

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

Case No. CGRF(NUZ)/005 to 015 /2010

Applicants : 1) M/s. Sree Venkateshwar Basalt
2) M/s. Gupta Minerals
3) M/s.M/s. Piyush Stone Industries
4) M/s. Navin Stone Industries
5) M/s.M/s. Neha Stone Industries
6) M/s. Jagnath Stone Quarry
7) M/s. S.S. Raste
8) M/s. Ravi B. Pillare
9) M/s. Devendra S. Sirbhate
10)M/s.Vikrant Stone Industries
11) M/s. Purushottam B. Patel
At Pachgaon, Dist. NAGPUR.

Non-applicant : MSEDCL represented by
the Nodal Officer-
Executive Engineer,
O & M Division No. I, 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 03.05.2010)

The present grievance applications has been filed on dated 02.02.2010 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 present grievance applications have been filed by 11 consumers of the non-applicant Company all the consumers are LT-IP consumers at Pachgaon Tahsil Umrer, Dist. Nagpur.

The applicants have filed separate grievance applications having common grievance and common issue to be decided by this Forum. The non-applicant has filed common reply in all the 11 applications. Since the issue for decision of this Forum is common in all the grievance applications. All the application are being decided by this common order.

It is contention of the applicants in all the applications that they are connected on existing 11KV Pachgaon – I feeder from 33 KV Panchgaon S/stn, having single phasing load shedding status. All the consumers are running stone crushers. The electricity connections of these consumers were released prior to the erection of industrial feeder namely 11KV Panchgaon-II.

The consumer further submitted that they are industrial consumers with different sanctioned load. The non-applicant is following load shedding protocol for agriculture and domestic connection in rural area for these consumers. The consumers are industrial consumers and one being billed as per industrial tariff. However, the non-applicant is not following load shedding protocol for

industries. The industries should be connected to the industrial feeder existing in the area.

The consumers have further submitted that they have suffered heavy loss. They cannot run the industries during night hours. The industries cannot run after 6 pm as per Government orders. The consumers have prayed that the non-applicant be directed to carry out load shedding protocol for industrial i.e. 24 hrs. power supply for 6 days that in a week with one day staggering holiday. They have also prayed for grant of Rs.10,000/- for compensation of per consumer per day for the production loss of industry due to wrong implementation of load shedding protocol.

The non-applicant has filed common reply to all the applications. The non-applicant has submitted that all the consumers are given electricity connection prior to erection of industrial feeder which was charged in the month of May 2007. The industrial feeder is meant only for HT consumers, the present applications who are LT-IP consumers are demanding to shift there connection from 11 KV Pachgaon feeder. Presently there are 7 HT consumers on said industrial feeder. There is heavy industrial growth in the area. It is not possible to connect these 11 consumers to industrial feeder. The non-applicant has submitted that if the consumers want to avail the facility of industrial feeder and if they are ready to bear cost of infrastructure, separate feeder can be laid for them.

Heard both the parties after the reply filed by the non-applicant, the applicant's have filed their rejoinder on 29.03.2010. The

consumers have clearly stated that they are not ready to bear the expenditure for erecting new rural feeder. The consumer have further stated that till the feeder is separated they should be given un-interrupted power supply for 12 hrs. day to day 6 am to 6 pm. The single phase supply should made available during night hours, the compensation of Rs.10,000/- per consumer per day for the production loss of industry may be granted.

The non-applicant has submitted their reply on 20.03.2010. The non-applicant has submitted that, 11 KV Pachgaon is mix feeder having 1400 nos. of R&C consumers 514 agriculture ww consumers and 50 nos. industrial consumers. Therefore the MERC load shedding norms for single phase protocol is followed in the same feeder. Thereafter the consumers representative has filed another application on 23.03.2010 requesting for 3 phase supply during weeks day.

Lastly the non-applicant has submitted their say on 13.04.2010 that the consumer's request letter dated 23.03.2010 was forwarded to the Superintending Engineer Nagpur Rural Circle MSEDCL Nagpur. The request of the consumer representative cannot be considered as per MERC directives.

The correspondence between the parties was kept pending to give amicable solution till 13.04.2010, hence the grievance application could not be decided within statutory period of 2 months from the filing date of the applications.

The arguments of both the parties were heard at length. All the consumers prayed for application of industrial load shedding protocol for 24 hrs. with staggering holiday. The non-applicant has

pointed that the Pachgaon-I feeder is mixed feeder and there are different kinds of consumers connected with the said feeder. In view of this position the load shedding protocol for single phase consumers is in force on the said feeder. All the consumers are having LT-IP connection. The non-applicant has submitted that the load shedding protocol cannot be change in this situation.

It is a matter of common knowledge and practice that the load shedding is implemented as per the senerio approved by MERC and as per directives of the Head Office.

We are satisfied, it is not within the powers of the non-applicant to change the load shedding protocol or time table. The consumers request for change of load shedding as applicable to industrial load shedding cannot be considered.

During the course of hearing the consumers have prayed for giving connection from the industrial feeder existing in the area. It is an admitted position that the consumers are connected with 11KV Pachgaon-I feeder prior to the erection of industrial feeder at Pachgaon. All the consumers want to shift their connection from 11 KV Pachgaon feeder to industrial feeder. The non-applicant has opposed this request on the ground that industrial feeder is erected for HT consumers. All the applicant consumers are LT consumers and therefore power supply from industrial feeder cannot be given.

It is argued by the learned consumer representative that all the consumers are suffering heavy loss, their industries cannot run during night hrs. and therefore they should be connected to industrial feeder. It is true that the applicants cannot run their industry during the

night hours. However the said fact cannot be considered on the back ground of technical reasons discussed earlier.

In this connection the order of Hon. Ombudsman passed in case of M/s. Mohan Trading Co. Deoli, Wardha will be the guidelines. In the said case, the applicant's unit having LT electricity and had applied for supply from MIDC feeder. The said consumer's request was granted. He was prepared to pay for the cost of extension feeder. It is observed by the Hon. Ombudsman that the consumer is entitled to get electric supply from MIDC feeder as he is prepared to pay the cost of such extension feeder. Section 43 of the Electricity Act, 2003 is also clear on this point. The Forum is satisfied that the non-applicant / licensee is duty bound to provide the power supply as per his request, when he is ready to pay the price as determined & approved by the Commission.

In the present case, consumers are not ready to pay the cost of extension feeder on the other hand, the non-applicant had given the proposal for erecting new feeder, in case the consumer are ready to bear the expenses for the said erection. However all the applicant's have categorically refused to pay the said amount.

This forum is of the opinion that the applicants are not entitled to get the power supply from industrial feeder. The consumers can ask for connection on payment of the cost of erection or extension of the feeder.

After hearing the arguments of both the parties and documents on record the consumers request cannot be considered, hence the grievance applications are rejected.

