

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

Case No. CGRF(NUZ)/020/2008

- Applicant : M/s. UNIJULES Life Science Ltd.,
B-35, MIDC Area,
Kalmeshwar
Dist. Nagpur.
- Non-applicant : MSEDCL through
the Nodal Officer-
Executive Engineer,
Division No. II, NUZ,
Nagpur represented by the Assistant
Engineer Shri Tekade.
- Quorum Present : 1) Shri S.D. Jahagirdar,
Chairman,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.
- 2) Smt. Gouri Chandrayan,
Member,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.
- 3) Shri S.J. Bhargawa
Executive Engineer &
Member Secretary,
Consumer Grievance Redressal
Forum, Nagpur Urban Zone,
Nagpur.

ORDER (Passed on 12.05.2008)

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 grievance of the applicant is in respect of incorrect demand notes issued by the non-applicant in the context of sanction of a new HT power connection at 11 KV with contract demand of 300 KVA and connected load of 680 KW resulting into recovery of excess amount. The applicant has prayed that following amounts may be refunded to him alongwith interest @ 18% per annum.

- 1) Cost of metering cubicle purchased and paid by the applicant :- Rs.91,125/-
- 2) Transportation charges of the metering cubicle from Nashik to the applicant's premises :- Rs.8,030/-.
- 3) Testing Fees charged as per order no. 8924 and paid: Rs.5,000/-
- 4) Cost of HT TOD meter paid by the applicant as per order no. 372 :- Rs. 5,227/-
- 5) 15% supervision charges paid as per order no. 372 : Rs.850/-

Total of Rs. 1,10,232/-

Before approaching this Forum, the applicant filed his complaint on the same subject matter before the Executive Engineer, Division No. II, NRC MSEDCL, Nagpur requesting him to arrange to refund the aforesaid amounts. This application was duly received by him on 10.12.2007. However, no remedy was provided to the applicant's grievance and hence, the present grievance application.

The intimation given by the applicant as aforesaid is deemed to be the intimation given to the Internal Grievance
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Redressal Cell (in short, the Cell) in terms of said Regulations and as such, the applicant was not required to approach the Cell before coming to this Forum.

Some of the un-disputed facts of the case, in brief, are as under:

The applicant applied to MSEDCL for sanction of HT power supply at 11 KV with contract demand of 300 KVA and connected load of 680 KW. The load asked for is sanctioned vide non-applicant's order dated 07.10.2006 and as per revised orders No. 8024 dated 13.11.2008 and No. 372 dated 16.01.2007, the applicant paid the following charges to MSEDCL.

As per Order No. 8924 :

Sr. No.	Particulars	Amount paid on 16.12.2006 Rs.
1)	1.3% of normative service connection charges	2,275=00
2)	Security deposit	1,72,800=00
3)	Cost of agreement	200=00
4)	Testing fees	5,000=00
	Total	1,80,275=00

As per Order No. 372 :

Sr. No.	Particulars	Amount paid on 17.01.2007 Rs.
1)	Charges for cost of HT TOD meter	5,227=00
2)	15% Supervision charges	850=00
	Total	6,077=00

Earlier, the applicant by his application dated 18.07.2006 submitted his consent to carry out the works under ORC along with his application. The HT power connection has already been released to the applicant.

Subsequently on 07.12.2007, the applicant wrote to the Executive Engineer, Division No. II, NRC inviting his attention to the Maharashtra Electricity Regulatory Commission's (in short, MERC) order dated 08.09.2006 passed in case no. 70/2005 and brought to his notice that it is the responsibility of the licensee to provide the meter to the consumer and that cost of meter and meter box is to be borne by the licensee. He also referred to MERC's order dated 17.05.2007 passed in case no. 82/2006 pointing out that the MERC has reiterated that cost of meter and metering box is to be borne by the licensee only. In this application, he also stated that the expenditure towards the first testing prior to release of connection is to be borne by MSEDCL. The applicant, thereupon, requested the Executive Engineer to arrange to refund the total amount of Rs.1,10,232/- since, according to him, he was erroneously asked to bear the cost / charges. No response was given by the Executive Engineer in reply to this application dated 07.12.2007 and hence, the applicant came before this Forum as per the said Regulations for redressal of his grievance in respect of non-refund of the aforesaid amount of Rs.1,10,232/-.

The applicant's case was presented before this Forum by his nominated representative one Shri S. Khandekar while the Executive Engineer (Adm) NRC and Assistant Engineer NRC represented the MSEDCL.

The applicant's representative vehemently argued that as per MERC's order dated 08.09.2006 passed in case no. 70/2007, it is the responsibility of MSEDCL to provide the meter to its consumer and the cost of meter and meter box is to be borne by MSEDCL. He also contended that the testing fees and the supervision charges respectively of Rs.5000/- and 850/- have been wrongly levied on the applicant. The order passed by MERC came to the notice of the applicant subsequent to the payments made by the applicant as per the two demand notes, being demand notes no. 8924 and 372.

He specifically stressed that the direction given to the applicant by the S.E. NRC while sanctioning the contract demand / load to the applicant asking the applicant to procure 11 KV 15/5 A HT metering cubicle and the HT TOD meter as per Company's specification (0.5 class accuracy) of approved make was not proper and correct since the meter and metering cubicle were to be provided to the applicant by MSEDCL and the cost thereof was to be borne by it . The applicant's follow-up action of purchasing the metering cubicle as per SE's order cannot be construed as his consent to purchase the same from the approved manufacture. He added that the MSEDCL unilaterally directed the applicant to procure the metering cubicle and the HT TOD meter without getting his specific consent.

He added that MSEDCL has mixed up issues of service connection charges and metering cubicle although they are dealt with separately in the MERC's order passed in case no. 70/2005. Relying on this order, he stated that service connection has been interpreted as a link between MSEDCL's

nearest distribution point and the consumer's point of supply and the service connection charges are the cost of works required to be carried out for providing this link. This order also specifies that the consumer can be permitted to carry out this work through a licensed electrical contractor at his cost and in that event, he has only to pay 1.3% of the normative charges. He vehemently argued that it has not been mentioned anywhere in this order that the consent of the consumer to carry out this work for service connection also means that the metering cubicle is also to be purchased by him from the market. On the contrary, the order of MERC clearly states that cost of meter and meter box is to be borne by MSEDCL. The question of purchase of meter or its box by a consumer would arise only in case of a burnt or a stolen meter. His belief is that the meter and Metering cubicle are to be provided by the licensee free of cost and as such the MSEDCL had no propriety to even ask the consumer for his consent for buying it.

He referred to MSEDCL's submission dated 19.04.2008 in which it has agreed that as per MERC's order dated 08.09.2008 passed in case no. 70/2005, it has been directed not to recover any cost towards meter and metering cubicle unless the consumer opts to purchase the meter from MSEDCL. He posed a question as to which consumer would want to buy a metering cubicle from the market if it is to be provided to him free of cost by MSEDCL unless he has been misled into believing that he has to bear its cost even if he gets it from MSEDCL. He further submitted that the applicant's letter dated 15.10.2006 was wrongly construed as his consent

for purchase of metering cubicle by him. Explaining the circumstances under which this letter dated 15.10.2006 was issued by the applicant, the applicant's representative submitted that in the load sanction order dated 07.10.2007, MSEDCL had not only asked the applicant to procure the metering cubicle but it had also included 15% supervision charges of Rs.19,800/- for the cubicle. In the applicant's letter dated 15.10.2006, it was pointed out that the supervision charges of Rs.19,800/- would not be applicable since the metering cubicle was being purchased by him. He contended that the MSEDCL has conveniently construed this letter as the applicant's consent to purchase the metering cubicle ignoring the fact that this was done on the basis of wrong information given by the non-applicant in their sanction order. He forcefully argued that at no stage MSEDCL has sought the applicant's consent to procure the metering cubicle himself. The MSEDCL has misrepresented the facts while issuing the sanction order thereby making him spend more than Rs. 1,00,000/- on the metering cubicle which, in fact, should have been supplied to the applicant free of cost.

He continued to submit that MSEDCL also wrongly levied on the applicant the cost of TOD meter and 15% supervision charges thereon. It is now agreed by MSEDCL to refund these two costs only after the present case came up for hearing before this Forum.

As regards the testing charges, he stated that these charges for testing of the applicant's meter are to be borne by MSEDCL only. In this regard, he referred to the ruling given by MERC in its order dated 08.09.2006 at page

31. As per this ruling, the expenditure towards first testing prior to release of new connection is to be borne by MSEDCL even if the meter is purchased by the consumer. He also relied upon Regulation 14.4 of the MERC's (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005 hereinafter referred to as the Supply Code Regulations. During the course of arguments, the applicant's representative also placed his reliance on the MERC's order dated 17.05.2007 in case no. 82/2006 in the matter of complaint filed by the Maharashtra Rajya Veej Grahak Sanghatana seeking directions upon MSEDCL to refund monies collected towards Outright Contribution Charges and cost of meter while providing new connections, post the enforcement of the Supply Code Regulations.

He lastly prayed that as requested in the grievance application, amount of Rs. 1,10,232/- spent by the applicant be refunded to the applicant alongwith interest @ 18% per annum from date of this payment till the date of refund. He also prayed that time-frame for refund of this amount may be indicated by this Forum.

The non-applicant, on his part, submitted his parawise report dated 19.04.2008 and also additional submission dated 28.04.2008.

In the first place, the non-applicant has shown his willingness to refund of cost of HT TOD meter i.e. Rs.5,227/- and the 15% supervision charges of Rs.850/- on this amount to the applicant by acknowledging the MERC's ruling dated 08.09.2006. He did not dispute that as per MERC's order dated 08.09.2006 passed in case no. 70/2005 in the matter of

approval of Schedule of charges, the MERC has clearly directed in para 5.4 of the order at page 10 not to recover any cost towards meter and meter box except where the consumer opts to purchase the meter from MSEDCL and in the case of lost or burnt meter as per Regulations 14.1 and 14.2 of Supply Code Regulations. Hence, he admitted that the cost of meter and 15% supervision charges should not have been recovered from the applicant.

The non-applicant further stated that earlier as per revised orders, the applicant was asked to make payment of the following charges

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|--|-----------------|
| 1. Normative Service connection charges (1.3%) | Rs. 2,275=00 |
| 2. Security deposit | Rs. 1,72,800=00 |
| 3. Cost of agreement | Rs. 200=00 |
| 4. Testing fees | Rs. 5,000=00 |
| 5. Charges for cost of HT TOD meter | Rs. 5,227=00 |
| 6. 15% Supervision charges | Rs. 850=00 |

He added that out of above six items, he has agreed to refund the cost of TOD meter and the 15% supervision charges. The non-applicant also maintains that the charges on account Sr. No. 1, 2 and 3 are not disputed by the applicant.

On the point of purchasing the metering cubicle by the applicant, the non-applicant has stated that the applicant by his letter dated 15.10.2006 consented that he would purchase the metering cubicle which he subsequently

purchased himself. This letter dated 15.10.2006 is a clear-cut consent of the applicant indicating that the applicant had opted to purchase the cubicle for which he has incurred expenditure of Rs. 91,125/- as cost of metering cubicle and transportation charges of Rs.8030/-. The applicant by this consent letter dated 15.10.2006 had also agreed to pay 1.3% of normative charges of Rs.1,75,000/- as approved by the MERC for HT under ground connection. This amount comes to Rs.2275/-. This means that the works in r/o service connection were to be carried out by him. He, therefore, vehemently stated that question of refunding the cost of metering cubicle does not arise.

On the applicant's contention that the meter for new connection should be provided by the licensee and the cost of meter and metering box shall be borne by the licensee, his submission is that the meter box mentioned in the MERC's order dated 08.09.2006 does not include metering cubicle. According to him, the approved cost of metering cubicle for 11 KV supply is as high as Rs.67,958/- whereas cost of metering box is as meager as Rs.300/- only. Hence, it is very appropriate and just to consider cost of metering cubicle as accessories mentioned in the definition of service connection given in MERC's order passed in case no. 70 of 2005. He denied the applicant's contention that MSEDCL has mixed up issues of service connection charges and metering cubicle charges. His submission is that it is the applicant who wrongly interpreted metering cubicle to be meter box conveniently ignoring the fact that there is an enormous cost difference between the two apparatus.

As regards charging of testing fees of Rs.5000/-, the non-applicant has submitted that it was necessary to test the metering cubicle which was purchased by the applicant and hence, it was mandatory for MSEDCL to charge the testing fees of Rs.5000.

He lastly prayed that the cost of metering cubicle and the testing fees need not be refunded to the applicant.

In this case, the applicant has sought to refund cost/charges already paid by him on as many as five items as per his prayer clause. Out of five items, the non-applicant has agreed to refund the cost of HT TOD meter and 15% supervision charges thereon respectively of Rs.5,227/- and Rs.850/-. Hence, the question now remains only about the applicant's entitlement or otherwise of refund of cost of metering cubicle along with transportation charges and the testing fees.

Let-us consider the item of metering cubicle first. The record shows that the Superintending Engineer NRC in his order of load sanction had asked the applicant to arrange for procurement of a metering cubicle as per specifications. The applicant's contention is that he procured the metering cubicle accordingly as per this direction. However, he strongly submitted that this direction was ab-initio wrong since, according to him, the metering cubicle was to be provided free of cost as per MERC's order dated 08.09.2006. He has also stated that the applicant never gave any consent for purchasing metering cubicle. His say is that the MERC in its order dated 08.09.2006 has clearly mentioned that the cost towards meter and metering box is not to be recovered from

any consumer except where the consumer opts to purchase the meter from MSEDCL.

Annexure III of the MERC's order dated 08.09.2006 pertains to "Cost of meter and meter box" applicable in case the consumer opts to purchase meter from MSEDCL and in case of lost and burnt meter. This annexure-III has enlisted as many as seven items and the item of HT metering cubicle including CT and PT is mentioned at Sr. No. 7 while the items of meter with meter box are appearing at two places viz. at Sr. No. 2 & 4. The MERC has clearly indicated that no cost should be recovered in respect of single phase meter with box and three phase meter with box while it has approved for MSEDCL the cost of Rs.67,958/- (for 11 KV supply) as cost of cubicle including CT & PT. This clearly goes to show that meter box has been distinguished clearly from the metering cubicle in case the consumer opts to purchase meter from MSEDCL and in case of lost or burnt meter. No cost is approved for meter box while for HT metering cubicle including CT & PT, specific cost is approved. Hence, the applicant's contention that H.T. metering cubicle including CT & PT is to be provided free of cost by MSEDCL is not correct. It is also not in tune with the MERC's order.

As per schedule of rates for service connection charges for new under ground connection for HT supply up to 500 KVA, normative charges of Rs.1,75,000/- are approved inclusive of material cost of MSEDCL, vide annexure-II of the MERC's order dated 08.09.2006. This means that if the consumer pays the normative charges of Rs.1,75,000/- to MSEDCL, the entire responsibility is devolved squarely upon

the MSEDCL to provide all materials including HT metering cubicle and all service connection materials. However, in case MSEDCL permits any consumer to carry out the works through a licensed Electrical Contractor, a rate of 1.3% of the normative charges will be applicable towards supervision charges. In the present case, the applicant has not only consented to carry out all the works himself but also paid supervision charges of Rs.2275/- (1.3% of normative charges of Rs.1,75,000/-) and also carried out all works meant for service connection.

The point of dispute raised by the applicant is relating to his consent to carry out the works. The applicant's contention is that his consent to carry out the works meant for service connection never included consent for purchase of the metering cubicle. His submission is that the MSEDCL directed him to procure such a metering cubicle of approved specifications and he only acted upon the direction. Hence, according to him, his follow-up action of purchasing the cubicle as per MSEDCL's direction does not amount to his consent in this context.

In this respect, this Forum observes that the applicant could have protested the MSEDCL's direction to procure the metering cubicle immediately after he received the load sanction order. However, instead, he wrote to the S.E. NRC on 15.10.2006 that he would be purchasing the metering cubicle and hence no charges are payable by him towards cost of metering cubicle. This letter dated 15.10.2006 further states that the applicant would be carrying out the works pertaining to service connection and that the amount of Rs.2275/- towards

1.3% of the normative charges would be borne by him. The text of this letter clearly indicates that the applicant opted to carry out all works of service connection at his cost including purchase of the metering cubicle himself. Had he paid the normative charges of Rs. 1,75,000/- in one lump-sum, he was not required to carry out any works including purchase of the metering cubicle himself and in that case, the entire responsibility of providing service connection along with metering cubicle etc. would have been of MSEDCL. Hence, his contention that there was no consent from his side for purchasing the cubicle is devoid of any merits.

In respect of service connection charges, the applicant's contention is that MSEDCL has mixed-up issues of service connection charges and metering cubicle and, according to him, metering cubicle does not form an integral part of service connection works. We are unable to subscribe to this view. The service connection is interpreted by MERC as a link between licensee's nearest point of distributing main to the point of supply at consumer's premises and it also includes other accessories i.e. any apparatus connected to such a link for the purpose of carrying electricity and service connection charges cover cost involved in providing service connection from distributing mains.

The words "Point of Supply" have been defined in clause (t) of Regulation 2 of the Supply Code Regulations. The text of definition is as under.:

“ “Point of Supply” means the point at the outgoing terminals of the distribution licensee's cutouts fixed in the premises of the consumers:

Provided that, in case of HT consumers, the point of supply means the point at the outgoing terminals of the Distribution Licensee's metering cubicle placed before such HT consumer's apparatus:

Provided further that, in the absence of any metering cubicle or, where the metering is on the LT side of the HT consumer's installation, the point of supply shall be the incoming terminals of such HT Consumer's main switchgears”

This definition clearly demonstrates that in the case of HT consumers, the point of supply is the point at the outgoing terminals of the distribution licensee's metering cubicle placed before such HT consumer's apparatus. This further confirms that in the case of HT consumers, the metering cubicle is an integral part of such a service connection. Hence, it is clear that the normative charges of Rs.1,75,000/- approved by MERC for service connection charges for new underground HT supply upto 500KVA covers entire cost of all works involved for carrying electricity from the nearest point of distributing main upto the point of supply including the cost of HT metering cubicle for 11 KV supply line.

We reiterate that had the applicant opted to pay the normative charges of Rs.1,75,000/-, he would not have been required to carry out any works including purchase of metering cubicle. However, in this case, the applicant has specifically consented to carry out the works meant for providing service connection including purchase of metering cubicle.

In view of this position, we are unable to order refund the cost of metering cubicle and the transportation charges therefor. His request in this respect stands rejected.

The question now remains about the testing fees charged to the applicant. The non-applicant's contention in this respect is that it was necessary to test the metering cubicle at the manufacturer's place since the applicant had purchased it from the manufacturer and hence, the testing fee of Rs.5000/- was correctly charged and recovered. The applicant's submission in this respect is that the expenditure towards first testing prior to release of a new connection shall be borne by MSEDCL and in this respect, he relied upon MERC's ruling given in clause 4 at page 31 of MERC's order dated 08.09.2006 passed in case no. 70/2005.

On this issue, the Member-Secretary of this Forum has expressed the following opinion.

"In this case, consumer has agreed to carry out the works through LEC and paid 1.3 % supervision charges. He procured cubicle for HT metering from manufacturer which is located at Nashik. Before transporting cubicle from Nashik to consumer's premises at Nagpur, testing Engineer of the non-applicant Company tested the cubicle for accuracy and specifications.

The non-applicant has recovered Rs. 5000/- towards expenditure for the same.

This is not the first time testing charges but charge collected for testing of cubicle at factory for following tests.

1) High voltage 2) Induced voltage 3) partial discharge 4) Ratio and phase angle errors 5) V.A. burden etc. which cannot be carried out at consumer's installation.

All the above tests are essential to meet out due quality and required specifications of equipment which will be put into MSEDCL's system.

If this was not done and the cubicle was not found upto specifications during 1st testing at consumer's installation, the said cubicle had to be sent back for rectification to the manufacturer which would be a loss to the consumer and it would have delayed releasing service connection.

Hon'ble MERC has ruled as per clause no.7(i) in the order of approval of Schedule of Charges in case no. 70/2005 that first time testing charges of consumer's installation should not be collected even if consumer has procured the meter. This is not the first time testing charge but charge for testing of cubicle at Ex-factory to avoid any unwanted delay in releasing connection and loss to the consumer. Further, the Hon'ble MERC has clarified that other charges like hiring of equipments / testing of C.T. / P.T. (except 1st time testing of C.T./ P.T. at installation) are not part of schedule of charges. The text of MERC's ruling is reproduced below:-

“(ix) Hiring charges for CT/PT unit, CT metering cabinet & HT metering cabinet, Transformers & capacitors; Testing of LT CT's, CTPT unit, relays, 11/22 kV switchgears, transformers, transformer oil and LT & HT capacitors; Charges for standby transformer:

Hiring charges are optional charges and will be presumably applicable only when any of the equipments owned by the consumer fails and he opts under exigent condition to hire the equipment from MSEDCL. MSEDCL has not included these items in their Terms & Conditions of Supply. Though leasing of equipments on hire basis in exigencies would be beneficial to both i.e. consumer and the licensee, these items are matters of mutual consent of MSEDCL and consumer. The Commission, therefore, does not consider these items as a part of Schedule of charges as these items fall under non-regulatory services resulting in ‘other income’ for the Licensee.”

The consumer had agreed and paid this charge and now raised the dispute under impression that cubicle was to be supplied at non-applicant’s cost.

In view of above, collection of Rs. 5000/- towards testing charges of cubicle seems to be correct”.

However, the other two members of this Forum including the Chairman have expressed a different but concurrent opinion in disagreement of the Member-Secretary’s view-point. Their opinion is as under:

“The MERC in its order dated 08.09.2006 passed in case no. 70/2005 at page no. 31 thereof on the caption of “testing of meters” has held as under:

Regulation 14.4 of Supply Code Regulations covers testing & maintenance of meters. As per Regulation 14.4.1, the distribution licensee shall be responsible for periodic testing and maintenance of all consumer meters.

As per Regulation 14.4.2, the consumer may upon payment of such testing charges as may be approved by the

Commission under Regulation 18, request the distribution licensee to test accuracy of the meter. As per Regulation 14.4.3, the distribution licensee shall provide a copy of meter test report within a period of two months from the date of request for the testing of the meter made by the consumer.

As per Regulation 14.4.4, in the event of the meter being tested and found beyond the limits of accuracy as prescribed under Regulation 8 of CEA (Installation & Operation of Meters) Regulations, 2006 under section 55 of the Act, the distribution licensee shall refund the testing charges paid by the consumer and adjust the amount of bill in accordance with the results of the test. Subject to the above provisions in the Supply Code Regulations, the Commission has approved the charges for testing of meters as proposed by MSEDCL. The testing charges approved shall be applicable only in case the consumer requests the Licensee to test the meter as mentioned above, and the expenditure towards first testing prior to release of new connection (even if the meter is purchased by the consumer) and all routine testing as per Regulation 14.4.1 shall be borne by MSEDCL.

The MERC has approved charges of testing of meter as per annexure – IV appended to MERC's order dated 08.09.2006. In that, the testing charges of Rs.5000/- do not find place.

The MERC has also directed in this order at page 17 in para 7.3 that MSEDCL should not charge any amount for first inspection and testing of consumer's installation at the time of giving new connection. For all the subsequent tests and inspection of consumer's installation as per the provisions

under rule 53 of Indian Electricity Rules, 1956, the charges proposed by MSEDCL are approved and accordingly installation testing fees are approved as per annexure-IV. In this also, testing charges of Rs.5000/- do not find place.

It is clear from the ruling of MERC that the expenditure towards first testing prior to release of new connection even if the meter is purchased by the consumer and all routine meter testing as per Regulation 14.4.1 of Supply Code Regulations shall be borne by MSEDCL.

The word “meter” defined in the Supply Code Regulations means a set of integrating instruments used to measure and / or record and store the amount of electrical energy supplied or the quantity of electrical energy contained in the supply, in a given time, which include whole current meter and metering equipment, such as current transformer, capacitor voltage transformer or potential or voltage transformer with necessary wiring and accessories and also includes pre-payment meters:

In this case, though the meter meant for measuring or recording and storing the amount of electrical energy supplied is provided by MSEDCL, the CT/PT in metering cubicle is purchased by the applicant himself. Hence, it is clear that a part of metering arrangement is purchased by the applicant himself. It is in this context that the testing of CT/PT and cubicle prior to release of new connection has to be done by MSEDCL. What is contemplated by MERC is that the expenditure towards first testing prior to the release of connection shall be borne by MSEDCL. The MSEDCL had proposed testing charges of Rs.5000/- under the caption of

miscellaneous and general charges and these were meant for testing at MSEDCL's filter unit central laboratory and at manufacturer's / consumer's premises. However, the MERC's ruling in its order dated 08.09.2006 is that charges proposed for providing various types of equipments to the consumer are on hire basis and charges for testing equipments belonging to consumer cannot be considered under schedule of charges. Hence, recovery of charges of Rs.5000/- towards first testing of the applicant's CT/PT cubicle at the manufacturer's place would become inappropriate. Expenses for the first testing before release of new connection are required to be borne by MSEDCL.

As laid down in Regulation 6 (2) of the Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006, if any consumer elects to purchase a meter, the same may be purchased by him and meter purchased by him shall be tested, installed & sealed by the licensee and further that all consumer meters shall bear BIS marks, meet the requirements of these Regulations and have additional features as approved by the Appropriate Commission or pursuant to the reforms programme of the Appropriate Govt. and to facilitate this, the licensee shall provide a list of makes and models of meters. This means that before releasing a new connection, a meter is required to be installed and before installation of meter, it is required to be tested. When the meter (in this case the CT/PT unit in HT cubicle) is tested at the manufacturer's place, this becomes the first testing thereof. If MSEDCL is testing meter at manufacturer's place in the interest of consumer, it is indeed a good gesture on

MSEDCL's part. However, since this is the first testing, the cost thereof cannot be saddled on the consumer as ruled by MERC. The MSEDCL is free to do such a testing. However, expenses towards such a first testing are to be borne by it.

The other provisions of the CEA Regulations in respect of consumer meters are reproduced below:

Regulation 5 provides for standards of meters.

Regulation 9 (1) lays down that the Distribution Licensee shall examine, test and regulate all meters before installation and only correct meters shall be installed.

Regulation 10 provides for operation, testing and maintenance of meters by the licensee.

Regulation 17 provides for quality assurance of meters. In that, it is specifically laid down that the Distribution Licensee shall put in place a system of quality assurance and testing of meters with the approval of Appropriate Commission and that the licensee shall set up appropriate number of accredited testing laboratories or utilize the services of other accredited testing laboratories and also that the licensee shall take immediate action to get the accreditation of their existing meter testing laboratories from NABL if not done etc.

Regulation 18 provides for calibration and periodical testing of meters. It that, it is mentioned that testing of consumer meters may be carried out through NABL accredited mobile laboratory using secondary injection kit, measuring unit and phantom loading or at any accredited test laboratory and recalibrated if required at manufacturer's works.

As provided in Regulation 14.1.3 of Supply Code Regulations, consumers may elect to purchase a meter from any supplier of correct meters in accordance with specifications laid down by the Central Electricity Authority in the Regulations made under Section 55 of the Act. Provided that where the consumer elects to purchase the meter from a supplier other than the Distribution Licensee, the licensee shall be entitled to test the correctness of the meter prior to installation.

All the provisions of CEA Regulations and Supply Code Regulations read with the MERC's ruling referred to above have thus cast responsibility upon the Distribution Licensee to test the consumer meter prior to release of a new connection even if a meter or part of metering arrangement is purchased by the consumer from a supplier other than the licensee and that the licensee should be well equipped with the system of quality testing. Also, as ruled by MERC first testing of meters prior to release of a new connection is to be done by MSEDCL at its own cost. Hence, testing of meter at the manufacturer's place by MSEDCL in this case was the first testing and as such, expenditure on that account will have to be borne by MSEDCL and the MSEDCL cannot recover this cost through testing charges of Rs.5000/-.

Hence, while dis-agreeing with the opinion expressed by the Member-Secretary, the Chairman and Member Smt. Gouri Chandrayan concurrently hold that testing charges of Rs.5000/- are not recoverable".

As laid down in Regulation 8.4 of the said Regulations, where the members differ on any points or points,

the opinion of the majority shall be the order of the Forum. In this case, the decision of the majority is that testing charges of Rs.5000/- are not recoverable. Hence, the decision of the Forum is that testing charges of Rs.5000/- were not recoverable and hence, the same should be refunded to the applicant.

In nutshell, following amounts should be refunded to the applicant along with interest at Bank rate as laid down in Section 62 (6) of the Electricity Act, 2003.

1)	Cost of HT TOD meter	Rs. 5,227/-
2)	15% Supervision charges	Rs. 850/-
3)	Testing charges	<u>Rs.5,000/-</u>
	Total	<u>Rs.11,077/-</u>

In view of above, the applicant's grievance application is thus partly allowed in terms of this order and it stands disposed off accordingly.

The non-applicant shall carry out this order and report compliance of this order to this Forum on or before 30.06.2008.

Sd/-	Sd/-	Sd/-
(S.J. Bhargawa)	(Smt. Gauri Chandrayan)	(S.D. Jahagirdar)
Member-Secretary	MEMBER	CHAIRMAN

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