

**Consumer Grievance Redressal Forum
Maharashtra State Electricity Distribution Co. Ltd.
Bhandup Urban Zone, Bhandup**

Ref. No. Secretary/MSEDCL/CGRF/BNDUZ/ Date :

Case No. 297

Hearing Dt. 09/12/2009

**In the matter of excess charges recovery for giving
new connections**

M/s. Abhinandan Enterprises - Applicant

Vs.

MSEDCL, Panvel (U) Divn - Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri S.L. KulKarni, Chairman, CGRF, Bhandup.
- 2) Shri R.M Chavan, Member Secretary, CGRF, Bhandup.
- 3) Mrs. Manik P. Datar, Member, CGRF, Bhandup.

B - On behalf of Applicant

- 1) Shri Ravi Anand, Consumer Representative.

C - On behalf of Respondent

- 1) Shri D.V. Khanande, Ex. Engr., Panvel (U) Divn.
- 2) Shri S.K. Tekade, Asstt. Engr., Khanghar S/Divn.

Preamble

M/s. Abhinandan Enterprises were in want of 107 nos. of electric connections for the Residential building at plot no. 4 in sector 12, Kharghar. The total electric connections were includes single phase 70 nos. and three phase 37 nos. for which the Applicant had applied vide his application dtd. 27/11/2007. The estimate of amounting Rs. 1966045.40 were sanctioned by the Superintending Engineer, Vashi under scheme of Dedicated Supply vide his letter SE/VC/Tech/T-1/1352. dtd. 25/03/2007 and permission was granted by concerned authority to carry out work to M/s. Abhinandan Enterprises at his own cost. The utility has recovered 15% supervision charges on labour part of estimate and also service connection charges. Against the excess charges recovered, applicant approach to the Chief Engineer of the Zone on dtd. 14/08/2007 but no response was given and aggrieved of this consumer directly approached to the Forum on dtd. 23/11/2009. Considering that the grievance of the Applicant is not solved by utility on approach to the highest authority of Zone, this Forum registered his grievance under case no. 297 and fixed hearing on 07/12/2009, which was postponed on 09/12/2009 on request of consumer representative. On 09/12/2009 hearing was fixed at 12.00 hrs. but the utility officials were not having necessary documents to plead the case and on request of utility officials it was postponed to 16.00 hrs. on the same date.

Applicant say :

On behalf of M/s. Ahinandan Enterprises Shri Ravi Anand represented the case (herein after referred to as Applicant) as under :-

The Applicant stated that the reply submitted during the course of hearing by the Respondent should have been given earlier. He also stated that the Respondent had not issued quotations for new connection by observing the Respondent's own commercial circular no. 733 dtd. 04/04/2005 and hence not follow the S.O.P. as notified by Hon'ble Commission on dtd. 20/01/2005. Moreover on the firm quotation issued on 24/07/2007, the sr. no. and entry of F1 register is not mentioned. Also the Respondent have not mentioned the estimate no. and amount payable on the F.Q. for each connection.

The Applicant reiterated that in the estimate sanctioned by the Superintending Engineer of utility the scheme mentioned is of dedicated scheme where as he had never demanded supply under this scheme. He further added that the Rs. 4,36,000/- towards service connection charges recovered by utility are not according to the scheduled of charges approved by the commission. Moreover the basis of security deposits recovered and on what rate is not conveyed.

He further added that utility have not observed the time limit as per S.O.P. and not furnished copy of estimate in time and hence disobey its own commercial circular no. 733, dtd. 04/04/2005. He again insisted that due to inefficiency of utility to carry out the work in time,

he had carried out the work at his own cost. In such circumstances utility should have recovered only 1.3% of normative charges and no any service connection charges.

The Applicant further stated that as per commission order the utility have not asked opinion to carry out his infrastructure work at his own cost or to wait for supply for period of 12 months. Also he stated that he has not given any consent to carry out work at his own cost but he has done it due to inefficiency of utility to carry out the work.

Prayer:-

- 1) Collected S.C.C. to be refunded immediately alongwith bank rate.
- 2) As per S.O.P. D.L. bound to give the F.Q. as per schedule rate, therefore D.L. to may work out amount payable from consumer & after adjusting the amount balance to be refunded immediately.
- 3) D.L. to work out correct amount of S.D. for each connection as per required load and balance to be refunded with bank rate.
- 4) D.L. deserves penalization for non compliance of S.O.P. (S.D.O. to S.E.) in terms of time factor.
- 5) Compensation of Rs. 25,000/- for delaying the F.Q. and one sided decision for Dedicates Scheme.
- 6) Any other relief as Forum may feel appropriate.

Utility's Say:

Utility officials present during the hearing submitted their written say as under :-

1) At the outset they submitted that the grievance is submitted 2 year later from his last correspondence, therefore according to MERC (CGRF & E.O.) Regulation 6.6 therein Regulation/Clause 6.6 the case is time barred and Hon'ble Forum should not entertained the case.

2) i) The utility had given to the Applicant consumer final quotation within prescribed time limit which is attached herewith (quotation dtd. 24/07/07)

ii) There is no provision like to register F1 forms because they are compiled in book form. However the F.Q. sr. no. 9627 is issued to consumer.

iii) The F.Q. was issued to the group of the consumers hence separate list of consumer's and was annexed with the F.Q. The application registration and processing charges had been paid on date 23/01/2007.

iv) Tech. Estimate no. and date is mentioned on F.Q.

3) i) Reference of S.E. letter SE/VC/Dedicated scheme/2006.07/447, dtd. 11/07/2007 is already mentioned on F.Q.

ii) It is option to the consumer.

iii) Being a group of the consumer the number of connection & their rates are indicated on the list of consumer annexed to the F.Q.

iv) The amount of Rs. 4,36,000/- recovered towards service connection charges is also indicated on the annexed list.

v) The S.D. is work out as per the prevailing practice based on load.

4) The work was carried out as per the option given by the consumer.

5) The F.Q. was issued mentioning the charges to be recovered as per our rules and prevailing practice.

6) The working of D.L. is always according to and within the provision of S.O.P.

7) Flouting and violation are two different issues. It is never intended to flout the S.O.P. or to violate the MERC order. The allegations of petitioner are baseless. It again said that the work was carried out as per consumer's option.

8) We are discharging our duties in accordance with the guidelines directives circular from our higher offices. It is kindly requested to reject the pray filed by the petitioner.

Observation :

On perusal of the documents produced by both the parties reveals that as under :

The Applicant raised the point that Distribution Licensee had not given the firm quotation in time as per S.O.P.

As per the utility's view consumer applied for electric supply on 25/01/2007 and consumer paid regular processing charges on 29/01/2007. Applicant also submitted the under taking to carry out the work at his own cost with 15% supervision charges and request to utility to grant the permission to execute the work. Accordingly the work permission was given by S.E. on 7th March 2007 which was received to the S/divn. office on 25/03/07 the said sub/division also received estimate sanctioned from S.E. for power supply on 13/03/07.

The utility also recovered from applicant the service connection charges of Rs. 4,36,000/-. Utility's representative present at the time of hearing simply said that these charges were recovered as per rules and prevailing practice. However, he did not show any authority in this respect.

As per MERC order in case no. 70 of 2006, dtd. 26/09/2006 and circular no. 43 issued by utility dtd. 27/09/2006 had clearly directed not to recovered service connection charges when utility permits the consumer to carry out the works through a licensed electrical

contractor only the supervision charges shall be recovered at the rate of 1.30% of the normative charges.

Thus the utility's local office ignored these orders and recovered from the consumer service connection charges this being illegal the consumer is prime-facie entitled to get the amount so paid. However, the main hitch is about time limit. The consumer had received firm quotation on 24/07/2007. However he had raised the dispute about recovery of service connection charges by submitting application on 14/08/2007 since he did not hear anything from the utility for more than two years. He approached CGRF directly on 30/11/2009. On submission of the utility that as per MERC (CGRF & Elect. Ombudsman) Regulation 2006 there in regulation 6.6 is not allow Forum to entertained this case being cause of action and last correspondence is beyond period of 2 years. On this Forum asked the Applicant why it is being delayed or why the matter was not put forth to the authority in between the Dy. Ex. Engr. and the Chief Engineer of Zone. The Applicant could not reply satisfactorily. The consumer is a businessman and is also well aware of rules and regulation as can be seen from letter given to utility on 14/08/2007. In these circumstances, it is difficult for the Forum to condemn such delay of long period and grant him the refund of service connection charges, which were wrongly collected by the utility.

Considering the provision as laid down by MERC (CGRF & E.O.) Regulation 2006, as per Regulation 6.6, the Forum shall not admit any grievance unless it is filed

within two years from the date of on which the cause of action has arisen.

In the present case, the application was received by the utility on 20/01/2007 and firm quotation was given on 24/07/2007. As per the MERC Regulation 2005 therein Appendix A (ii) reads as under :

12.1 Determination of compensation :

“ Where the Distribution Licensee finds that it has failed to meet the standards of performance specified under these Regulations, either of its own knowledge, or upon written claims filed by any person effected, the Distribution Licensee shall be liable to pay such person and all other persons similarly affected, such compensation as has been determined by the Commission in Appendix A to these Regulations.

Provide that the Distribution Licensee shall compensate the person (s) affected not later than two billing cycle.

As mentioned here 30 days are allowed to issue the firm quotation from date of application. It was delayed by five months (excluding 30 days). It is very clear from the above facts that utility took six months to issue the firm quotation to the applicant consumer which reveals that utility failed to observed the time limit to discharge the duties as per performance standard. But in present case although utility officials failed to observed the prescribed time limit, consumer also did not approached to the concerned authority within time prescribed in MERC Regulation 2005 which states as under “.

As per MERC (Standard of performance of Distribution Licensee, period for Giving supply and Determination of Compensation) Regulation 2005 therein Regulation 12.2 narrated as under:

12.2 Provided also that no claim for compensation shall be entertained if the same is filed later than a period of sixty days from the date of rectification of the deficiency in performance standard”.

As the consumer have registered his grievance is after lapse of 60 days from the date of rectification of the deficiency in performance standard, hence prayer for compensation is deserved to be and is hereby rejected.

The estimate is sanctioned by utility under D.D.F. scheme without the consent of the consumer applicant. But Forum does not feel to grant any compensation as consumer is neither monetarily effected nor harassed, as consumer have willingly carry out the work of infrastructure, hence his request is deserved to be and is hereby rejected.

As claimed by the applicant consumer that the basis of the calculation of security deposit and the rate at which it is charged by utility is not in accordance with the regulations. To this, the utility defended that the amount of security deposit so recovered was on the basis of demand/sanctioned load of the consumer, which was in accordance with MERC Regulation. On this, Forum observed that the basis on which as per MERC Electricity supply code and other conditions of supply) Regulation

2005, therein Regulation 11.3 utility recovered the S.D. rightly.

The utility had recovered S.D. from the consumer observing MERC Regulation 11.3 and hence should not be disputable.

As per the request of representative of applicant consumer, he wants a list of 107 consumers in the vicinity to know the S.D. charged to each consumer. The Forum feels that this request of the consumer should be honoured.

ORDER

1) The applicant consumer registered his grievance to this Forum after lapse of 24 months period from cause of action arisen. As per MERC (CGRF & E.O.) Regulation 2006 there in Regulation 6.6 do not allow this Forum to admit any grievances and hence his prayer for refund of service connection is hereby rejected.

2) As the consumer have registered his grievance is after lapse of 60 days from the date of rectification of the deficiency in performance standard, hence prayer for compensation is deserved to be and is hereby rejected.

Both the parties are to be informed accordingly.

No orders as to cost.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 08th of January 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
MEMBER
CGRF, BHANDUP

S.L. KULKARNI
CHAIRMAN
CGRF, BHANDUP

R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP