

MAHARASTRA STATE ELECTRICITY DISTRIBUTION CO. LTD.
KOKAN ZONE RATNAGIRI
Consumer Grievances Redressal Forum Ratnagiri

Consumer case No – 49/2009

Date: 22/06/2010

Shree Satya Silica Pvt.Ltd.
1390, Haveli Nagar, Wadadi Wadi,
Phondaghat.
Tal/Kankavali,
Dist/Sindhudurg.

Complainant

V/S

Executive Engineer,
MSEDCL,
Kankavali Division .

Opposite Party

Quorum of the Forum

Member

1) Mr.D. S. Jamkhedkar
Chairman

2) Mr. H.B.Soni
Executive Engineer.

- On behalf of consumer } 1) Shri.Nitin Palwankar.
- On behalf of opposite party } 1) Shri.L.P.Jadhav.
Ex.Engineer,
Kankavali Division.
- 2) Shri.M.R.Salve.
Dy.Ex.Engineer,
Kankavali Sub-Division.

**Maharashtra State Electricity Regulatory Commission Consumer Grievance
Redressal Forum and Ombudsman Regulation 2003 Vide Clause No.8.2**

- 1) complainant - Consumer has purchased the industrial establishment namely M/s Maha.Minerals Ltd., Fondaghat (Hereinafter referred to as MMCL). Corporation in the auction sale held by Debt Recovery tribunal.
- 2) Maha Minerals Corporation Ltd was given H.T. connection on 10/06/1981. It was temporarily disconnected for non payment of energy charges on 10/09/1994 and after completing formalities P.D. was done on 10/07/1995. Thereafter a civil suit was filed by M.S.E.B against Maha Minerals in the court of C.F.S D Kankavali for recovery of Rs.8, 80,734/- and it was hearing No.108/1996.
- 3) Then Maha Minerals Ltd. had approached MSEB in writing on 29-01-2004 for on time settlement. The matter was then referred to Head Office by S.E Kudal and the Head Office has given the approval to the proposal. Then SE informed MMCL to deposit Rs.5, 09,077/- under one time settlement by it's letter dated 04/03/2004 and MMCL has deposited the amount on 12/03/2004.
- 4) Now the present consumer complainant is demanding this amount back on the pretext that he has paid this amount though was not liable and under pressure to get new connection and so it be given back to him.
- 5) The consumer has also come before us with the second grievance that instead of reconnection he was forced to take new connection and for getting it Rs.1,11,000/-

were recovered from him as metering equipment charges, so he claimed back this amount of Rs.1,11,000/- being illegally recovered.

- 6) Third grievance which complainant consumer wants to put forth before the forum is regarding recovery of power factor penalty. According to him the same was illegally recovered from him and so it be refunded
- 7) A notice of the complaint was given to S.E. Kudal with a direction to file say within 10 days. S.E.Kudal filed it's say on 07/01/2010 and supplementary say on.
- 8) It is submitted by mahavitrans that all the grievances put forth by present consumer are false and after thought. It is submitted that a civil suit was filed against predecessor of present applicant i.e. MMCL for recovery of Rs.8 lakhs and odd and on the basis of application for one time settlement the matter was settled at Rs.5,09,077/- and was legally closed. So now present consumer who is successor in interest cannot challenge it secondly, the P.D was done when MMCL was owner and a new connection was given to present consumer in 2004 and then L.T connection was given in Jan.2007 after recovering legitimate amount as per commercial circular, then prevailing. So now after several years consumer cannot put any grievance about it.
- 9) So far as the third ground of power factor penalty is concerned, it is submitted that as per rules and regulations so also specific agreement executed by the consumer, sanctioned order by MSEDCL the consumer is under obligation to maintain power factor. The consumer, who maintains it, gets incentive or otherwise is required to pay penalty. So the present consumer who did not maintain power factor 0.9 was required to pay penalty and now he cannot put up any grievance.
- 10) It is submitted that the application be rejected being without any merit.
- 11) The matter was initially heard on 11.02.2010 but there after the member secretary was transferred and time was also sought by parties to produce document so matter could not be reheard. Then after joining of in charge member secretary (Executive Engineer) the matter was reheard on 22/06/2010.
- 12) Both the parties advanced their arguments and relied on the documents produced on record. It is submitted by Shri. Palwankar for complainant that it is he who deposited settlement amount though was not under obligation and only arrears of 6 months should have been recovered from him as per regulation 10.5 of the supply code it is also submitted by him that though infrastructure was ready, he was forced to pay 1,11,000/- as a metering equipment charges and he did pay it as was in need of connection and so it be refunded. He also urged that power factor penalty was also illegally recovered form him and the same may be given back to him. He relied on one newspaper cutting for it.

13) Supdt Engineer, kudal has also made submissions in keeping with the say filed and the documents produced on record. It is urged that the grievances are belated and after thought one time settlement was entered into with MMCL and the same was deposited long back for which no grievance can be made. So far as recovery of charges for new connection is concerned, it is submitted that the same has been recovered as per rules and the terms of agreement. It is submitted that the same has been recovered as per rules and the terms of agreement. It is submitted that a mere paper cutting is not sufficient to support the plea. With this background, it is urged that application be rejected.

14) The forum has given kind consideration to all the points involved. So far as refund of settlement amount and illegal recovery of charges while giving connections are concerned, we would say that these grievances cannot be taken into consideration being time barred. In view of the provisions of Rule.

The consumer is expected to come before forum within 2 years of cause of action.

The provision runs as follows:-

MERC (Consumer Grievance Redressal forum & Electricity Ombudsman) Regulation 2005.

"Regulation 6.6"

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

The settlement before the concerned authorities was done in 2004 and the settled amount was paid on 12/03/2004 so the grievance now raised cannot be entertained. Same could be said about the charges recovered while releasing connections. Old connection was permanently disconnected on 10/07/1995 and present consumer was given H.T. connection on 23/07/2004 and L.T.connection on 10/01/2007 under 15% scheme supervision and the present grievance has been filed on 19/12/2009 so it is clearly barred by limitation and thus cognizance cannot be taken.

15) Let us assume for the sake of argument that the aforesaid points need some consideration even then, one must say that one time settlement was done with the consent of consumer and no grievance has been put forth for years together and so consumer is not entitled to refund. So far as refund of charges is concerned the H.T.connection amount was paid in 2004 and the same was as per rules. The L.T.connections was sought in 2006 and under 15 % scheme supervision and the quotation has been given as per the commercial circulars then prevailing, so there is no illegal recovery. As such, there is no question of refund of either settlement amount or charges paid for getting connection.

16) So far as power factor penalty is concerned, we find that if it is not maintained then it results in energy loss and so incentive is being given for maintaining it and penalty is imposed if not maintained. The consumer is under obligation to maintain machinery

in proper condition to maintain power factor. It appears in this case that the consumer was told and was aware of the Fault of capacitor and other equipments he did not rectify it to maintain power factor and hence penalty. The news paper cutting produced on record without further details will not come to his rescue. The recovery is also in keeping with terms of the agreement entered into between the parties and the commercial circular No .80 dated 10/06/2008 issued by Mahavitran. So the consumer cannot put up any grievance about it.

- 17) In a nut-shell, it could be said that the consumer applicant is not entitled to any relief sought and the application deserves to be disposed OH.
Hence Order.

ORDER

- 1) Application of the consumer applicant stands disposed OH.
- 2) In case consumer desires to appeal against this order he should file his appeal to the following addresses.

Secretary- OMBUDSMAN Maharashtra State Electricity Regulatory Commission,
606/608 Keshava building,
Bandra Kurla Complex,
Mumbai- 400051.
Phone No. 022-26592965

Shri.H.B.Soni.
Ex. Engineer
Consumer Grievances Redressal Forum
Kokan Zone, Ratnagiri

Shri D.S. Jamkhedker
President
Consumer Grievance Redressal Forum
Kokan Zone, Ratnagiri. .

Place: Ratnagiri

Date: 22.06.2010