

**CONSUMER GRIEVANCE REDRESSAL FORUM**  
**M.S.E.D.C.L., BARAMATI ZONE ,BARAMATI**

In the matter of

Case No.: 19/2014

Date of Grievance:05/08/2014

Date of Order:24/12/2014

**Complainant**

M/s. Piaggio Vehicles Private Ltd.,  
Plot No. E-2, MIDC, Baramati,  
Tal- Baramati Dist. Pune.  
Consumer No.186849005495

(Herein after referred to as Consumer)

**Versus**

Superintending Engineer,  
M.S.E.D.C.L.,Baramati O&M Rural  
Circle, Baramati, Dist-Pune.

**Respondent**

(Herein after referred to as Licensee)

**Quorum**

Chairperson  
Member/Secretary

Mr. Shahaji Narsingrao Shelke  
Mr. S. M. Akode

**Present during the hearing:-**

For the Complainant:- 1) Shri T.N. Agarwal


2) Shri. Satish S. Shah

3) Shri Ashok Medankar

For the Respondent 1) Shri S.T. Kasale , Executive Engineer (Adm.)

2) Shri. D.B. Tarange, Dy.EE, BRC

1. The consumer has filed present Grievance application under regulation No.6.4 of the MERC (CGRF & E.O.)Regulations-2006. Herein referred to as the Regulations.
2. M/s. Piaggio Vehicle Pvt. Ltd. had submitted complaint in X format to IGRC Baramati on 29.04.2014 (Received on 05/05/2014). However since IGRC did not decide the matter within 60 days, the consumer approached to CGRF on 05.08.2014.
3. The papers containing the above grievance were sent by the Forum to the Superintending Engineer, MSEDCL, Baramati, O&M Rural Circle vide letter No.CE/BMZ/CGRF/3790 dt.20.8.2014. Accordingly the Distribution Licensee, MSEDCL filed its reply on 18.12.2014.


4. We heard both sides at length, gone through the contention of the consumer & reply of the respondent & documents placed on record by the parties. On its basis following factual aspects were disclosed.
5. i) M/s. Piaggio Vehicles Pvt. Ltd. is a H.T. consumer connected on 33Kv feeder from 2.01.1993ing Contract Demand of 4800 KVA Consumer No.186849005495.  
ii)M/s. Piaggio Vehicles Pvt. Ltd. has increased Contract Demand from 4800 KVA to 8700KVA from Nov.2008 on same Voltage level of 33KV, which is below prescribed Voltage level.  
iii)Accordingly as per the request of consumer, the Chief Engineer, MSEDCL, Pune Zone sanctioned the additional Load vide letter No. CE/PZ/HT/Addl.load/Piaggi Vehicles/No.7612 dt.21<sup>st</sup> Oct.2008. In the same letter condition No.5 states that 2% additional units of energy consumption will be added for computing energy bill.  
iv)MSEDCL started charging 2% Voltage surcharge from Nov. 2008 onwards due to release of 8700KVA (more than 5 MVA) on 33KV level.
6. The complainant is represented by Shri.T.N.Agrawal, Shri.Satish S.Shah & Shri.Ashok Medanekar Complainant's representative Mr.T.N.Agrawal submits that the opponent MSEDCL has charged 2% extra units as voltage surcharge from Nov.2008 to December-2011. The complainant has asked to refund 2% voltage surcharge (alongwith FAC, Elect.duty & other charges) collected during the billing period from Nov.2008 to Dec.2011.
7. He further submitted that MERC's Order in case No.71 of 2009 dated 5<sup>th</sup> March 2010 reads as under :
- "It is clarified that this voltage surcharge shall apply from the date of issue of this order, till such time as the commission issues further orders".***
8. Mr.T.N.Agrawal further submitted that MERC's clarificatory Order in Case No.52 of 2010 dated 9 Nov.2010 reads as under :
- ".....further, the commission has accepted MSEDCL's request in the above said petition, and it is hereby clarified that the above interim relief is applicable for the consumers connected on Non express feeders (more than one connection on the said feeder) and in case only one connection exists on the said dedicated feeder, the tariffs should be charged on the basis of consumption recorded by the meters installed at the source of supply (EHV level) and at the consumer's end (premises) whichever is higher, without any levy of voltage surcharge".***

Shri. T.N. Agrawal

Shri. Satish S. Shah

***"In view of the above, the commission clarified that levy of additional 2% voltage surcharge on Non Express feeder has not been permitted for any period prior to March-2010, thus levy with retrospective effect is not permissible".***

9. Mr.T.N.Agraval further submitted that MERC's order in case No.31 of 2011 dated 2<sup>nd</sup> June 2011 reads as under :

***"The commission opened that the responsibility of installing meters of same class of accuracy at both sub/station and consumer ends rests with MSEDCL . The petitioner can not be held responsible for the same and as meters have been placed at both the ends. MSEDCL should not find any problem in billing the higher of the either meter readings".***

10. Complainant Mr.T.N.Agraval says that they were on Express feeder till 17/11/2011. But on their feeder another additional consumer M/s.Piaggio Vehicles Pvt.Ltd. vide Consumer No.186849049350 was tapped on 17/11/2014 with contract demand of 4990 KVA. Hence after 17/11/2011 the feeder becomes non-dedicated feeder and therefore MSEDCL is at liberty to charge 2% additional units as voltage surcharge.

11. On the other hand the respondent MSEDCL is represented by Mr.P.T.Kasale, Executive Engineer (Administration) Baramati Rural Circle. He submitted that as the consumer increased his contract demand from 4800 KVA to 8700 KVA in Nov.2008, 2% additional units as voltage surcharge were imposed.

12. Mr.P.T.Kasale further submitted that CE, Commercial Letter No.PR-3/Tariff No.4706 dt.5.2.2011 reads as under-

***"All such consumers who are supplied power on dedicated feeder( only one connection on the feeder), but at voltage level below the prescribed voltage level and do not have meter installed at the source of supply (EHV sub/station end) shall be immediately provided, within a maximum period of three months, appropriate meter at the source of supply and the cost involved is to be borne by the consumer.***

***"Till such time, appropriate meters are to be installed, these consumers shall be levied surcharge at the rate of 2% of monthly consumption of energy consumed with retrospection effect i.e. from the billing month of Sept.2010"***

13. The respondent Mr.P.T.Kasale further submits that the metering specifications at consumer end are not matching with metering at source end i.e. at EHV Sub/station (Moreover the readings at source side i.e. EHV sub/station end are not taken time to time), the additional units charged as voltage surcharge are not refundable and are charged as per Chief

*Shukla*  
*Meade*

Engineer, (Commercial ) Letter No.PR-3/Tariff/No.4706 dtd.5.2.2011. Hence the amount charged as 2% additional units due to voltage surcharge are not refundable & MSEDCL is entitled to charge it from Sept.2010.

Mr.P.T.Kas

14.

ale further submits that the consumer M/s.Piaggio Vehicles Pvt.Ltd. was connected on Non-Express feeder (33KV MIDC feeder) from 5.3.2010 to 24.06.2010. On 24.06.2010 the consumer M/s. Piaggio Vehicles Pvt.Ltd.is shifted from 33KV MIDC feeder to 33KV Piaggio feeder (Express feeder). Hence till 24.06.2010 the consumer M/s.Piaggio Vehicles Pvt. Ltd was connected on non-express feeder. Hence 2% voltage surcharge has been applied to the consumer.

15. Upon hearing submissions of both the sides and on perusal of record following points are arised for our determination :

i) Whether the consumer is entitled to get refund of 2% voltage surcharge (alongwith FAC, Elect.duty & other charges) during the billing period from Nov.2008 to Dec.2011.

ii) Whether the consumer is entitled to get interest as per bank rate on the said amount.

iii) Whether consumer is entitled to get compensation as alleged over answer to point no.1 & 2 mentioned above are in the affirmative & for point no.3 above in the negative for the reason stated below.

16. The complainant has made a grievance in respect of bills during the period between Nov 2008 to 17 Nov 2011. Admittedly the complainant has no objection for levying of 2% additional units as voltage surcharge from 17/11/2011 onwards. The said submissions appears to be justifiable in view of the rational laid down by the MERC in Case No.71/2009 & 52/2010 cited supra.

17. Therefore as per MERC orders dt.05.03.2010 for case no.71 of 2009 and clarifactory order dt.09.11.2010 in case no.52 of 2010, the levying of 2% additional units as voltage surcharge on consumers on Non-Express feeders has not been permitted for any period prior to 5/03/2010. Thus levy with retrospective effect is not permissible. The forum agrees to this and will ask the MSEDCL to refund the collected amount from November 2008 to 5/03/2010.

18. As per the argument of Mr.P.T.Kasale Executive Engineer (Administration) the load of M/s. Piaggio Vehicles Pvt. Ltd. was on 33 KV MIDC feeder which was a Non-Dedicated feeder from 5/03/2010 to 24/06/2010. The 33 Kv Piaggio feeder (Express feeder) Commissioned on 24/06/2010. The 2% additional units as voltage surcharge was permissible as per the

*Shilpa*  
*Meeade*

case 52 of 2010. The forum agrees to this. Hence the amount collected as additional units due to voltage surcharge are Non-Refundable for the period 5/03/2010 to 24/06/2010.

19. The Consumer M/s. Piaggio Vehicles Pvt. Ltd. was connected on 24/06/2010 to 33 KV Piaggio feeder which is a Express feeder (Dedicated feeder). As the respondent Mr.P.T.Kasle submits that the metering specifications at the consumer end are not matching with metering at source end i.e. at EHV Sub/stn. Moreover the readings at source cite i.e. EHV sub/stn. end are not taken time to time the additional units charged as voltage surcharge are not refundable and are charged as per Chief Engineer (Commercial) letter No.PR-3/Tariff/No.4706 dtd.5.2.2011 are applicable. Hence the amount charged as 2% additional unit due to voltage surcharge are not refundable and MSDECL entitle to charge it from 24.6.2010 to 17.11.2011. The forum agrees to this.

20. In other words to put it specific the said period is bifurcated as under :

- |                                 |   |                |
|---------------------------------|---|----------------|
| a) From Nov.2008 to 5/3/2010    | - | Refundable     |
| b) From 5.3.2010 to 24.6.2010   | - | Non refundable |
| c) From 24.6.2010 to 17.11.2011 | - | Non refundable |

Therefore for the above mentioned period Nov.2008 to 5/3/2010. The consumer is entitled to get 2% refund of voltage surcharge. The consumer is also entitled to get interest on the said refund as per bank rate as provided under section 62 (6) of the electricity act 2003. Hence we answer point no.1 & 2 in the affirmative.


21. Since at the request of consumer for increased demand from 4800 KVA to 8700 KVA from Nov.2008 on same voltage level have been made, 2% additional units as voltage surcharge was levied. Therefore is not entitled to get compensation as claimed. Hence we answer point no.3 in negative.

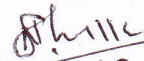
22. The said grievance could not be disposed of within stipulated time since the Chairperson of this forum was retired on 28.7.2014 & present Chairperson joined on 8/12/2014.

23. In the result we pass the following order:-

#### ORDER

- 1) MSDECL is directed to refund the 2% voltage surcharge (alongwith FAC, Elect. duty & other charges) collected by it for the period Nov.2008 to 5.3.2010 alongwith interest equivalent to bank rate as per section 62(6) of the Electricity Act-2003 within 30 days.
- 2) No order as to cost.

  
Mr. S. M. Akode 24/12/2014  
(Member Secretary)

  
24.12.2014  
Mr. Shahaji N. Shelke  
(Chairperson)