

**Maharashtra State Electricity Distribution Co. Ltd.'s  
Consumer Grievance Redressal Forum  
Nagpur Urban Zone, Nagpur**

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**Case No. CGRF(NUZ)/04/2009**

Applicant : M/s.Nirbhay Co-op. Industrial Estate  
Ltd.,  
At -28, Bagadganj,  
NAGPUR.

Non-applicant : MSEDCL represented by  
the Nodal Officer-  
Executive Engineer,  
Gandhibag Division, NUZ,  
Nagpur.

Quorum Present : 1) Shri S.F.Lanjewar  
Executive Engineer &  
Member Secretary,  
Consumer Grievance Redressal  
Forum, Nagpur Urban Zone,  
Nagpur.

2) Smt. Gouri Chandrayan,  
Member,  
Consumer Grievance Redressal  
Forum,  
Nagpur Urban Zone,  
Nagpur.

**ORDER (Passed on 27.02.2009)**

The present grievance application has been filed on 20.01.2009 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 here-in-after referred-to-as the said Regulations.

The grievance of the applicant is in respect of the applicant has sought the relief on the following points.

- 1) Interim order to reshift the supply to Wardhman No. 3 feeder till finalization of grievance as provided interim order under Regulation 8.3 of the MERC (Supply Code and Other Condition of Supply) Regulations, 2005.
- 2) Relief from load shedding & compensation.

The applicant submitted his grievance to Superintending Engineer NUC & Executive Engineer Gandhibag Division, MSEDCL Nagpur on 17.11.2008, 03.12.2008 and 26.12.2008 regarding shifting of our Industries on Industrial feeder as usual feeder from 132 KV Pardi S/stn.

In first letter they have pointed out that they are the regular industrial consumer from last two years and they were getting the quality and uninterrupted power supply. The supply of their industries is shifted from existing feeder to another feeder without any intimation or notice to them. The said feeder is having much more residential load, moreover, the industries are at fog end. There are interruptions and voltage problems on this feeder. Due to these causes their industries were shifted to industrial feeder.

After passing same period Dy.E.E. Wardhman Nagar has shifted their industries from existing industrial feeder to old feeder as usual without any reason.

There are two H.T. consumers M/s. Prabhu Steel and M/s. Swetal Industrial on this industrial feeder and on the same feeder there are two Transformers were connected having less load.

In the 3<sup>rd</sup> letter on dated 26.12.2008 they have pointed that their request for providing separate industrial feeder to their industrial estate 23 Nos. industrial consumers. This is done at their own cost. The industrial feeder was provided with a condition that all the industries shall make payment of ASC charges as applicable to industrial consumer and there shall be load shedding on this feeder as per load shedding to industries only. They have provided their consent for ASC charges on dated 30.04.2007.

But 12.11.2008 there was load shedding as per Urban load shedding schedule has been imposed to the industrial feeder without any intimation.

As per the applicant view & say that the supply was sanctioned and extended is not an express feeder (dedicated facility) as per definition provided in the Supply Code Regulation. There are 3 different industries hence this feeder cannot be designated as an express feeder. Hence as per their say this cannot be a express feeder.

On the contrary the letters are issued by MSEDCL vide L.No. EE/BDN/NUC/Tech/LS/1639 dated 30.04.2007 addressed to Secretary M/s. Nirbhay Industrial Co-op. Society Kapsi, Pardi, Nagpur that the 23 Nos. of industries is being shifted to Industrial feeder led from Pardi S/stn. The MSEDCL Executive Engineer added in his letter that the secretary have agreed in writing to observe the staggering (Wednesday) holiday's as per MERC.

The MSEDCL plea vide letter No. EE/4/09/ Dated 04.02.2009 complaint is being filed under the name & style of M/s. Nirbhay Co-op. Industrial Estate Ltd. It is not a authorized consumer of MSEDCL, it is also stressed that as per MERC Regulation only the

registered consumer is contemplated under Regulation 6.4. Whereas M/s. Nirbhay Co-op. Industrial Estate Ltd which appears to be absolutely independent company registered under the companies Act. So no cognizance should take.

The MSEDCL authority has also added, that originally the registered consumers situated in the industrial estate were on 11KV MNS feeder of Pardi S/stn. During the course of time, the consumers were facing the problem and inconvenience of frequent break down and therefore they were insisting to accommodate for alternative in order to get uninterrupted power supply is without any frequent break down and that with the intention to do so but without getting themselves categorized as express feeder consumers. They approached to the non-applicant with a request to complete the required infrastructure either at the cost of MSEDCL or at their cost by 15% supervision charges as per MERC guidelines. But the applicant intending that even after the completion of the said infrastructure, they would be shifted to express feeder Bhandara Road No. 3 but without getting the status of express feeder consumers and also with full understanding that they would be treated as Industrial feeder consumers along with all the restrictions of the said category like observation of staggering day on their own.

According to the MSEDCL has sanctioned on dated 13.04.2007 and the said consumers were shifted on express feeder consumers on 01.05.2007. There was clear cut understanding given to these consumers that the said sanction was accorded with the specific condition that those consumers will not be treated as express feeder consumers, and further more that they will have to observe all terms

and conditions with all stipulations and restrictions of industrial feeder consumers like observation of staggering day.

The MSEDCL also stressed that it will not be out of place to submit that they, for their own convenience and considering the request they were shifted to express feeder consumer, but they were never informed about the tariff applicable to the express feeder consumers, so also those consumers were also not charged for additional supply charges. In these circumstances it is crystal clear that merely considering their requests and convenience, some facilities were given to them, but in no case they were not having any legal right about the continuation of their supply from the express feeder and consequently the grievance to that effect is uncalled for.

In the month of July 2008 there were heavy interruptions and breakdown to their feeder. Due to which there was a heavy loss to the H.T. consumer hence the supply of their industries were shifted to NMS feeder which is also feeding from 132 KV Pardi S/stn.

The MSEDCL also crossed the point of applicant that merely on their request (IP,LT consumers) was accorded and considered for putting them on express feeder does not make them entitled to continue the said facility as a matter of right, it clearly depends upon the feasibility and viability of the infrastructure and supply available.

It is also replied by MSEDCL that the consumers approached to officials of Gandhibag Division and they were already given the understanding about the difficulties they gave their consent in writing for separate industrial feeder from Pardi sub-station. Accordingly the estimate is prepared by Competent Authority vide

Letter No. SE/NUC/T/ORC/1.3% /08-09/030 dated 03.02.2009 and there is every likelihood that the inconvenience faced by those 23 consumers stand duly attested and satisfied.

The applicant has relied upon MERC Supply Code 3.3 / 3.3.5 with due respect and regard to the complainant observation, as per provision of law, and code 8.3 are absolutely irrelevant to the facts and circumstances and the alleged contravention raised in the complaint.

The case was fixed for hearing on dated 10.02.2009 and 13.02.2009. Both the parties were present.

The applicant's case was presented before this Forum by his nominated representative one Shri. D.D. Dave while the S.E. NUC Shri M.S. Kele & Executive Engineer Gandhibag Division Shri Dhongle, MSEDCL Nagpur re-presented the non-applicant Company side.

The argument made by the applicant's representative and he was stressing for connecting the 23 Nos. IP consumers to the original connected feeder (Express feeder) and avoid the breakdown interruptions as the supply is on NMS feeder.

He also demand interim relief till to result.

The MSEDCL authority put their views and narrated brief how they cannot give the facility as per rule, they also stuck-up to there view which is submitted in written statement to this Forum on dated 04.02.2009. They also pointed out that they have prepared the estimate as per their request M/s. Prabhu Steel Industries Ltd., against letter No. PSIL/08-09/45 dated 12.11.2008 & M/s. Hariyana Metals Ltd., against letter no. HML/08-09/42 dated 13.11.2008, they have also given consent letter for a separate industrial feeder from Pardi Sub-station.

Similarly, Dy. E.E.'s Wardhman Nagar also intimated to (M/s. Nirbhay Co-operative Society) the applicant vide letter No. Dy.EE/W'nagar/Tech/1510 Dated 01.10.2008 by giving the intimation for charge of supply from 11KV Bhandara 3 feeder to 11 KV NMS feeder.

The estimate was sanctioned as per sanction No.SE/NUC/T/ORC/1.3%/08-09/030 dated 03.02.2009 and the cost has to bear to these 23 Nos. consumers only.

The other points raised in this matter need no consideration by this Forum at this stage.

With the observations the written statement, and argument, did by both the parties. Also considering the difficulties of the non-applicant in re-arranging the power supply on express feeder as per the MERC rule is not possible.

As per demand of the 23 Nos. consumers, they have to pay the charges as per sanctioned amount if the facility of Industrial feeder is to be availed to them.

With this above observations, the applicant grievance application stands disposed off accordingly.

Sd/-  
(S.F. Lanjewar)  
Member-Secretary

Sd/-  
(Smt. Gauri Chandrayan)  
MEMBER  
CONSUMER GRIEVANCE REDRESSAL FORUM  
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO LTD's  
NAGPUR URBAN ZONE, NAGPUR.