

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

Case No. CGRF(NUZ)/003/2010

Applicant : M/s. Classic Citi Investment Pvt. Ltd.,
Opp. Mihan Fly over, Wardha Road,
Nagpur.

Non-applicant : MSEDCL through
the Nodal Officer-
Executive Engineer,
Division No. II, NUZ,
Nagpur.

Quorum Present : 1) Smt. Meera Khadakkar
Chairman,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.

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

3) Shri D.G. Gawnar
Executive Engineer &
Member Secretary,
Consumer Grievance Redressal
Forum, Nagpur Urban Zone,
Nagpur.

ORDER (Passed on 31.03.2010)

This grievance application is filed on 18.03.2008 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 consumer has approached this Forum for refund of expenses incurred by the applicant on account of incorrect demand notes.

It is the consumer's contention that, the applicant had applied for HT power connection was granted vide order dated 06.05.2009. The applicant was directed to purchase the metering cubicle. He had purchased metering cubicle from approved vendor of the non-applicant Company. In fact the non-applicant is duty bound to supply to metering cubicle to the consumer free of cost. However, the non-applicant had asked to purchase it from the market, the applicant has prayed for refund of cost of metering cubicle, transportation charges, testing fees paid by him and Transformer testing fees already paid by the applicant. Thus total claim of the applicant is Rs.2,26,118/- The applicant has submitted the document in support of his claim.

The non-applicant, on his part, submitted his parawise report dated 23.02.2010. The non-applicant has stated that he is ready to refund the cost of Rs.5000/- paid by the applicant towards testing fees. The non-applicant is also ready to reimbursement an amount of Rs.1,08,731/- towards the cost of metering cubicle.

The non-applicant has denied the applicant claim towards transformer testing fees of Rs. 3000/-. According to the non-applicant

testing of Transformer is mandatory before the estimate and load to the consumer. The non-applicant has further stated that the charges for testing equipment belonging to the consumer are non regulatory items generating other income for the licensee. These charges are not included in the schedule of charges. The non-applicant has therefore stated that the applicant's claim for transformer testing fees and transportation charges be rejected.

Heard both the parties, the non-applicant has clearly accepted to refund an amount of Rs.5000/- towards testing fees and Rs.1,08,731/- towards the cost of metering cubicle. The learned representative for the consumer has submitted that he has incurred the expenses of Rs.2,13,098/- for erecting metering cubicle. He has filed a document on record which clearly shows that the applicant has incurred said expenses for metering cubicle.

In principle, the non-applicant has accepted his liability to pay the amount for the metering cubicle. Both the parties have relied upon the order of Hon. Ombudsman in case no. 46/2008 M/s. Unijules Life Sciences Ltd. V/s. Executive Engineer decided on 27.10.2008 and the order of MERC in case no. 70/2005.

It is a matter of fact that the non-applicant has agreed to refund the amount towards the cost of metering cubicle on the basis of order in the M/s. Unijules Life Science Ltd case. The applicant has prayed for the cost of metering cubicle which is spent by the applicant. However, while deciding the cost of metering cubicle it

will be necessary to referred the order of MERC in case 70/2005. The cost of metering cubicle will have to be ascertained on the basis on annexure-III of the said order which is mentioned cost of metering cubicle and metering box. It is important to note hear that the Commission has approved the cost of metering cubicle of 22 KV as Rs.1,08,731/-. There is no mentioned about the cost of cubicle for metering cubicle of 33KV in present case. The applicant is give electricity connection of 33KV.

It is submitted by the applicant that as the cost for 33KV metering cubicle is not mentioned in the schedule of charges the cost of metering cubicle and metering box. He is entitled to claim the amount spent by him. However on this point the observation of the Hon. Ombudsman will be the regarding factor to decide the present issue. It is observed by the Hon. Ombudsman in the said case the Commission has approved the cost of cubicle in case where the consumer elects to by it from MSEDCL. Therefore the licensees liability towards reimbursement to the applicant is limited to this cost alone and not more, irrespective of the fact that the expenses incurred by the consumer exceed this amount. It is thus clear that the applicant is entitled to recover the cost of metering cubicle as approved by the Commission.

In the present case consumer is given power supply of 33 KV. However the schedule of charges does not mentioned the cost of cubicle for 33KV. Therefore the maximum cost mentioned in the

Annexure III of the order as mentioned in para 90 of the order of Hon. Ombudsman can be consider and the approved cost for the metering cubicle of the applicant.

In our view the applicant is entitled for refund of metering cost of Rs.1,08,731/-.

The applicant has prayed for refund of transportation charges and transformer testing fees. The non-applicant has denied the applicant entitlement to claim refund of these amount. It is submitted by the non-applicant that the Commission in its order in case no. 70/2005 has specifically mentioned that charges of testing of equipments belonging to the consumer are non regulatory items generating other income for the licensee. These charges are not included in the schedule of charges. So far as the testing of the metering cubicle as well as of the transformer is concerned. There is a detailed discussion in para 37 of the Hon. Ombudsman's order in representation no 46/2008 which is clearly says.

The non-applicant has also not show any supporting specific authorizing meter of charges testing fees of the transformer. In our opinion, the non-applicant has mis-interpreted the Commission's order. The order as referred by the non-applicant pertains to the order is as under.

“Charges proposed for providing various types of equipments to the consumer are on hire basis and charges for testing of equipments belonging to consumer cannot be considered under

Schedule of Charges, as these are non-regulatory items generating other income for the licensee.”

As there is no mandatory provision for testing of the Transformer by the non-applicant. The non-applicant cannot charge for testing. The applicant is therefore entitled for refund of the said amount.

The applicant has prayed for re-payment of transportation charges of Rs.5020/-. The applicant has filed a documentary evidence in this regard that is the receipt issued by the M/s. Sunil Transport, Nasik on dated 07.08.2009.

It is this clear the applicant has incurred the cost of Rs.5020/- towards transportation charges.

In our opinion the Hon. Ombudsman has decided the issue of liability of Transportation charges in para 30 of the order in representation no. 46/2008. It is observed that the consumer is required to spent the cost of transportation charges on account of advised from the non-applicant in the said case. The Consumer had not obtained to the metering cubicle. The metering cubicle where purchased on the direction of the non-applicant in present case also the consumer has procured the metering cubicle from the market as per the direction of the non-applicant. The same is contrary to the provision schedule of charges and the Regulations.

In view of the observation referred above, we are of the opinion that the applicant is entitled to claim re-payment of the transportation charges.

It is clear from the non-applicant's submission that the complainant was directed to incur the cost of the metering cubicle.

In view of the above discussion the complainant is entitled to claim refund of the cost metering cubicle of Rs.1,08,731/-, transportation charges, testing fees paid by him and transformer testing fees paid by the complainant.

The grievance application is partly allow.

The non-applicant is directed to refund the amount of Rs.1,08,731/- in addition to Rs.13,020/- which is the cost of transportation charges, testing fees and transformer testing fees.

The non-applicant shall carry out this order and report compliance of this order to this Forum on or before 30.04.2010.

Sd/-	Sd/-	Sd/-
(D.G. Gawnar)	(Smt. Gauri Chandrayan)	(Smt. Khadakkar)
Member-Secretary	MEMBER	CHAIRMAN
CONSUMER GRIEVANCE REDRESSAL FORUM		
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO		
LTD's		
NAGPUR URBAN ZONE, NAGPUR.		