded by GTL Ltd. are not as per MERC approved charges. These charges are abnormal unjustified and excess charges. The respondents should be therefore directed to issue revised demand bills.

11. Mr. Kapadiya argued that, HT connection was released on 12.01.2007. The complainant applied for enhancement of load. It was sanctioned by GTL Ltd. He has produced copy of bill dated 23.08.2011, copy of sanction letter dated 16.06.2006, copy of sanctioned letter issued by GTL Ltd. dated 05.07.2011, copy of letter dated 13.07.2011 but did not submit copy of MERC approved charges. The complaint is also silent as to what are those MERC approved charges. Unless the complaint knew

or points out as to what are those MERC approved charges, how could he put forth his grievance that the charges so demanded by GTL Ltd., are unjustified, Excess or abnormal one. That is not explained by the complainant.

12. The complainant then filed copy of load sanction order issued to M/s Varsha Forging Waluj, dated 13.07.2011 and argued that, the charges levelled to Varsha Forging are not abnormal but the GTL Ltd., has issued abnormal demand notice to the complainant.
13. The grievance of the complainant is that the charges are not as per approved charges by MERC, therefore it is to be seen, as to what are the MERC approved charges, and what charges have been demanded by GTL Ltd. Hence reliance of complainant on load sanction order dated 13.07.2011 issued to M/s Varsha Forging is without any merit and substance.
14. The complainant then relied upon copies of order passed by Kalyan MSEDCL CGRF, sanction letter dated 12.07.2011 in respect of M/s Som Auto Tech. Bidkin and in respect of M/s Nuziveedn Seeds Sawangi, sanction letter issued by Superintending Engineer, in respect of M/s Jaishree Steels Chikalthana and sanction letter issued in respect of M/s Flamingo Pharma Nanded and argued that, the present demand is unjustified as compared to all other demand bills.
15. Aforesaid sanction orders have been passed by MSEDCL. The MSEDCL is silent on these questions. The Nodal Officer did not make any submission on these sanction orders, but the GTL Ltd., has submitted the copy of MERC approved charges. Therefore we think that, it is not necessary to go in to the correctness of other sanction orders and pay orders passed by MSEDCL. It is to be seen as to whether load sanction order dated 05.07.2011 issued by GTL Ltd., and charges demanded by GTL Ltd. are as per approved charges of MERC or not. The documents so submitted by complainant as above thereby can not be taken into account.
16. Mr. Borde, Legal Manager of GTL Ltd. submitted that, except service charge, all other charges have been accepted by the complainant. The charges so demanded are as per annexure-II of Circular No.43.
17. The complainant did not dispute the commercial circular No.43 dated 27.09.2006. The said circular can be thereby relied for just decision of this grievance.

18. On perusal of the said commercial circular No.43 issued by MSEDCL dated 27.09.2006, it reveals that, the said circular has been issued on the basis of schedule of charges determined by MERC. These charges are made applicable with effect from 8th September 2006.
19. As per Annexure-2 of the circular, service connection charges to HT supply upto 500 KVA are **1,75,000/-** . The GTL has charged exactly same charges. The grievance to that effect thereby carries no weight. As per Note-II even in case of extension of load the normative charges will be applicable. The GTL Ltd. as such has applied normative charges for extension of load.
20. It has been submitted that, agreement was already taken place so the respondents should not have again charged for agreement forms. The counter submission is that fresh agreement is required to be executed in view of additional load. The Forum agree that, fresh agreement is required to be executed in view of additional load. The charges of Rs.220/- for costs of agreement forms can not be thereby said to be unjust or excessive. There is thereby no substance on this point.
21. The GTL Ltd. charged Rs.1000/- towards processing charges. As per Annexure-5 to the Circular No.43, Registration and processing charges are Rs.1000/- for HT supply upto 33kv. Such charges thereby appears to be as per approved charges. This Forum thereby finds no substance on the grievance on this point.
22. With respect to charges of security deposit, the Legal Manager of GTL Ltd. Mr. Borde submitted that, the amount of security deposit is to be fixed on the basis of load and average bills. The amount of Rs.1,94,877/- has been accordingly fixed. There is no counter arguments on behalf of the complainant. Hence considering total load including additional load. The Forum is of the opinion that, the security deposit charges are not unjust or excessive. We therefore find no merit on this point.
23. The GTL Ltd. appears to have charged the sum of Rs.2000/- towards testing charges. As per annexure-4 of Circular No.43, it however reveals that such charges for High tension service are Rs.200/- and not Rs.2000/-. The GTL Ltd. thereby committed mistake in charging Rs.2000/- towards testing fees. The grievance on this point is therefore justified and should be redressed by directing the GTL Ltd. to rectify this mistake and to issue revised pay-order. No other grievance is putforth by the complainant. The grievance petition should be therefore

partly allowed. Considering facts, we find no reason to impose any costs. With these reasons, we the members of Forum proceed to pass following order.

ORDER

01. The grievance petition is hereby partly allowed and redressed as follows:-
- (a) Pay order regarding i) Service connection charges of Rs.1,75,000/-, ii) Security deposit of Rs.1,94,877/-, iii) Costs of agreement forms Rs.220/- and iv) Processing charges of Rs. 1000/- issued by GTL Ltd. for additional load is hereby confirmed. The grievance of complainant on these heads of payments is hereby dismissed.
 - (b) The grievance regarding testing charges of Rs.2000/- is hereby allowed, and modified.
 - (c) The GTL Ltd. shall levy testing charges @ Rs.200/- only instead of Rs.2000/- and accordingly revised pay order be issued at earliest possible.
 - (d) No order as to costs.

(V.S. Kabra)
Member

(Mohd. Qamaradudin)
Member/Secretary

(V.B. Mantri)
Chairperson

