

**BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM ,
AURANGABAD ZONE, AURANGABAD**

Case No. CGRF/AZ/PBN /290/ 2010/ 17

Date of Filing: 25. 05. 2010

Date of Decision: 07. 07. 2010

**Shri Ganesh Agro Industries,
C-52, MIDC Area, Basmat Road,
Parbhani – 431 401
(Consumer No. 53001904230)**

Consumer Complainant.

V/s

**Maharashtra State Electricity Distribution Co. Ltd. O&M Circle,
Parbhani.**

Corum:	Shri V.A. Hambire	President
	Shri V.S.Kabra	Member
	Shri P.A. Sagane	Member/Secretary

**Sub: Grievance under the Maharashtra Electricity Regulatory
Commission, (Consumer Grievance Redressal Forum
and Ombudsman) Regulations 2006.**

The consumer complainant Shri Ganesh Agro Industries, C-52, M.I.D.C. area, Basmat Road, Parbhani has filed this grievance in Annexure "A" before this Forum on **25.05.2010**, under Regulation No. 6.10 of the Regulations 2006. The Parbhani Circle is included under the jurisdiction of newly created Nanded Zone but CGRF Unit is not establish till today. As such the Chief Engineer, Nanded Zone has requested to register the above case at this Forum. The grievance of the consumer was registered in this office at Sr.No. **290/2010/17** and was forwarded to the Nodal Officer, (Adm.) in the office of the Superintending Engineer, O&M Circle, Parbhani and hearing in the matter was kept on date **08.06.2010**.

The consumer's complaint stated by the consumer is as below: -

- 01) The consumer has obtained the H.T. 11kv electric supply from MSEDCL, Parbhani (hereinafter called as D.L.) for Agro Industries at MIDC Area Parbhani on dated 23.11.2007 consumer in his written statement states that as per the MERC order in the matter of approval of MSEDCL schedule of charges case No. 70/2005 dtd.08.09.2006, it is the responsibility of the licensee to provide the meter and metering equipment and the cost of meter and meter box shall be borne by the licensee. But as the metering cubicle was not available with D.L.'s office at Parbhani it is purchased by the consumer from out side market as approved by D.L. The consumer has submitted the invoice/bills for purchase of material as below:-

Sr. No.	Item	Amount	Date of purchase
01.	11kv metering cubicle	Rs. 95,625/-	04.09.2007
02.	Transportation charges of cubicle	Rs. 09,500/-	04.09.2007
03.	11kv C.T.	Rs. 09,360/-	27.02.2008
	TOTAL	Rs. 1,14,485/-.	

- 02) The consumer further contended that as per the MERC order in case No.82/2006 dated 17.05.2007 and review order in case No.74/2007 dated 03.03.2008 it was the responsibility of the D.L. to refund the above amount Rs.1,14,485/- through energy bill but it was not refunded in time. The consumer further submitted his grievance letter for refund of above charges to Superintending Engineer, MSEDCL, Parbhani and Chief Engineer Nanded Zone, Nanded. on date 14/10/2009. The Chief Engineer, Nanded vide his letter No. 4629 dated 23.10.2009 instructed to S.E. Parbhani to refund the cost of meter as per the MERC order . The Superintending Engineer, Parbhani instead of Rs.1,14,485/- has refunded the amount of Rs. 67,958/- through the energy bill of December 2009.
- 03) The consumer filed the case before IGRC Parbhani on dated 08.03.2010 and requested for refund of balance amount Rs.46,527/- along with 18 % interest. He also requested the IGRC to direct D.L. to pay the penalty of an amount Rs.1,00,000/- and additional penalty of Rs.6,000/- per day till the payment of above balance amount as directed by Hon'ble MERC in case No. 82/2006 dated 21.08.2007. The consumer is aggrieved by the IGRC order and his representation arises out of the order of IGRC Parbhani which was received on 30.04.2010.

Consumer requested the Forum to pass an order and issue directions to D.L.

- 1) To refund balance amount Rs. 46,527/- along with 18 % interest
- 2) As per the MERC order in case No. 82/2006 dtd.21.08.2007, impose the penalty on D.L. Rs. 1,00,000/- and additional penalty Rs.6000/- per day from the date of connection.
- 3) Additional compensation Rs. 10,000/- for mental agony.

During course of hearing the consumer also submitted his additional prayer for refund of 1.3 % supervision charges on the cost of cubicle and 11kv C.T's . He also claimed Rs.10,000/- for erection of cubicle.

- 04) The above case was heard on date 17/06/2010. Nodal Officer Shri H.T. Bahiti, and Shri K.B. Kale, Assistant Engineer Parbhani Circle and consumer Partner Shri K.B. Daga was present. The Nodal Officer in his written statement states that D.L. has not instructed to purchase the cubicle. The consumer by his own interest purchase the metering cubicle and submitted the undertaking on Rs.100/- stamp paper to execute the entire erection work of 11kv line D.P. structure and metering cubicle. He further states that D.L. had refunded the cost of cubicle Rs. 67,958/- as per the approval of Hon'ble MERC in the matter of case No. 70/2005 dated 08.09.2006. The cost of cubicle Rs. 67,958/- refunded through the energy bill of December 2009 . The Nodal Officer in his additional reply states that the grievance raised by the consumer is totally against the undertaking submitted by him on Rs.100/- stamp paper on date 16/02/2008. He also submitted the copy of undertaking. The consumer submitted his additional statement and states that as per the MERC order in case No.70/2005 dated 08.09.2006, the meter for new connection should be provided by the Distribution Licensee and the cost of meter and meter box shall be borne by the licensee. But instead of providing meter and metering equipment for new service connection, the D.L. had forcefully obtained the consent on stamp paper to procure the metering equipment from consumer which is against the law. The consumer also contended that the cost of the HT metering cubicle including CT & PT given by Hon'ble Commission under the Annexure-III of the above order is applicable only in case consumer opts to purchase the meter from MSEDCL and in case of lost and burnt meter. This is also published by the D.L. in his commercial circular No.43 dated 27/09/2006.

The consumer also states that the D.L. has illegally recover the 1.3 % supervision charges on the cost of metering cubicle and 11kv C.T. which should be refunded to him along with 18 % interest

Heard both the sides in length and matter kept for decision.

05) Documents on record and submissions made by the rival parties reveal that Hon'ble MERC in the matter of case No.70/2005 dtd.08.09.2006 clearly states that the meter and meter box should be provided by the Distribution License and the cost of the meter and meter box shall be born by the licensee. The Commission also approved the rates proposed by MSEDCL which is indicated under Annexure-III of above order. In the present case the consumer purchased the cubicle from outside manufacturer as approved by D.L.. The Nodal Officer in his written statement states that the D.L. had not instructed to consumer to purchase the cubicle from outside market. As the cubicle was not available with D.L at Parbhani, the consumer by his own interest purchased the cubicle to avoid delay in releasing the connection, the connection was released on date 23.11.2007. It is on the record that the consumer has applied to Chief Engineer, Nanded Zone for refund of cost of cubicle and C.T's on date 14.10.2009 i.e. after lapse of two years. The consumer received the cost of cubicle Rs. 67,958/- as approved by MERC through the energy bill of December 2009. The consumer had made expenditure on purchase of cubicle and 11kv C.T's amounting Rs. 1,14,485/- including transportation charges as above, but D.L. refunded only cost of cubicle Rs.67,958/- as approved by MERC. The consumer filed the case before IGRC on date 08.03.2010 for refund of balance amount Rs. 46,527/- alongwith 18 % interest and penalty of Rs.1,00,000/- and additional penalty of Rs. 6000/- per day w.e.f. date of connection. The IGRC in his order dated 30.04.2010 assumed that the D.L. had refunded the balance amount Rs. 46,527/- and consumer application is rejected. The order of IGRC is vague and does not touches the issues raised by the consumer.

06) It is not disputed that the meter and metering equipment should be provided by the Licensee. The consumer in his own interest purchased the cubicle and 11kv C.T's to avoid the delay in releasing the connection. As per the consumer application the D.L. immediately refunded the cost of cubicle Rs. 67,958/- as approved by Hon'ble MERC. There is no lacuna on the part of D.L. while refunding the cost of cubicle. Further, the consumer applied for enhancement of load and contract demand by 25KVA and existing 11kv C.T's in the cubicle required to be changed by 15/5 ratio C.T's

The consumer vide his letter dated 16.02.2008 shown willingness to purchase the C.T's from outside the market . He purchased the C.T's and submitted the bill of Rs,. 9,360/- for refund . As per the MERC Regulations 2005, 11kv C.T's are also the integral part of the meter. The MERC Regulations 2005 Section 2 (m) is reproduced as below:-

(m) "Meter" means a set of integrating instruments used to measure and /or record and store the amount of electrical energy supplied or the quantity of electrical energy contained in the supply, in a given time, which include whole current meter and metering equipment, such as current transformer, capacitor voltage transformer or potential or voltage transformer with necessary wiring and accessories and also includes pre-payment meters;

From above it is clear that the 11kv C.T's should be provided by D.L. and in case if it is purchased by consumer. its cost should be born by the D.L.

07) The consumer also demanded the cubicle erection charges Rs. 10,000/- in his supplementary application, but documents such as detailed estimate, bills of materials are not produced on record. There is, therefore, no merit in the consumers arguments in this respect. As regards the application of penal charges of Rs.1,00,000/- and extra penalty Rs. 6000/- per day as per the MERC order in case No. 82/2006 dtd.21.08.2007., it is not applicable in this case as D.L. had not recovered the meter and metering equipment cost while releasing the new connection.

08) In the result, the representation of the consumer is partly allowed in terms of this order as elaborated in the preceding paragraphs.

The D.L. is directed to refund :

i)	Cost of 11kv C.T's	Rs. 9360/-
ii)	1.3 % supervision charges on cost of cubicle Rs. 67,958/-	Rs. 883/-
iii)	1.3 % supervision charges on cost of 1kv C.T's	Rs. 365/-
	TOTAL	Rs. 10,608/-

ORDER

- 1) D.L. is directed to refund Rs. 10,608/- alongwith 6% interest w.e.f. March 2008, till date of refund.

(Vilaschandra S. Kabra)
Member

(P . A. Sagane)
Member/Secretary,

(V. A. Hambire)
Chairman

