

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

Case No. CGRF(NUZ)/025/2008

- Applicant : Smt. Devikabai G. Bajaj
At Lawa Hot Mix Plant,
Amravati Road, Wadi
NAGPUR through
Shri Suresh G. Bajaj.
- Non-applicant : MSEDCL represented by
Executive Engineer,
Division-II, NUZ,
NAGPUR.
- Quorum Present : 1) Shri D.K. Chaudhari
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 28.05.2009)

This grievance application is filed on 20.04.2009 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 refund of power factor penalty paid by the applicant.

Before approaching this Forum, the applicant had filed his complaint on the same subject-matter on 23.01.2009 before the Internal Grievance Redressal Cell (in short, the Cell). The applicant has not received any order from Internal Grievance Redressal Cell hence, the present grievance application.

The matter was heard on 22.05.2009.

The applicant's case was presented by his nominated representative one Shri Suresh G. Bajaj while the Executive Engineer Division – II presented the non-applicant Company.

The applicant contended that the energy bill are issued by the non-applicant including power factor penalty in every month. The complaint regarding penalty of power factor has been informed to Executive Engineer, Superintending Engineer however, satisfactory reply is not received from non-applicant. The applicant has paid energy bill in every month under protest to the non-applicant and at every time the applicant was requested to refund the power factor penalty which is not correct, but non-applicant are continuously sending energy bill including power factor penalty in every month. For this matter the Flying Squad is inspected to the applicant's premises on 25.01.2003 and found that 25 KVAR capacitor are installed in the above connection. The Flying Squad is reported that the installed capacitor are Ok. After inspection done by the Flying Squad the applicant's problem regarding refund of capacitor penalty charges (power factor penal charges) is not solved. Again the Flying Squad inspected the spot on 07.10.2007 and same remark is given. After that

testing unit visited to the applicant's premises on 29.11.2008 and informed that the installed capacitor are correct. Even though the problem is not solved and the non-applicant are sending energy bill including capacitor penalty charges in every month. For this purpose non-applicant has replaced transformer on dated 24.12.2008. The non-applicant informed to the applicant that the applicant is not taking capacitor in circuit proportionally with the running load. The applicant is urged that it is not fault of the applicant.

The applicant's representative lastly prayed that the to refund the power factor penalty charges paid by the applicant.

The non-applicant, on his part, has submitted his parawise report dated 11.05.2009 which is on record. It has been stated in this report and also in the oral submissions before us by the Executive Engineer.

The non-applicant contended that power factor penalty included in energy bill from the month of August, 2008 as per Company's rules & regulation, because of LT MD TOD meter has been provided to the applicant and power factor has been calculated through oracle billing by the I.T. It shows that the power factor of the applicant is less than 0.9. The readings of the applicant's premises are taking in every month and power factor calculated during the year 2007 to 2008. It is in between 0.47 to 0.73. As per applicant's request the consumer meter's and CT PT has been inspected and found that meter & CT PT are properly in working condition. The same matter has been brought to the notice of the applicant at the same time. The applicant's meter has been replaced on 23.10.2007 as per

report of the Flying Squad. But the applicant has not improved his power factor till today. While taking meter reading in every month the non-applicant has been informed to the applicant to improve the power factor penalty will be charges by the non-applicant while issuing the energy bill to the applicant. The non-applicant is found that the capacitor installed to the applicant's premises is not working properly and the applicant are not proportionally using capacitor with running load. The maintenance of equipments, and the capacitor etc. is the responsibility of the applicant.

As per MSEDCL Rules & Regulation power factor penalty is included in energy bill, whenever the average power factor is less than 0.9, penal charges shall be levied at the rate of 2% of the amount of the monthly bill including energy charges, FAC and Fixed / Demand Charges, but excluding Taxes and Duties for the first 1% fall in the power factor below 0.9, beyond which the penal charges shall be levied at the rate of 1% for each percentage point fall in the power factor below 0.89.

We have carefully gone through all the documents produced on record and all submissions, written and oral made before us by both the parties.

The Forum has come to conclusion that the energy bill including penalty charges, whenever power factor found below 0.9, has issued to the applicant is correct as per MSEDCL rules & regulation.

The applicant's grievance application is rejected.

Sd/-
(D.K. Chaudhari)
Member-Secretary

Sd/-
(Smt. Gauri Chandrayan)
MEMBER

CONSUMER GRIEVANCE REDRESSAL FORUM
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO LTD's
NAGPUR URBAN ZONE, NAGPUR.

Member-Secretary
Consumer Grievance Redressal Forum,
Maharashtra State Electricity Distribution Co.Ltd.,
Nagpur Urban Zone, NAGPUR.