

Preamble

Shri Sudhir J. Thakkar is a three phase industrial consumer at House No. 535, Panna Compound, Kalyan Road, Bhiwandi under Consumer No. 13010027084. The consumer applied for extension of load from 7 HP to 20 HP on 26/8/2009. Accordingly necessary charges were paid by the consumer vide receipt No. 19572 dtd. 26/8/2009. These charges were inclusive of service connection charges for laying under ground cable from distribution main to metering unit. However Utility (TPL) clamped the 50-meter cable over the wall, which is not according to MERC directives. Hence he approached the ICGRC of Utility (TPL) questioning the correctness of the charges recovered and should refund the excess recovered charges. But he did not get any relief ICGRC (TPL).

Aggrieved of this he approached to this Forum and the case was registered under serial No. 304 and hearing was fixed on 22/1/2010. Which was postponed on Utility's (TPL) request and held on 3/2/2010.

Consumer's say :

During the hearing Shri Pravin Thakkar was present to represent the consumer side and (here in after referred as an Appellant) stated as under.

The Appellant is having three-phase industrial connection on above premises with initial sanctioned load

of 7 HP. He applied to Utility for additional load of 13 HP on 26/8/2009 and on demand of Utility he paid the charges amounting to Rs. 23,650/- vide receipt No.19572 dtd.26/8/2009. The detail bifurcation of total amount is as follows:-

1)	Service connection charges	Rs. 8,000/-
2)	Application registration and Processing charges	Rs. 50/-
3)	Security deposit	<u>Rs. 15,600/-</u>
	Total :-	Rs. 23,650/-

Accordingly consumer's load was sanctioned and was enhanced by Utility to the total load of 20 HP after verifying feasibility of distribution system.

It is worth to notice here that even after payment of service connection charges for the under ground connection and clear directives from Hon'ble MERC in its order dt 8/9/2006 in case No. 70 of 2005, The Utility ignored this and laid the service cable running over the wall without clamping it properly instead of laying through underground.

Moreover Utility did not given him the option to get the work done at his own cost on payment of 1.3% of normative charges. This also overuled the order of Hon'ble commission by the Utility.

He also stated that as the Utility laid the cable overhead it entitled to recovered only Rs. 2,500/- towards

service connection charges. The excess amount recovered should be refunded to him.

Utility Say :

On behalf of Utility Sandhya Ayer was present to represent the case (here in after referred as to Respondent) the Respondent stated as under: -

- 1) Firstly, Torrent Power limited totally relied upon the order dated 29/12/2009 passed by the IGRC, Bhiwandi.
- 2) Further, the company received an application for extension of load from existing 7HP to 13HP on 26/8/2009 from Shri Sudhir J. Thakkar. Accordingly as per applicable rules and regulation necessary charges were claimed and the same was paid against the application of load extension as mentioned below:

Sr. No.	Charges collected	Amount collected
1.	Service connection charges	Rs. 8,000/-
2.	Application registration & Processing charges	Rs. 50/-
3.	Security deposit	Rs. 15,600/-
Total		Rs. 23,650/-

It may please be noted that the amount collected against service connection charges is as per the Hon'ble MERC order dated 8/9/2006. Which states that " In case of extension of load, the normative charges will be applicable on total load (existing as well as additional load

demanded) as per the load slabs indicated in the annexure-2".

3) In the above case, the site visit was conducted and the exiting cable was replaced with a higher size cable to cater to the enhanced load of 20 HP. The consumer's claim that on site the cable has been laid overhead is unjustified. The work entailed in the above connection includes underground cable from the main distribution point till the distribution box. Since it was not feasible to lay underground cable from the distribution box the consumer's service the same was laid overhead.

4) Herein the 25 Sq.mm/4 core service cable used is not a bare overhead conductor but armoured L.T PVC cable used for releasing underground connection.

5) Hence the company has adhered to the passed by Hon'ble MERC by collecting the service connection charges against extension of load for S.No.13010027084.

6) It is humbly submitted that the relief kindly pray to your Honour to kindly dismiss the said appeal and compensation as claimed to you to with cost.

Observation :

Both the parties were present during the hearing. Documents on record and submission from both the rival parties it reveals that

The Appellant was having three phase industrial connection with 7 HP sanctioned load and enhanced his load by 13 HP. He had paid all the necessary charges including service connection charges for under ground service cable as per schedule of charges approved by Hon'ble commission.

According to the Appellant the Utility had recovered prescribed charges for underground service cable. However the Utility did not provide the underground cable but laid overhead under the reason that it was not feasible to lay down underground cable being the premises is situated in congested area.

In support of his say, the Appellant produced the actual sight photographs of overhead connection.

The Utility also visited the sight of the premises and stated that considering the enhanced load of 20 HP of the Appellant, it was required to replaced the existing cable by higher size i.e.25 sq. mm X 4 core armoured service cable.

From the above, Forum observed that as mentioned in the commission order dt. 8/9/2006. Utility should have given the option to the consumer to execute the work at his own cost by accepting the payment of 1.3% normative charges. However the Utility did not give such option to the consumer. The Utility should follow MERC orders and avoid recurrence of such instances.

Forum also observed from the sight photographs submitted by Appellant that it is feasible to lay down the cable underground. Hence such overhead cable should be replaced by laying it underground without charging the Appellant any extra expenses.

ORDER

1) Utility should replace the overhead service connection cable by laying underground armoured cable without demand of any charges.

No orders as to cost.

As both the parties be informed accordingly.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 6th March 2010.

Note : 1) If Consumer is not satisfied with the decision, he may go in appeal 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 go in appeal before the Hon. High Court within 60 days from receipt of the order.

MRS. M.P. DATAR
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CGRF, BHANDUP

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CGRF, BHANDUP

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