



**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/009/0066 OF 06-07 OF  
M/S AVA CHEMICLES PVT.LTD WITH CONSUMER GRIEVANCE  
REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT NEW  
CONNECTION.**

M/s.AVA Chemicals Pvt. Ltd.

(Here in after

Plot No. W-59 / MIDC,

referred to

Badalapur, Dist: - Thane.

as consumer)

**Versus**

Maharashtra State Electricity Distribution  
Company Limited through its  
Kalyan II

(Here in after  
referred to  
as licensee)

1) Consumer Grievance Redressal Forum has been established under regulation of "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers. This regulation has been made by the Maharashtra Electricity 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. Consumer is billed as per industrial tariff the consumer registered his grievance with the forum on dated 22/05/2006.

The details are as follows: -

*Name of the consumer: M/s. AVA Chemicals Pvt. Ltd.*

*Address: Same as above*

*Consumer No: -. 021540024798*

3) The consumer has two units i.e. shed No. W-59 and W-58  
Plot No. W-59 having a sanctioned load of 65 HP since December 1986.  
Plot No. W-58 having a sanctioned load of 35 HP since February 2004.  
The consumer has applied for additional load for these plots in following manner

i) 35 HP additional load for plot No. W-59 thus making to a total load of 100 HP.

ii) 72 HP additional load for plot No. W-58 thus making to a total load of 107 HP.

4) In response to the application by consumer for additional, load; Superintending Engineer O & M Circle Kalyan II has given sanctioned of the additional load vide letter No. 456 dated 10/02/2006 by preparing estimate of Rs.4, 88,080/- for carrying out work under ORC scheme i.e.15% supervision charges Rs. 6,570/- have to be made and Rs. 1,28,400/- SLC charges for additional load for two numbers LT connections to a total load of 107 HP.

- 5) The consumer written to licensee on 22/02/2006 in two separate letters stating that the charges as shown above are not acceptable to him and he is ready to pay the only standard service line charges as per the calculation. Consumer has tried to bring into notice that the case falls under the provision of MERC Regulation No. 3.3.4 of 2005 under which the distribution licensee shall not be entitled recover any expenses. As per the consumer the additional load applied for does not exceed 25% of the capacity being proposed to be created as in such circumstance distribution Co. is not authorizes to recover the expenses from the consumer. The consumer also stated that licensee cannot direct the consumer to carry augumentation work on their own against payment of supervision charge.
- 6) The licensee has replied to the consumer vide letter No. 1125 dated 20/03/2006 that additional load was sanctioned to M/s. AVA Chemicals plot No. 58 and Plot No. 59 and the consumer version of additional load being under 25% of the augmented load is not acceptable to licensee. Licensee has advised to make the payment of supervision charges and to carry out the erection work of 200 KVA distribution transformers. After the completion of the above work the both additional load sanctioned will be released.
- 7) The consumer has written on 21/03/2006 that against his two separate application for additional load he has received a common load sanctioned letter with a proposal to installed a new 200 KVA transformers for providing power supply to both of these units consumer has reiterated the regulation no.3.3.4 of MERC Regulation 2005. As per above if the load applied for does not exceed 25% of the capacity that will be created by augumentation of the distribution system, the distribution licensee shall not be entitled to recover any expenses.
- 8) Forum wrote a letter No. KLNZ/CGRF/Kalyan/00564 dated 22/05/2006 to the Nodal Officer Kalyan Circle II, with relevant copy of papers and

ask for this parawise comments/reply within 15 days. The letter remains again unreplied.

- 9) The hearing was scheduled on 26/06/2006 at 15.00 hrs at forums office at 15.00 hrs. to 16.00 hrs and both the parties letter No. 0584 dated 03/06/2006 were advice to attend the same at forums office attended by forum member, Member secretary Shri D.B. Nitnaware and Member Sau V.V. Kelkar licensee representative Shri P.S.Date Assistant Engineer and Shri V.B.Wani DY. Ex. Engineer consumer representative Shri Dilip Kulkarni attended the hearing.
- 10) The consumer has repeated his grievance. The consumer is having two different units in same name i.e. M/s. AVA Chemicals in shed no. W-58 and W-59, with different sanctioned load. In shed W 59 is having 65 HP load sanctioned and in shed 58 he is having 35.00 HP load sanctioned. In 2005 he has applied for enhancement of load for W-58 shed 72 HP and for W-59 shed 35HP load. Now he wanted the estimate for two sheds separately. At present licensee has given him jointly estimate for Rs.4, 81,507/- for both the sheds. But he is not ready to pay the same, as the cost is more. He says that as per regulation 3.3.4 of the MERC, if load applied does not the exceed 25% of the capacity that will be created by augumentation of distribution system transformer.
- 11) The licensee representative submitted joint inspection report dated 24/06/2006 stating the following. Registration in MIDC office is individual for both sheds, separate water supply is provided by MIDC for both units, individual electric power supply is given for both units.
- 12) Based on the hearing and study of papers the forums observations are as follows.
  - a) Consumer can be treated as a separate consumer having separate units. (i.e. water supply, energy bill and registration in MIDC office)
  - b) For additional load  $72 \text{ HP} = 72 \times 0.746 = 53.71 \text{ kw} / 0.9 = 59.67 \text{ KVA}$   
if 100 KVA T/f is provided then calculation come  
 $59.67/100 = \text{say } 60 / 100 = 60\%$  which is more than 25%

- c) For additional load  $35\text{HP} = 35 \times 0.746 = 26.11 \text{ kw} / 0.9 = 29.01 \text{ KVA}$   
if 100 KVA t/f is provided then calculation will be  
 $35/100 = 35\%$ , which is more than 25%
- d) Estimate sanctioned jointly for 200 KVA applied additional load is  
107HP hence  
 $107\text{HP} \times 0.746 = 79082 \text{ KW} / 0.9 = 88.68 \text{ KW}$  say 89 KVA  
if 200 KVA T/f provided new calculation come  
 $89/200 = 44.5\%$ , which is more than 25%.
- 13) While seeing above calculation by both the ways it does not fall under 3.3.4 as it is more than 25%
- 14) As the existing T/f is fully loaded and there is no scope for additional load licensee has prepared and issued the proposal for 200 KVA T/f to the consumer. Which will be fully utilized by the consumer for his both units.
- 15) After carefully going through the entire material available on record and observation made above para we are inclined to unanimously pass the following order.

### **O-R-D-E-R**

1. Licensee should have treated as separate consumer i.e. shed No. W-58 and W-59 and issued two individual estimate.
2. As the enhancement of load is more than 25% so the action taken by licensee is correct.
3. Consumer can file appeal against this decision with the Electrical Ombudsman at the following address.

Maharashtra Electricity Regulatory Commission,  
606/608, Keshav Building, Bandra Kurla Complex, Mumbai 5.  
Appeal can be filed within 60 days from the date of order.

**Date: - 19/07/2006**

**(D.B. Nitnaware)**

**(V.V.Kelkar)**

**Member Secretary  
CGRF Kalyan**

**Member  
CGRF Kalyan**