

CONSUMER GRIEVANCE REDRESSAL FORUM
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION COMPANY LTD.
JALGAON ZONE

(Established under the section 42 (5) of the Electricity Act, 2003)

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Office of the
Consumer Grievance Redressal Forum
Ajantha Chauphuli , Old M.I.D.C.
Jalgaon 425 003

No. / CGRF /Jalgaon Zone/Dule Circle/Dhule Dn/C. No.07-2014/

Date: **16 AUG 2014**

(BY R.P.A.D.)

Date of Submission of the case : 02/04/2014

Date of Decision : 14/08/2014

To,

1) M/s. Laurel Wires Ltd.,
Unit -2 ,D-201,MIDC
Avdhan, Dhule 424311
(Consumer No. 091029005530)

Complainant

2) Nodal Officer ,
Maharashtra State Electricity Distribution Co LTD.
Circle office,
8, Sahadri Anandnagar ,
Deopur, Dhule 424002

3) Executive Engineer ,
Maharashtra State Electricity Distribution Com. Ltd.
Division office (Urban) , Dhule

Distribution Company
(Respondent)

DECISION

M/s. Laurel Wires Ltd., Dhule is the HT Industrial Consumer (hereafter referred as the Complainant) of the Maharashtra State Electricity Distribution Company Ltd. (hereafter referred as the Distribution Company) has filed a complaint regarding delayed action on their request to reduce the sanctioned/contract demand to 200 KVA from 400 KVA . The grievance was submitted to the Internal Grievance Redressal Cell at Dhule Circle Office. But not satisfied by the decision of the IGRC , the complainant has submitted a representation to the Consumer Grievance Redressal Forum in Schedule "A". The representation is registered at inward no.135 on 02/04/2014.

The Forum could not pass appropriate order, on the Grievance for its redressal within a period of two months from its date of receipt as mandated in regulation 6.18 of the MERC (CGRF & EO) Regulations, 2006, because the posts of the Chairperson and the Member remained vacant after 08/02/2014 and the Forum could start functioning only after the appointment and joining of the Chairperson with effect from 06/06/2014. The post of the Member representing the Consumer Organisation is still vacant.

The Forum decided to admit this case for hearing after consulting the Chairman on his joining. The matter was fixed for hearing on 11/07/2014 at the MSEDCL Rest house Ajantha Chauphuli , Old MIDC, Jalgaon and a notice dated 19/06/2014 to that effect was sent to the appellant , the Nodal Officer, MSEDCL, Circle Office , Dhule and Executive Engineer , Dhule. A copy of the grievance was also forwarded with this notice for submitting para wise comments to the Forum on the grievance within 15 days under intimation to the consumer.

Shri R.T.Pawar, Dy. Executive Engineer , Dhule Circle office, Shri B.S.Jadhav, Assitant Accountant and Shri R.B.Girase U.D.C. Dhule Circle office represented the Distribution Company during the hearing. Shri Prakash K. Rana appeared on behalf of the complainant.

Grievance of the complainant in brief:

1. Laurel Wires Ltd. Unit-II, D-201,MIDC,Awdhan, Dhule is an HT-I N, having consumer no. 091029005530 having electricity connection since 6th Sept.2009 with contract /sanctioned demand of 400 (kVA).
2. The complainant had requested MSEDCL on 17th June 2011 to reduce the sanctioned/contract demand to 200 kVA from 400 kVA sanctioned at the time of connection anticipating low capacity utilization due to high price and volatility of our main raw material that is copper rod.
3. While following up with above request they were asked to meet MSEDCL in charge officer Mr. R.F.Pawar. Accordingly in meeting with the above officer on 27/06/2011 they We were informed that reduction in sanctioned demand entails all the procedure set for new connection and would cost more than 10 Lakhs .ie.
 - Replacing existing 1000 kVA transformer to 200 kVA –At actual cost
 - Service connection charges -20,500/-
 - Addnl. Security Deposit - 4,60,112./-
 - Agreement Charges - 200/-
 - Application Processing & Registration charges -1700/-
 - 1.3 % Supervision Charges. - 686/-
4. The complainant denied the above demand of MSEDCL on grounds that they are existing consumer and there is no extra 'work' involved in reduction of contract demand as defined in Regulation 3.3.2
5. Reduction of contract demand is a mutual agreement and no pre-condition can be laid by MSEDCL commercial circular in contravention to MAHARASHTRA ELECTRICITY REGULATORY REGULATION 2005. Their repeated submission and plea citing documents related to MAHARASHTRA ELECTRICITY REGULATORY REGULATION 2005 and CGRF cases are ignored. MSEDCL has not acted upon their request to reduce contract demand to 200 kVA till date.
6. MSEDCL wants submission of A 1 application form and execute fresh agreement. Our contention is as we are existing consumer no fresh A 1 application should be requested. Its just change in our contract demand. It is requested to refer following cases :
 - a. Case No: CGRF/AZ/R/109/2008/30 Dtd. 19/07/2008.
 - b. Representation no.36 of 2009 before the electricity ombudsman

Demands of the consumer:

1. Reduce the contract demand from second billing cycle from the date of application i.e.from the billing cycle for the month of July, 2011.
2. Provide compensation for delay in reducing contract demand as per SOP Regulation. i.e. 135 weeks \times 100 = Rs. 13500/- till date of application.
3. Refund the excess minimum demand charges on new calculations of energy bills as per reduced contract demand to be charged by MSEDCL after second billing cycle along with interest under section 62 (6) of the Electricity Act,2003 i.e. REFUND OF Rs. 567150/- excess md charges collected alongwith intrest of Rs 112252/- @ 1.25 p.m. Total Amounting Rs. 679402/- till date of application.
4. Refund of delayed payment charged during this period.
5. Action against the erring staff of MSEDCL for delaying in spite of our repeated submission of relevant provision of regulations and relevant cases.

Arguments by the Company:

The Nodal Officer of the Distribution Company has not submitted any reply to thre notice of the Forum. A copy of the IGRC decision dated 20/03/2014 was only submitted. The representatives of the Distribution Company argued as under:

1. The consumer applied for reduction of load from 400 KVA to 200 KVA as per application on letter head on 17/06/2011 to the Circle Office ,Dhule .

2. The consumer was called in office for discussion on 27.06.2011 and asked to submit application in prescribed form as per letter no. 1947 dated 22.07.2011 by the Superintending Engineer, Dhule. The consumer has agreed to having received this letter.
3. In reponse to the letter consumer submitted application in prescribed form on 19.09.2013
4. Superintending Engineer, Dhule sanctioned the request for reduction of load as per letter no. 8795 dated 24.12.2013.
5. The technical section received the sanction after audit on 07.02.2014. The circle office issued estimate of Rs. 2586/- under letter no. 898 dated 11.02.2014. The consumer paid the the amount of Rs. 2586/- on 11.02.2014 vide M.R. no. 3068846. The agreement was executed on 14.02.2014.

6. Decision of IGRC:

The consumer has submitted application in prescribed form for load reduction on 19.09.2013 in spite of informing under letter dated 22.07.2011. The consumer has not complied with the following terms & conditions indicated in sanction letter dated 12.02.2014 for load reduction:

- The report about change of existing 25/5 Amp CT by 15/5 Amp CT is not given.
- Testing Report is not yet submitted

The load will be released after compliance of above and inspection of the Testing Division.

Observations by the Forum:

1. This is a case in which the complainant applied for reduction of sanctioned/contract demand and the Distribution Company has delayed the sanction.
2. The application was subumitted on 17.06.2011 and as per MERC regulations the load should have been reduced from the billing cycle for the month of July, 2011. Hence the cause of action has arisen in July 2011. The complainant did not submit any complaint at that time and submitted completed application later as demanded by Distribution Company. The complainant has submitted grievance on this issue now after lapse of almost 3 years.
3. But the Regulation 6.6 of MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 puts constraint on the Forum as under:

"The Forum shall not admit any Grievance unless it is filed within two (2) years from the date on which the cause of action has arisen."

In view of this resrticion the Forum is unable to handle this grievanc not file within 2 years from the date on which cause of action has arisen. The grievance stands disposed off as elaborated in the aforesaid paragraphs.

If aggrieved by the non-redressal of his Grievance by the Forum, the appellant may make a representation to the Electricity Ombudsman, 606, 'KESHAVA', Bandra Kurla Complex, Bandra (East), Mumbai 400 051 within sixty (60) days from the date of this order under regulation 17.2 of the MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006.

(Bibhishan .S.Nirmal)

Member-Secretary & Executive Engineer

(Suresh R.Wagh)

Chairman

Consumer Grievance Redressal Forum, Jalgaon

Copy for information and necessary action to:

1. Chief Engineer, Maharashtra State Electricity Distribution Company Ltd., Jalgaon
2. Superintending Engineer, Maharashtra State Electricity Distribution Company Ltd., Dhule