



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph.– 2210707 & 2328283 Ext:- 122

IN THE MATTER OF GRIEVANCE NO.K/N/002/0034 OF 05-06
OF M/S SWASTIK INDUSTRIES REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN
ZONE, KALYAN ABOUT NEW CONNECTION IN THE NAME
OF ROYAL PLAST AND PENALTY LEVIED ON EXCESS
CONNECTED LOAD AT M/S SWASTIK INDUSTRIES.

Swastik Industries

(Here in after

9/B, Amalgamated Industry,

referred to

Near Hotel Diamond Retreat,

as consumer Asangaon, Tal- Shahapur, Dist- Thane.

Versus

Maharashtra State Electricity Distribution Co.

Here in after

Ltd. through its Assistant Engineer,

referred to

Shahapur Sub-Division, Shahapur.

as

licensee

- 1) Consumer Grievance Redressal Forum has been established under regulation of “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” to redress the grievances of consumers. This regulation has been made by the Maharashtra Electricity Regulatory Commission vide powers conferred on it by section 181 read with sub-section 5 to 7 of section 42 of The Electricity Act, 2003. (36 of 2003).
- 2) The consumer is L.T. consumer of the licensee connected to their 415-volt network. The consumer registered grievance with forum on 7/10/2005. The details are as follows.

Name of consumer: - M/s. Swastik Industries.

Address: - Same as above

Consumer No.:- 210118210331.

The consumer made the following prayer in his grievance application.

The licensee may be directed to release the new connection of 67 HP sanctioned on 13/08/99 in the name of Royal Plast and withdraw the penalty levied on excess connected load at consumer's premises.

- 3) The batch of papers containing above grievances was sent by forum vide letter No. 321 dated 7/10/2005 to Nodal Officer of licensee. The letter, however, remained unreplied.

- 4) All three members of the forum heard both the parties on 17/11/2005. Shri M.A. Shah, represented consumer. Shri Waghambare, Executive Engineer and Shri H.K. Randive Nodal Officer, represented licensee.
- 5) Shri Shah pointed out that he is running an industry known as Swastik Industries in the premises 9/B, Amalgamated Industry, Near Hotel Diamond Retreat, Village Asangaon, Tal- Shahapur, Dist- Thane. He had made a partition and divided the plot into two. He had applied for a new connection of 67 HP in plot No.9/A in the name of Royal Plast in the year 1999. The said new connection of 67 HP was sanctioned by licensee in the name of Royal Plast vide the letter dated 13/08/99. He completed all formalities in the year 1999 but licensee has not yet released the said connection of 67 HP.
- 6) Shri Waghambare and Nodal Officer submitted that they would verify the record of submission of papers and test report by M/s. Royal Plast and will be in a position to release the connection of 67 HP to M/s Royal Plast, subject to completion of formalities, in 16 days time. Shri Waghambare further submitted that the premises of Swastik Industries was inspected by staff of licensee on 11/10/04 and connected load was found to be 136 HP as against sanctioned load of 67 HP. The licensee had, therefore, charged penalty for excess load connected. Shri Shah denied this allegation.

- 7) The forum observed that Shri Shah had submitted the test report of 67 HP connected load at the premises of Royal Plast at 9/A to the licensee on 6/12/99. On enquiry on 24/11/2005 Shri Jadhav Asst. Engineer Shahapur of licensee informed forum that the licensee would release new connection of 67 HP to M/s. Royal Plast at 9/A on 25/11/2005.
- 8) Maharashtra Electricity Regulatory Commission notified "Maharashtra Electricity Regulatory Commission (Standard of Performance of Distribution Licensee, Period for giving supply and determination of compensation) Regulation, 2005" on 20th January 2005 (called SOP). As per item 1(iii) of Appendix "A" of regulation 12.1 of the above said SOP, time period for giving supply from date of receipt of completed application and payment of charges, in case of connection to be given from existing net work, is one month. On the day of notification of SOP i.e. on 20th January 2005 the time period of one month for releasing new connection to M/s. Royal Plast was already over and thus there is a delay from 20th January 2005 to 24 November 2005 in releasing new connection by licensee to M/s Royal Plast. M/s. Royal Plast has grievance for delay on the part of the licensee and demanded compensation for delay. The forum, therefore, is of the opinion that compensation as per column 3 of item 1 (iii) of table of Appendix "A" of regulation 12.1 of SOP, at Rs.100/- per

week or part thereof of delay is payable to the consumer by the licensee. Thus compensation for delay of more than 44 week and less than 45 weeks from 20th January 2005 to 24th November 2005 works out to be Rs. 4,500/- & is payable to the consumer by the licensee.

- 9) Now we will turn up to the case of penalty levied by licensee on excess connected load found at the premises of M/s. Swastik Industries by licensee's staff on 11/10/2004. The load connected was found to be 136 HP as against 67 HP sanctioned. Maharashtra Electricity Regulatory Commission

in Case No.2 of 2003 (In the matter of Non – compliance of Tariff Order directions by MSEB regarding installation of meters, violation of connected load, power factor norms by LTPG consumers, etc.) has issued directives vide para 33 (c) (3) that no penalty would be applicable if exceeding of sanctioned load is claimed on the basis of connected load method. This direction has been made applicable from 1st December 2003 onwards. In the present case the inspection of the premises of M/s. Swastik Industries was carried out by staff of licensee on 11/10/2004 and as such the penalty on connected load method basis cannot be levied.

- 10) After carefully considering the entire episode, we are inclined to pass the following order unanimously.

O-R-D-E-R

- 1) Licensee should pay Rupees Four thousand five hundred only (Rs 4,500/-) as compensation to M/s. Royal Plast within ninety days from the date of this order for delay of more than forty four & less than forty five weeks for releasing new connection of 67 HP.
- 2) The penalty levied on excess connected load found by licensee staff during inspection on 11/10/2004 at the premises of M/s. Swastik Industries is, hereby, quashed and set aside.
- 3) The licensee shall adjust/refund any amount collected on account of invocation of connected load penalty to M/s Swastik Industries, within ninety days form the date of this order.
- 4) Consumer can file appeal against this decision with the Ombudsman at the following address.

Maharastra Electricity Regulatory Commission, 606/608,
Keshav Building, Bandra Kurla Complex, Mumbai 51

Appeal can be filed within 60 days from the date of this order.

- 5) Consumer, as per section 142 of Indian Electricity Act 2003, can approach Maharashtra Electricity Regulatory Commission at the following address

Maharashtra Electricity Regulatory Commission,
13th floor, World Trade Centre, Cuffe Parade, Colaba,
Mumbai 400005.

for non-compliance, part compliance or delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressed Forum & Ombudsman) Regulation 2003”

Date: - 01/12/2005 Cosnumer

(Sau.V.V.Kelkar)

Member

CGRF, Kalyan

(I.Q.Najam)

Chair person

CGRF, Kalyan

(J.P. Soni)

Member Secretary

CGRF, Kalyan