

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

Case No. CGRF(NUZ)/030/2009

Applicant : M/s. Perfect Bio-Tech
At-222, Shriram Tower
Near NIT, Sadar,
Nagpur.

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

Quorum Present : 1) Shri S.F. Lanjewar
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 26.06.2009)

The present grievance application has been filed on dated 28.05.2009 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 --

- 1) Cost of metering cubicle refundable to the applicant of
Rs. 67,958/-
- 2) Testing Fees of Rs. 5,000/-
- 3) 15% supervision charges Rs. 529/-
- 4) Transformer Testing Fees paid Rs. 3,000/-

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

MSEDCL issued a statement in which the calculation of the refund amount is shown.

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

The matter was heard on 22.06.2009.

The applicant's case was presented before this Forum by his nominated representative one Shri S. Khandekar while Smt. Vandana Parihar Assistant Engineer NRC represented the MSEDCL's side.

The applicant had submitted the grievance application for power connection, to MSEDCL. He had sanctioned HT power with contract demand of 180 KVA vide order No. SE/NRC/Tech/7606 dated 07.11.2007. He had also stated that the metering cubicle has to be purchased by the applicant and he purchased from MSEDCL approved vendor M/s. Koyna Engineers Nashik. Accordingly, documents

alongwith the order of Electricity Ombudsman in the case No. 46 of 2008.

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 incurred the 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 fact's remain 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. Hi-Tech Machinery and the issue is similar. Hence he demanded the refund of money as per above guidelines.

Regarding the Testing charges, the testing Engineers of MSEDCL tested the cubicle at manufacturing work at Nasik and then it was transported to consumer's premises. It was ex-factory testing and the first testing at consumer's 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 fee charges of Rs.5000/-.

Regarding refund of 15% supervision charges paid of Rs.529/-.

The MSEDCL has submitted the written statement vide L.N. SE/NRC/HT/T/ No. 3610 Dated 20.06.2009.

In the statement there is clearly mentioned that as per the Electricity Ombudsman's decision. We have given their acceptance to return the said amount.

The MSEDCL was represented by Smt. Parihar, A.E. and they said that the MSEDCL is ready to pay the charges but no interest will be paid.

Both the parties heard and the case is closed for final decision. Both the parties given pursis to this Forum.

The following points are consider for the decision.

- 1) The charges claimed by the applicant for cost of metering cubicle Rs. 67,958/-
- 2) Testing fee Rs. 5000/-
- 3) 15% supervision charges Rs. 529/-
- 4) Transformer Testing Fee Rs. 3,000/-

Has to be refunded with interest to the applicant with the Bank rate.

The non-applicant shall carry out this order and report compliance to this Forum on or before 31.07.2009.

Sd/-
(S.F. Lanjewar)
Member-Secretary

CONSUMER GRIEVANCE REDRESSAL FORUM

Sd/-
(Smt. Gauri Chandrayan)
MEMBER

**MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO LTD's
NAGPUR URBAN ZONE, NAGPUR.**