

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

Case No. CGRF/AZ/PBN /291/ 2010/ 18

Date of Filing: 25. 05. 2010

Date of Decision: **20. 07. 2010**

Shri Maheshwari Oil Industries,
C-38, MIDC Area, Opp.Kotwali Police Station,
New Mondha,
Parbhani – 431 401
(Consumer No. 530019004090)

Consumer Complainant.

V/s

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

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

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

The consumer complainant Shri Maheshwari Oil Industries C-38, MIDC Area, Opp.Kotwali Police Station, New Mondha, Parbhani – 431 402 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 case at this Forum. The grievance of the consumer was registered in this office at Sr.No. **291/2010/18** 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 **17.06.2010**.

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

- 01) Previously the consumer obtained L.T. supply 82 HP with contact demand 68.33 KVA from MSEDCL (hereafter called as D.L) on dated 14.08.1997. The consumer applied for enhancement of load and contract demand as 200 HP and 166.66 KVA respectively with HT 11 KV supply voltage. Consumer paid the total amount Rs. 1,82,958/- including cost of cubicle Rs. 67,958/- and cost of HT TOD meter Rs. 5227/- as per the firm quotation issued by Superintending Engineer, O&M Circle Parbhani. Vide Receipt No. 2204042 dated 19.10.2006. His HT supply was released on 06.12.2006.
- 02) The consumer further contended that as per the MERC order in the matter of approval of MSEDCL schedule of charges in case No.70/2005 dated 08.09.2006 ,it is the responsibility of the D.L. to provide meter and metering equipment and the cost of meter and meter box shall be born by the licensee but S.E.O&M Circle Parbhani illegally collected Rs. 73,185/- (Rs.67,958/- for cubicle + 6227/- for TOD meter) . As per the affidavit submitted by D.L. before Hon'ble MERC it was mandatory on the part of the D.L. to refund the cost meter and metering equipment before 30.04.2007 along with interest , but D.L. had not refunded the said amount within the due period as ordered by MERC. Consumer made application for refund of said amount to S.E. Parbhani and C.E. Nanded Zone on dates 09.07.2009, 20.7.2009, and 01.10.2009. and as per the instructions of C.E. Nanded the said amount Rs.73,185/- refunded through energy bill of November 2009.
- 03) The consumer filed the case before IGRC Parbhani on 30.04.2010 and requested for 18 % interest on Rs. 73,185/- from the date of payment to date of refund. He also requested the IGRC to direct D.L. to pay the penalty of an amount 1,00,000/- and additional penalty of Rs.6000/- per day till the payment of interest as directed by Hon'ble MERC in case no.82/2006 dated 21.08.2007. IGRC by its order dated 30.04.2010 rejected the consumers application on the ground that the D.L. has already refunded the cost of meter and metering equipment. The consumer is aggrieved by the IGRC order and his representation arises out of the order of IGRC Parbhani.
- 04) The consumer requested the Forum to pass an order and issued directions to D.L. as
 - i) To refund the 18 % interest on amount of Rs. 73,185/- w.e.f. November 2006 to October 2009.
 - ii) As per the MERC order in case No.82/2006 dated 21.08.2007 impose the penalty on D.L. Rs 1,00,000/- and additional penalty Rs 6000/- per day till the payment of above interest amount.
 - iii) Additional compensation of Rs. 10,000/- for mental agony.

During course of hearing the consumer also submitted his additional prayer for refund of cubicle erection charges Rs.10,000/-

05) The above case was heard on 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. Nodal Officer in his written statement states that D.L. have refunded Rs. 73,185/- against the cost of meter and cubicle to the consumer through the energy bill of November 2009., as per the MERC order. He further states that, D.L.had not released the new service connection to the consumer he just increased the load and contract demand by changing electricity supply L.T. to H.T. As such D.L. is not entitled to refund the cost of meter as per the MERC order in case No. 70/2005, dated 08./09.2006 and as per the Circular of Chief Engineer (Dist.) Mumbai No. 34307 dated 03.20.2007. However D.L. had paid the amount in obedience with the directives of their higher authorities. Therefore the question of delay in payment of interest, fine, penalty etc. does not arise at all.

06) The consumer states that D.L. refunded the cost of meter and cubicle paid by him through the bill of November 2009 i.e. after 37 months. He requested the Forum to direct D.L. to refund 18 % interest on above amount along with the compensation of Rs.1,00,000/- and additional compensation of Rs.,6000/- per day , as per MERC order in case No.82/2006 dated 21.08.2007. The consumer further contended that he has obtained a fresh HT connection after depositing fresh security deposit amounting Rs. 93,478/- and D.L. had refunded old L.T. connection security deposit Rs. 32,000/- vide Cheque No. 835032 Dated 07.06.2007. He produced the Xerox copies of above cheque. Heard both the sides in length and matter kept for decision .

07) Documents on records and submissions made by the rival parties reveals that the Hon'ble MERC in the matter of case No. 70/2005, dated 08.09.2006 clearly states that the meter and metering equipment should be provided by the licensees and the cost of meter along with metering equipment shall be borne 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 had applied the enhancement of load upto 200 HP with contract demand 166.66 KVA. The document placed by the consumer before the Forum reveals that while sanctioning the load enhancement the existing LT connection bearing No. 530010327490 was made PD and new 11kv HT supply was released on date 06.12.2008 with service connection No. 530019004090. As such the contention of the Nodal Officer that D.L. had not released the new service connection hence he is not entitled to refund the cost of meter and metering equipment has no merit. It is clear that inspite of order issued by Hon'ble MERC in case No.70/2005 dated 08.09.2006 and D.L's circular No. 43 dated 27.09.2006,

the S.E.Parbhani had issued the quotation including the cost of meter and cubicle Rs. 73,185/- on dated 19.10.2006 while releasing the H.T.supply. The consumer submitted the application for refund of above charges as it was collected illegally against the provision. Finally as per the instruction Chief Engineer, Nanded Zone the cost of meter and cubicle Rs.73,185/- refunded through the energy bill of November 2009.

08) The consumer filed the case before IGRC Parbhani on date 10.03.2010 for refund of 18 % interest on above amount and penalty of Rs 1,00,000/- and additional penalty of Rs. 6000/- per day with effect from the date of connection. The IGRC in it's order dated 30.04.2010 rejected the application on the ground that D.L. had already refunded the cost of meter and cubicle.

09) The Hon'ble MERC in case No. 82/2006 dated 17/05/2007 issued the directives to MSEDCL to submit a detail compliance report under affidavit, with respect to refund of amounts collected from all consumers towards ORC, cost of meter and "CRA "together with interest on and from 08.09.2006 which is the date of affect the order in case No.70/2005 dated 08.09.2006.

10) From above it is clear that the amount of Rs. 73,185/- collected by the D.L. against the cost of meter, and metering equipment should be refunded to the consumer along with the interest.. The consumer also demanded the cubicle erection charges of Rs.10,000/- in his supplementary application , but documents such as detail estimate bills of material are not produced on record. There is, therefore no merit in the consumer 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 dated 21.08.2007, it is not applicable in this case as D.L. had already refunded the cost of meter and metering equipment .

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

ORDER

The Distribution Licensee should pay the 6 % interest to the consumer, on cost of meter and metering equipment recovered Rs.73,185/- with effect from November 2006 to October 2009.

(Vilaschandra S. Kabra)
Member

(P . A. Sagane)
Member/Secretary,

(V. A. Hambire)
Chairman