

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

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**Case No. CGRF(NUZ)/021/2009**

Applicant : M/s. Shakti Industries  
B – 44 , MIDC,  
Kalmeshwar  
Dist. Nagpur.

Non-applicant : MSEDCL represented by  
the Nodal Officer-  
Executive Engineer,  
Division No. 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 29.05.2009))**

The present grievance application has been filed on dated 24.03.2009 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 to refund --

1)	Cost of metering cubicle	Rs. 67,958/-
2)	Testing Fees of	Rs. 5,000/-
3)	Cost of HT TOD Meter	Rs. 5,227/-
4)	15% supervision charges	<u>Rs. 1,200/-</u>
	Total . . . . .	<u>Rs.79,385/-</u>

and he sought the relief, to pay the amount in the compound interest at standard rates from the day of its payment.

The matter is heard on 22.05.2009.

The applicant contended that, the applicant has paid the demand charges as said above.

Applicant wants to refund the amount which he paid till date.

The applicant had submitted the documents alongwith the order of Shri W.G. Gorde Electricity Ombudsman in the case M/s. Unijules Life Science V/s MSEDCL representation No. 46 of 2008 in the matter of charges for giving supply or.

In this case, the applicant has not provided any justification for interest of 18% but he prayed for refund of the amounts along-with the interest in the representation before the Electricity Ombudsman. They have not allowed the interest at 18% but the normal interest rate of the Bank.

It is seen that the respondent has wrongly asked the appellant to procure the metering cubicle with C.T. & P.T. unit for

which the appellant had to incur expenditure. This amount is not collected by the respondent in the nature of security deposit. Similarly it is not collected as excess billed amount due to incorrect application of tariff etc.

But the facts remains that the appellant had to incur under the expenses. Keeping this in mind, it would be just and fair to award interest at the bank rate on the refund amount of Rs.67,958/- (similar to S.D. or excess recovered amount) from the date of procurement of the cubicle till the date of actual refund. The respondent may make refund by cheque or by adjustment in the issued bills.

The similar is the case of M/s. Shakti Industries and the issue is similar. Hence the applicant has demanded to refund of money as said above guidelines.

Regarding the Testing charges, the testing engineers of MSEDCL tested the cubicle at manufactures work, M/s. Koyana Engineers at Nasik and then it was transported to consumer's premises. It was ex-factory testing and the first testing at consumer is premises prior to release of connection. Testing of cubicle at consumer's premises has to be carried out free of cost as per the Commission's order. According to the Forum erred in holding that first testing and as such the cost of testing can not be recovered. The respondent therefore prays to direct the consumer to deposit Rs.5000/- towards testing charges.

On the similar ground the applicant demanded to refund the testing charges of Rs.5000/- and Cost of HT TOD meter paid Rs. 5,227/-

Regarding refund of 15% supervision charges paid of Rs.1200/-.

As per Ombudsman order para Sr. No. (8&9) is clearly mentioned.

The Non-applicant contended that, non-applicant has submitted the written statement vide L.N. SE/NRC/NGP/Tech/C.GRF/No. 2548 Dated 30.04.2009. In the statement there is clearly mentioned that, the reply in respect of the application for redressal of grievance of M/s. Shakti Industries, B-44, MIDC, Kalmeshwar Dist. Nagpur. Vide case No.73 dated 26.03.2009 is submitted as below.

The definition of "Meter" has already been challenged before the Hon'ble high court in the matter of following Writ petitions.

- 1) Writ Petition No. 6316/05 MSEDCL/M/s. AMA Enterprises
- 2) Writ Petition No. 855/09 MSEDCL M/s. Vaibhav Plasto moulds (copy is enclosed)

In the matter of W.P. No. 855/09/MSEDCL / M/s. Vaibhav Plasto Moulds, the issue of interpretation of the definition of the "Meter" is involved, which is also the same issue before this forum in the present case. It is submitted that the Hon'ble High Court has decided to dispose off the matter finally at the stage of admission itself.

As the similar matter is subjudiced before the Hon'ble High Court, it is requested to keep the present case pending until the decision of the High Court.

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 say of the non-applicant is not considered because of the cases referred by the non-applicant before Hon'ble High Court are not yet finalized. However, the order passed by Hon'ble Electricity Ombudsman in the case No. 46 of 2008 is applicable to this case to refund demand charges paid by the applicant.

Hence, the Forum has directed to the non-applicant to refund the following charges paid by the applicant with interest at Bank rate as laid down in Section 62(6) of the Electricity Act,2003.

1) Cost of metering cubicle	Rs. 67,958/-
2) Testing Fees of	Rs. 5,000/-
3) Cost of HT TOD Meter	Rs. 5,227/-
4) 15% supervision charges	<u>Rs. 1,200/-</u>
Total . . . . .	<u>Rs.79,385/-</u>

The applicant's grievance application is allowed.

The non-applicant shall carryout this order and report compliance on or before 31.07.2009.

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