

(A Govt. of Maharashtra Undertaking)

CIN : U40109MH2005SGC153645

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REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/

Date

Cases Nos. 544  
24/06/2014

Hearing on date,

**M/s. Ceat Tyre** - Applicant

Versus

**M.S.E.D.C.L., Bhandup** - Respondent

Before:

1. Shri S.K. Choudhary, Chairman, CGRF
2. Shri Z.B.Khan, Member / Secretary CGRF
3. Dr. Smt. Sabnis, Member, CGRF, Bhandup.

Present

On behalf of Applicant

1. Shri B.R. Mantri , Consumer Representative.

On behalf of Respondent

1. Shri. V.S. Pathak Executive Engineer, MSEDCL, TUC

**ORDER**

Hearing held on 24/06/2014.

**Brief Summary:**

M/s. Ceat Tyres Ltd., H.T. Consumer No. 000019026690, herein after called as applicant, is a consumer of MSEDCL, provided with electric supply on HT Level from separate 22KV feeder emanating from 220/11 EHV sub station Bhandup on December 2011. This consumer is billed with 2% voltage surcharge over the consumed units as per tariff from that day.

The applicant representative has contended that the MSEDCL had provided separate feeder from Bhandup EHV sub station from Dec. 2011, which is a dedicated feeder. And as per MERC order, MSEDCL should not levy 2% extra surcharge on billed units. He requested to direct MSEDCL to stop charging of 2 % surcharge from next billing cycle and also to refund the excess amount collected with 9% interest from date of deposit.

The respondent MSEDCL has said that the above consumer was earlier fed from 220/22KV Tata Salsette Sub station. It was, later on, transferred on new commissioned 220/22 KV Gas insulated substation (GIS) at Bhandup through newly laid 22 KV line. This new feeder along with RMU in the premises of M/S CEAT Tyres was laid for reorientation of existing distribution network & was intended to provide better and more reliable quality of power supply. However, in view of “not having metering arrangement on both the ends i.e. at S/S & at Consumer premises”, the applicability of 2% surcharge in billing is as per MERC directives & is correct.

- The Circular issued by MSEDCL vide No. PR-3 /Tariff/ 4706 dtd. 05/02/2011 is regarding levy of 2% surcharge on consumption in respect of consumers given power supply at voltage level below prescribed voltage level. It clearly mentions that
  1. 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 immediate provided within a maximum period of three month.....of supply and the cost involved is to be borne by the consumer.
  2. 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 retrospective effect, i.e. from the billing month of September2010;
- MSEDCL has admitted that the feeding arrangement of the consumer was changed due to reorientation of existing distribution network from 220/22KV Tata Salshet sub station to newly commissioned 220/22 KV Bhandup Sub Station. Obviously it was the responsibility of MSEDCL to make necessary arrangement by providing metering at sub station in compliance to its own directives contained in above circular.
- The commission in its tariff Order dated 12/09/2010 case 111of 2009 had further clarified in this regard. The relevant part on Page No. 172 of the said tariff order is reproduced below:

“...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 connected on the said feeder), and **in case only one connection exists on the said dedicated feeder, the tariff 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 (primes). Whichever is higher, without any levy of voltage surcharge."** (Emphasis added).

However Member Secretary refused to refund 2% surcharge as re-orientation of network by MESDCL resulted in better quality of supply.

On pursuing the above arguments, provision of relevant Rules and Regulation of MSEDCL and orders by MERC, Bombay High Court, Forum have arrived at below conclusion. 2Majority/1 Minority.

### **ORDER**

1) Utility shall stop levying of 2% surcharge from the billing month of July 2014 & onward and report he compliance.

2 Complainant is entitled for refund of 2% surcharge levied. Since December 2012 i.e. diversion on 220/22KV GIS Sub-station Bhandup with prime landing rate of SBI.

No order as to cost.

Both the parties be informed accordingly.

The order is issued under the seal of Consumer Grievance Redressed Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, and Bhandup on 19<sup>th</sup> July 2014.

Note:

1) If Consumer is not satisfied with the decision, it may proceed within 60 days from date of receipt of this order to the Electricity Ombudsman in attached "Form B".

Address of the Ombudsman  
The Electricity Ombudsman,  
Maharashtra Electricity Regulatory Commission,  
606, Keshav Building,  
Bandra - Kurla Complex, Bandra (E),  
Mumbai - 400 051

2) If utility is not satisfied with order, it may file representation before the Hon. High Court within 60 days from receipt of the order.

**DR. ARCHANA SABNIS**  
MEMBER  
CGRF, BHANDUP

**S. K. CHOUDHARY**  
CHAIRMAN  
CGRF, BHANDUP

**Zafar B.Khan**  
MEMBER SECRETARY  
CGRF, BHANDUP

