

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
M. S. ELECTRICITY DISTRIBUTION CO.LTD.
(NAGPUR ZONE – RURAL) NAGPUR.

Application/Case No. CGRF/NZ/Rural/ **17** of 2006

- Applicant : M/S Vinayaka Ispat, Dattapur,
Nagpur Road , Wardha.
-- VS --
- Non-applicant. : 1.Exe.Engineer/Nodal Officer
Internal Grievance Redressed Unit, Circle Office,
M.S.E.D.C.L.,Wardha.
2.Exe.Engineer,C.C.O&M Dn.,MSEDCL,Wardha..
- Presence : 1.Shri N.J.Ramteke,Chairman
2.Shri M.G.Deodhar,Member
3.Shri M.S.Shrisat, Member/Secy.
- Appearance. : 1. Shri R.B.Goenka, (Representative of applicant)
On behalf of M/S.Vinayaka Ispat.
2. Shri D.K.Choudhary Exe.Engr. and
3. Shri D.G.Gawnar, E.E.
(Representatives of D.L.)

ORDER

(Passed this 18th day of March,2006)
(Per Shri N.J.Ramteke, CHAIRMAN)

Applicant presented this application in schedule 'A' of MERC (CGRF&O) Regulations,2003 through the partner (hereinafter called the Regulations). Applicant nominated Shri R.B.Goenka as its representative in the present proceedings. This application was received in this office on 23/1/2006. Acknowledgement was given to Applicant as required under regulation 6.6 of the said Regulations. The forum called the comments from the non-applicants as per regulation 6.8 . The copy of the parawise comments as received from the non-applicants was sent to the Applicant. Notices were issued and served on Applicant and non-applicants as per regulation 6.9 of the

Regulations. Applicant enclosed the Xerox copies of the documents as per the list of exhibits No. 1 to 15. The non-applicant also enclosed documents alongwith parawise comments. The Forum heard both the parties on 6/3/2006 . The Applicant had given original intimation to the non applicant (D.L.) on 19/4/2005, Since no remedy was provided by the non applicant, applicant presented this application to the Forum in exercise of the provisions as laid down under regulation 6.3 of the Regulations.

The facts in brief in this case are that Applicant received supply connected at 11 KV with the contract demand of 50 KVA initially and later on as sanctioned connected load of 500 KW and supply was connected on 4.4.1998. Its consumer No.510019001413. Applicant made payment of Rs. 2,01,000/- to the D.L. as S.L.C. charges for enhancement of load. Later on Applicant also made payment of Rs. 1,30,000/- to the D.L. for enhancement of the load. Initially applicant started with the load 65.5 KW and subsequently it was enhanced upto 700 KVA There was also an agreement between Applicant and the D.L. in respect of sanction of fresh power supply as per the condition of supply and tarrif as laid down in the letter of S.E. O&M Circle,Wardha to applicant (Record page 9) . Applicant made many complaints against the frequent interruption and failure of the power to the D.L. as per exhibit enclosed by the Applicant.

Applicant sought the relief from this Forum and to give direction to the D.L. that –

- I) To stop frequent tripping of power.
- II) To avoid unscheduled load shedding .

- III) To withdraw load shedding by providing separate industrial feeder and adjust amount of Rs. 2,01,000/- and Rs. 1,30,000/- paid by him against S.L.C. charges, in cost of separate feeder.
- IV) To compensate the applicant for its losses due to negligence of D.L.

In support of the relief sought by the Applicant , the Applicant raised the ground that D.L. failed to comply the provision of Standard of Performance Regulations. The D.L. collected the amount of Rs. 2,01,000/- and Rs. 1,30,000/- as S.L.C. charges against sanction of 450 KVA and enhancement to 700 KVA C.D. . The D.L. did not invest this amount for the enhancement , development hence the Applicant regularly faced problem of low voltage. The Applicant wants separate feeder . Inter alia Applicant raised the grounds that the industrial load is in a non-shedable load and should be excluded from the load shedding. The D.L. is liable for payment of compensation to the Applicant as per Regulation 3.2. of the MERC(SoP of Distirbution Licensees etc) Regulation ,2005(for short SoP) . Applicant also relied upon the order as passed by the Hon'ble Ombudsman in M/S. Mohan Trading Co. Applicant also has given elaborately details of his grievance in this application.

In parawise comments of the non applicants , their main contention is that M/S. Vinayaka Ispat at Dattapur (Dist. Wardha) is H.T. consumer of the D.L. and is being fed through rural feeder. Emanating from MIDC 66KV sub/station , Sewagram since 4.4.1998 . Application had initially load of 63.5 KW with contract demand 50 KVA and the same has been enhanced to 563.5 KW with CD 450 KVA as per requirement of Applicant on payment of necessary charges. Non applicants further contended that SLC are meant to provide augumentation or extension of supply

facility for giving service to the various types of consumers when the Board does not have any more appropriate industrial supply facility. The SLC amount collected from the consumer is for the development of the system and not for individual consumer and therefore amount of Rs. 2,01,000/- recovered from the Applicant can not be adjusted against express feeder. Inter-alia non-applicants contended that the Applicant's unit is situated in the Gram Panchayat area and is being fed through 11KV Rural feeder. All the reasons for interruption in power supply in case of trippings or breakdown are beyond the control of the D.L. The D.L. is not responsible for any type of damages/losses sustained by the consumer due to interruption. Applicant is facing 5 hrs. load shedding per day as in other urban load shedding for which D.L. is not responsible for sustaining any damage/losses by the Applicant. As per the MERC directives to the D.L. all the consumers situated in the MIDC area are inclusively fed through express feeder are to be exempted from load shedding but it is not applicable to the Applicant as is being fed through rural feeder. No such complaints of low voltage received from any other H.T. consumers situated in the same feeder. It is the responsibility of the consumer to maintain his supply voltage at L.T. side by installing adequate capacity of capacitors or by providing suitable tap to his power transformer. In response to applicants demand for express feeder as per its letter dt. 17/4/2005, the case was referred to the M.S.E.T.C.L. on 18/10/2005 with a reminder dt. 8/2/2006 for necessary arrangement . The M.S.E.T.C.L. authority informed the non-applicants that at present there is no space to draw additional feeder from 66/11KV sub/station , Sewagram. However, the D.L. has already sanctioned 33/11KV Sub/station at Dattapur and programme in the year 2006-2007. After commission of same 33/11 KV sub/station at Dattapur, the applicant will be provided express feeder on compliance of required formalities as

per Company's rules. There is no remarkable loss in production sustained due to interruption . Being the single shift consumer , the consumer utilized power to his full satisfaction. Hence the complaint about interruption is not justified.

Shri R.B.Goenka , Representative of Applicant made elaborate oral submissions at the time of hearing before the Forum. He reiterated most of the points as mentioned in application. Shri Goenka emphasized both technical and legal grounds. He stated that the D.L. has recovered the amount as mentioned above and no enhancement or development has been made in the system. The amount of Rs. 2,01,000/- and 1,30,000/- was recovered from applicant for development of the system and no development has been made in result applicant has suffered losses in his production. He specifically pleaded for installation of the express feeder and the amount of S.L.C. to be adjusted . The Forum will deal with his submissions in the following paras.

Shri D.K.Choudhary, E.E. and Shri D.G.Gawnar, E.E. appeared for D.L. . Shri Gaonar made oral submission at the time of hearing on behalf of the D.L. Shri Gaonar contended that S.L.C. are collected as per Commercial Circular No. 647 and 546 dt. 27/6/2000 and 24/3/1995, respectively,. It is a rural feeder and, therefore, tripping and breakdown are beyond the control of local officers. It is not possible to convey tripping or breakdown in advance. The load shedding is as per MERC rules. The voltage is maintained on 11 KV. The demand for separate feeder was in process , however as replied by M.S.E.T.C.L., the D.L is not in a position to supply express feeder. The D.L. is not responsible for loss for scheduled load sheddidng.

On hearing both the parties and perusal of the record, the Forum come to the conclusion and decide as under.

Shri M.G.Deodhar, Member, strongly pleaded and emphasized for consideration of the prayer of applicant on the grounds of express feeder , development for system and payment of compensation to the Applicant. Shri Deodhar also stated that the amount of Rs. 2,01,000/- and Rs. 1,30,000/- should be adjusted in the express feeder. The majority (Shri N.J.Ramteke and Shri M.S.Shrisat) do not agree with Shri Deodhar . It is a dissenting note on the above grounds of Shri Deodhar which is not acceptable to the majority. Applicant has given the details about frequent interruption and low voltage in his various complaint letters from record pages 24 to 73. It is seen from the details of interruption that is is not more than 3 to 5 minutes on many occasions. It is a matter of fact that Applicant is getting electric supply from rural feeder and, therefore, there is no special facility available to applicant. It has clearly been laid down in the circular No.504 dt. 27.5.1992 of D.L. that the Board is recovering fixed SLC from the consumers on non refundable basis or actual cost whichever is higher. For H.T. industrial unit or other unindustrial units, the SLC will be at the rate of Rs. 650/- These charges are shown service connection charges, S.D. charge etc. payable by high tension consumer. The circular No. 647 dt. 27/6/2000 also clearly laid down that the SLC from the prospective consumers at the prevailing SLC charges come into force as prescribed by the departmental circular 486 dt. 3.8.1991. It has also been laid down in circular No. 546 dt. 24/3/1995 in case of S.S.I. units which are normally catered through common network the SLC will be worked out to Rs. 500/KVA. Thus these SLC charges are for additional power supply to H.T. consumer. It is not for any development or express feeder. The majority do

not agree with the applicant that SLC charges as recovered are meant for new installation or service line. It is a matter of fact, the D.L. has enhanced the load from 63 KVA to 400 KVA (500 KW & 500 KVA to 700 KVA) . Thus the D.L. has given enhanced load to applicant as per his application and as per the rates of the D.L.

The non applicants rightly and correctly submitted that it is beyond their control to inform in advance about the tripping of power though it may be frequent. As per the scheduled programme of load shedding, the Applicant is aware of the hours of load shedding but as per unscheduled load shedding, the non-applicants can not be held responsible as it is not in their capacity and control to inform about uninformed load shedding.

The non-applicants have given commitment in specific terms to the Applicant in their parawise comments and oral submissions before the Forum that the matter about express feeder will be considered on installation and commission of 33/11 KV sub/station at Dattapur on the compliance of required formalities by the Applicant as per company's rules. Thus the demand of Applicant at present about express feeder does not stand and therefore not acceptable to majority of the Forum.

Shri Goenka relied upon section 22 of Indian Electricity act 1910 . This section is regarding obligation on licensee to supply energy. This section can not come to the help of the applicant as the D.L.has supplied enhanced load to him as per his application and D.L. maintained the same . Section 18 of Electricity (supply) Act 1948 deals with generating station. The MSEDCL cannot be held responsible for generation factor of electricity and, therefore, this section also can not be applied in

case of applicant. The provision under Indian Electricity Rules, 1956 , as relied upon by Shri Goenka, are also not attracted in the present case as it is not a question of a new connection. There is no demand of the applicant for new connection but the demand was for enhancement of the load and the same has been fulfilled by the D.L. Annexure VI of these rules are pertaining to condition of supply. Here the supply was also given and in operation in the present case.

Shri Goenka relied upon section 57 of the Electricity Act,2003 and Regulations (SoP) framed thereunder. Section 57 deals with SoP of Licensees. In sub/section 2 of this section, it has been laid down, if a licensee fails to meet the standard specified under sub-section (1) , without prejudice to any penalty which may be imposed or prosecution to be initiated, he shall be liable to pay such compensation to the person affected as may be determined by the appropriate commission. In this regard, regulation 3.2. of the SoP deals with any failure by the D.L. to maintain the SoP specified in this Regulation shall render the D.L. liable to payment of compensation to person claiming such compensation under the provision of the Act. In the light of section 57 and regulation 3.2, the question arises whether there is any failure of SoP ?

The complaints of Applicant were about frequent interruption / tripping and low voltage. The non applicants have given sufficient and satisfactory justification that there is no loss to the applicant due to tripping. The applicant has given details of direct and indirect losses as per Exb. 12 (record pages 74-75) He has shown direct loss of Rs.25,51,102/- and indirect loss of Rs. 4,40,225/- totaling to Rs. 29,91,352/- . It is not justified that the D.L. is responsible for these losses. The Forum do not find any opportunity about the failure of SoP . The matter of tripping and low

voltage is not within the control of the non-applicants . Thus Regulation 3.2 is not attracted.

Shri Goenka also quoted section 43(3) of the Act. This section deals with duty to supply . Sub-section 3 of this section states that if the D.L. fails to supply electricity within a period specified in sub-section 1 , he shall be liable to penalty which may extend to Rs. 1000/- for each day. In the present case, question of electricity supply does not arise. The D.L. had also given the supply and the enhanced load as applied by the applicant and, therefore, this section is also not attracted. The question of penalty of Rs. 1000/- per day can-not be applied. Shri Goenka also invited the attention of the Forum to the definition of “service line” (section 2 (61) of the Act. Here the service line is the different matter whereas the D.L. recovered the SLC charges from the applicant as per the circulars of D.L. as quoted above as new or additional power supply to H.T. consumer . Thus the SLC charges should not be mixed up with the definition of service line as laid down under section 2 (61) of the Act.

The Forum strongly feels that the D.L. should keep the consumer well aware of the load shedding and the timings thereof. If there is any system failure, the M.S.E.D.C.L. is helpless and can-not be held responsible for the uninformed load shedding.

It is seen from the details of interruption in supply (record page 29) , it is not more than 2 to 3 minutes and sometimes it is 12 minutes. Thus unless applicant

gets the supply from express feeder on installation of the sub/station, this point may remain. Interruption is beyond the control of the non-applicant.

The Hon'ble Ombudsman observed in M/s. Mohan Trading Co. Vs. MSEDCL case that appellant has not sought any special exemption from the policy of load shedding as is apparently insisted upon by the Forum. The appellant request is to get electric supply from MIDC feeder is in accordance with section 43(2) of Electricity Supply Act, 2003. The respondent shall provide electric line for giving electric supply in accordance with the supply Code. Thus this order of the Hon'ble Ombudsmen can not be applied in the present case as applicant is not demanding any supply from the MIDC area. His demand was for enhancement of load and the same has been fulfilled by the D.L. Thus applicant can not rely on this order of the Hon'ble Ombudman. Regulation 5.1 of the SoP, deals with quality of supply and system of supply about the medium voltage, high voltage, extra high voltage etc. In the present case, the high voltage is also given to the applicant as per his demand and payment of SLC charges. The non-applicants have rightly pointed out that there are no any other complaints who are getting supply from this rural feeder.

Shri Deodhar, Member, stated that this is direct loss due to tripping, low voltage and uninformed load shedding to applicant. The majority do not agree with this view of Shri Deodhar, Member. His request for direct and indirect losses have also been replied by majority in above paragraphs.

In view of above position and circumstances, the majority pass the order as follows :

ORDER

- 1) The application is rejected.
- 2) All the demands of Applicant as per nature of relief sought from the Forum, are rejected.
- 3) The demand for the direct and indirect losses is also rejected.
- 4) Parties to bear their own cost.

CHAIRMAN

MEMBER

MEMBER/SECY.

CONSUMER GRIEVANCE REDRESSAL FORUM
M.S.E.D.C.L.(NAGPUR ZONE – RURAL)NAGPUR

CGRF/NZ/R/ of 2006/

Date:

Certified that this is the true and correct copy of the above order.

Member/Secy/ Exe.Engineer,
C.G.R.F.(NZ-R)MSEDCL
N A G P U R

Copy to:

1. M/S. Viyanaka Ispat, Dattapur, Nagpur Road, Wardha.
2. The Chief Engineer, NZ, MSEDCL, Nagpur.
3. The Exe.Engineer/NO, I.G.R.U.,Circle Office, Wardha.