

Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph- 2210707, Fax - 2210707, E-mail : cgrfkalyan@mahadiscom.in

No. K/E/751/901 of 2013-14

Date of Grievance: 23/12/2013

Date of order : 29/01/2014

Period Taken : 36 days.

IN THE MATTER OF GRIEVANCE NO. K/E/751/901 OF 2013-14 IN RESPECT OF NRC LIMITED, VILLAGE MOHONE, TAL. KALYAN, DISTRICT-THANE PIN- 421 102 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING REDUCTION IN LOAD.

NRC Limited,

Village Mohone, Tal. Kalyan,

District-Thane.

Consumer No. 020169009628

.... (Hereafter referred as consumer)

Versus

Maharashtra State Electricity Distribution

Company Limited through its

Executive Engineer, Kalyan -Circle-1, Kalyan (Hereinafter referred as Licensee)

Appearance : For Consumer - Shri Mantri, and General Manager

Shri Killedar-Consumer's Representative

For Licensee - Shri Lahamge- Nodal Officer and Executive Engineer,

Shri A.M.Kale and Barambhe - Asst. Engineers

Shri Sakpal-Accountant.

(Per Shri Sadashiv S.Deshmukh, Chairperson)

1] Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003.(36/2003). Hereinafter for the sake of brevity referred as 'MERC'. This Consumer Grievance Redressal Forum has been established as per the notification issued by MERC i.e. "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/3003). Hereinafter it is referred as 'Regulation'. Further the regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission (Electricity Supply Code and other conditions of supply) Regulations 2005' Hereinafter referred as 'Supply Code' for the sake of brevity. Even, regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, period for Giving Supply and Determination of Compensation) Regulations, 2005.' Hereinafter referred 'SOP' for the sake of convenience.

2] The applicant/consumer is having supply to its industrial unit. Consumer filed this grievance application on 23/12/2013, contending towards reduction of load effect is not from July 2011.

3] Consumer sought reduction in the load by filing application on 9/6/2011. It was not complied within a month as per SOP. Ultimately, it was complied on 13/1/2012 and though, it was required to bear all the expenses including changing the CT. But it was made to pay and now it had sought reimbursement of said payment and giving effect of reduction of load, from July 2011, as per SOP.

3] In this matter the papers containing above grievance were sent by Forum to the Nodal Officer of the Licencee vide letter No.EE/CGRF/Kalyan/0537 dated 24/12/2013. In response, the Officers of Licensee appeared and filed reply on 13/1//2014.

4] We heard both sides at length on 13/1/2014 and on 15/1/2014. On behalf of consumer, Mr. Mantri and Killedar made submissions, for Licencee Nodal Officer Mr. Khan with the help of his colleagues made submissions. We have gone through the grievance application, reply filed by Licencee and on its basis, following factual aspects disclosed:-

a] Applicant is consumer, having supply for the industry from the year 1953. Consumer was having load of 10,000 KVA. However, by filing application on 9/6/2011, it sought reduction of load to the extent of 1600 KVA.

b] Consumer claimed that as per SOP this particular compliance of reduction was to be done and effect was to be given in the next billing cycle and billing cycle being per month, it ought to have been given from 6/7/2011 as per the SOP.

c] In spite of prescribing period for effecting the reduction of load, there was no any action from the Licencee. However, reply/quotation is given by the Superintending Engineer on 24/10/2011 to his Executive Engineer and copy to the consumer, it shows estimate submitted for sanction. As per the estimate, total costs worked out to the extent of Rs.66,950/- inclusive of costs of material and labour to the extent of Rs.64,100/- and supervision charges of Rs.850/-. It is contended that on the very day, the consumer addressed letter to the Licencee pointing out that consumer be permitted to reduce the said load without replacing CT since current Transformer (CT) of 300/5 ratio are required for export of 10 to 12 MW power. Accordingly, it was made clear that consumer was permitted for export of 10-12 MW power with permission for sale of power under open access, with two point grid connectivity, as per letter of Licencee dated 30/10/2010.

d] It is claimed that aforesaid letter of Licencee dated 24/10/2011 is quotation and it is contended that in the third week of December 2011, consumer was orally asked to replace the CT and accordingly on 11/1/2012 consumer paid

supervision charges to the Licencee. CT changed by consumer on 13/1/2012 and letter about reducing the load issued on 13/1/2012. The load was reduced with effect from 13/1/2012. It is contended that as per the oral direction, consumer was required to bear both charges, though in fact it is responsibility of Licencee to change the CT at its cost and give effect within one month. Accordingly, it is contended that even actual expenses incurred are of Rs.67,800/-, including supervision charges of Rs.1700/- which Licencee in the quotation stated as Rs.850/-, but recovered Rs.1700/-. CT testing charges of Rs.2000/- are also added.

e] Consumer addressed letter to the Licencee on 22/2/2012, asking the Licencee to give effect of reduction of load from the billing month of July, 2011 and sought credit of excess amount received from July, 2011 to December, 2011 along with interest. Said letter is replied by Licencee on 9/3/2012 and contended that as supervision charges paid on 12/1/2012 CT replaced on 13/1/2012 by consumer and hence load reduction effect is given on 13/1/2012 and there is no any delay. Hence after compliance, effect was given immediately, there is no question of giving effect of load reduction from July, 2011 and to refund excess amount recovered till December, 2011.

f] Consumer again replied to the said letter on 19/3/2012. Said letter is addressed to Superintending Engineer (KCK) and reiterated the previous factual aspect, contending delay is on the part of Licencee. Hence as per Clause 9.3 of SOP, consumer is entitled for refund of the amount. Consumer addressed one more letter in continuation of above letter dated 19/3/2012 on 22/5/2012 and reiterated demand of refund. Said letter is replied by the Licencee on 21/6/2013, conveying that already reply is given on 9/3/2013 is a reply for the said letter also.

g] Consumer again addressed the letter to the Chief Engineer, Commercial of Licencee on 13/8/2012, stating all the details and seeking refund of amount from July

2011 onwards. The said Chief Engineer(Commercial) of Licencee, replied to the consumer on 3/3/2013 communicating that effect is given after completion of work and hence, there is no question of giving effect from July 2011.

h] Consumer then approached IGRC, for said relief on 30/9/2013, IGRC passed order on 16/12/2013, grievance of consumer was not considered, it was rejected.

j] Ultimately, consumer has approached this Forum with grievance which is registered on 23/12/2013.

5] Considering the aforesaid factual aspects, disputed point is of a limited nature ,depending on SOP 9.3. It speaks about giving effect for reducing the load in the next billing month, after the request. Accordingly, in this matter, application was filed on 9/6/2011. There was no any reply till 9/7/2011 or 9/8/2011, but letter of quotation is received by the Officers of consumer dated 24/11/2011 and on the very day, consumer replied that replacement of CT is not required, but load be reduced. When there was no reply to it, the consumer deposited supervision charges with the Licencee on 11/1/2012 as per the quotation and CT replaced on 13/1/2012 and accordingly, Kalyan Circle-I has given effect for reduction of load from 13/1/2012.

The position is accordingly clear, in fact requirements were to be complied by the Licencee, in case of prayer for reduction of load sought. There is no any case of consumer, agreeing for DDF. There is no any agreement amongst the parties, whereby consumer was to bear charges, Accordingly, this is a factual position. Thereafter it needs to be considered, no reply given by Licencee within one month of application for reduction of load. Non compliance within one month, forced the consumer to bear the cost and after replacing CT effect given for reduction of load from 13/1/2012 . It is totally not in tune with the provision of SOP. All these were to be complied by the Licencee. Hence, delay is not because of consumer but it is due to Licencee itself. In this light, we find, the defence taken by the Licencee stating that

immediately after compliance of replacement of CT, effect is given for reduction of load, though technically on record position speaks about it. All these things, which were required to be done by the Licencee, but consumer was forced to do it. Hence, Licencee cannot take disadvantage of its own failure to comply and hence consumer is entitled as per the SOP, to seek effect of reduction of load from 9/7/2011. Hence Licencee is to be directed to give effect of reduction of load from 9/7/2011 i.e. after one month of application for reduction and bill be recalculated reducing load from 9/7/2011 and refund of said excess amount is required to be paid with interest as per RBI bank rate from the respective dates of deposit.

6] Secondly, the amount which is spent by the consumer towards changing the CT, supervision charges paid to the Licencee, Testing charges are also required to be refunded, as consumer was not required to spend it but rather driven to spend it for seeking reduction. The said amount is also to be refunded with interest as per RBI bank rate from 13/1/2011. In result, grievance of consumer is to be allowed.

7] Matter could not be decided within time as aspect was required to be considered minutely by both sides.

I agree

(Mrs. S. A. Jamdar)
Member, CGRF, Kalyan

(Sadashiv S. Deshmukh)
Chairperson, CGRF Kalyan

Member Secretary (Chandrashekhar U. Patil) :

I have gone through the above reasoning. I respectfully disagree with it except for the contents in para No.5 for the reasons that due consideration to the observation of Chief Engineer (Commercial) in his letter dated 05309 dated 22/2/2013 is not given.

Hence I conclude that the Grievance should be **rejected**.

(Chandrashekhar U. Patil)
Member Secretary
CGRF Kalyan

Hence the order by majority

- **ORDER**

- 1] Grievance of consumer is hereby upheld.
- 2] Licensee is directed to work out the difference of charges, considering the effect of reduction of load from 9/7/2011 till 13/1/2012.
- 3] Difference of, amount already recovered from the consumer and amount which was required to be deposited by the consumer, as per reduction of load be considered and said difference be paid to the consumer.
- 4] On additional amount which consumer has deposited arrived as per the said calculation from 9/7/2011 till 13/1/2012, be paid with interest as per RBI bank rate from the respective dates of payment till to the date of payment.
- 5] Licencee is directed to reimburse the expenses incurred by the consumer to the tune of Rs.67,800/-,towards the change of CT, supervision charges and testing. Said
- 6] Above compliance be done within 45 days of receiving this order and its report be submitted thereafter within a week. amount be refunded with interest as per RBI bank rate from 13/1/2012.

Dated: 29/01/2014

I agree

(Mrs. S. A. Jamdar)
Member, CGRF, Kalyan

(Sadashiv S. Deshmukh)
Chairperson, CGRF Kalyan

Note

- a) The consumer if not satisfied, may file representation against this order before the Hon. Ombudsman within 60 days from the date of this order at the following address.

“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”.

- b) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” at the following address:-

“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”

- c) It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.