

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

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**Case No. CGRF(NUZ)/029/2011**

Applicant : Shree Arihant Ispat Private Limited  
D-41, MIDC, Butibori, Nagpur.  
Dist. NAGPUR.

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

Quorum Present : 1) Shri. Shivajirao S. Patil  
Chairman,  
  
2) Adv. Smt. Gouri Chandrayan,  
Member,  
  
3) Smt. Kavita K. Gharat  
Member Secretary.

**ORDER (Passed on 26.08.2011)**

It is the grievance application filed by applicant Shree Arihant Inspat Private Limited, D-41, MIDC, Butibori, Nagpur on dated 27.06.2011 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 applicant case in brief is that, against application of the applicant for power connection MSEDCL had sanctioned HT power with contract demand of 750 kVA

vide their order dated 03.07.2010. It is stated in this order that metering cubicle has to be purchased by the applicant, and applicant purchased at accordingly. Alongwith this MSEDCL had also asked the applicant to erect HT line of about 0.38km for which estimate of Rs.7,18,255/- was given to the applicant. This line was also erected by the applicant at his cost. From the order of Electrical Ombudsman in a case of 46 of 2008 dated 28.08.2008 and order no. CGRF/NUZ/179 dated 14.05.2008 of CGRF, Nagpur the metering cubicle should have been supplied by MSEDCL free of cost instead of asking the consumer to purchase it from the market. Testing fees for cubicle has been incorrectly collected from the applicant. Agreement charges collected by the non-applicant which are also not, as per the schedule of rates approved by MERC. The work of 0.38km line erection which MSEDCL has got done through the applicant is not a part of service connection, but infrastructure created to provide the power supply to applicant. As per order of MERC in case no. 70/2005, this cost is to be born by MSEDCL. As per order of MERC in case no. 56/2007 dated 16.02.2008 MERC hold that the infrastructure development is the responsibility of MSEDCL, and the consumer should not be burdened with it. The applicant filed the grievance application to Internal Grievance Redressal Cell, Nagpur Rural Circle, seeking refund of expenses but claim is not granted by IGRC. Therefore the applicant filed the present grievance application and claim refund of expenses incurred by the applicant is as under.

- 1) Refund of Rs.200/- as cost of agreement.
- 2) Refund of Rs.5000/- as testing fee of cubicle.
- 3) Refund of cost of metering cubicle of Rs.67,958/-.
- 4) Refund of cost of HT line working as per estimate of MSEDCL but excluding the cost of metering cubicle of Rs. 6,55,750/-.
- 5) Thus applicant claim total amount of Rs.6,81,409/- from MSEDCL.

The non-applicant filed the reply on dated 15.07.2011 and thereby partly admitted, refund of certain amount, however, specifically denied refund of total amount of Rs.6,81,409/-. It is submitted that M/s. Shree Arihant Ispat Private Limited is the consumer of MSEDCL having contract demand 750 kVA on 11 kv line vide load sanction order dated 03.07.2010. As per order of Electrical Ombudsman in case no. 46 of 2008 dated 27.08.2008 of M/s. Unijules Life Science, Nagpur, MSEDCL is ready to refund of Rs.67,958/- towards cost of metering cubicle as per schedule of charges, approved by Commission on 08.09.2006 in case no. 70/2005. MSEDCL is ready to refund the cost of testing fee for Rs.5000/- to the applicant. The cost of metering cubicle, testing fee and 1.3% supervision charges as per the estimate will be adjusted in the preceding electricity bill of the applicant. MSEDCL denied the claim of the applicant towards cost of agreement charges as it non regulatory and mandatory charges. MSEDCL further submitted that the work of 0.38 km line which is carried out by the applicant, through the licensed, Electrical Contractor

including both the work of service line charges and service connection charges. According to the Commission order in case no. 70/2005 “Service line charges basically covers the cost of infrastructure between the delivery points on the transmission lines and the distributing mains. Whereas, service connection is interpreted as a link between licensee’s nearest distribution points (i.e. distributing main) to the point of supply at consumer’s premises, which also includes other accessories, i.e. any apparatus connection to any such line for the purpose of carrying electricity & SCC covers cost involved in providing service connection from distributing mains. From the above definition it is clear that the service connection is link between distributing main to the point of supply at consumer’s premises.

Regulation 3.3.2 of Electricity Supply Code authorizes the Distribution Licensee to recover all expenses reasonably incurred in laying down line from distributing main to the point of supply at consumer’s premises as per Schedule of Charges. The 11Kv HT line 0.38 km which is laid down by the applicant through the licensed electrical contractor is a line tapping from the existing 11Kv MIDC feeder-III to the point of supply at consumer’s premises. Therefore it is necessary to have a clear demarcation or limit of service line charges and service connection charges. The service line extended upto the double pole structure erected near the premise of the applicant, which is the nearest distribution main. The service connection starts from this double pole structure, and

extended upto the premise of the applicant. MSEDCL is entitled to recover the charges under the head SCC as per the approval of the Commission i.e. either Rs. 1,95,000/- or 1.3% normative charges of service connection charges, in case MSEDCL permits applicant to carry out work through LEC. Here, in this case the estimate of Rs.7,18,255/- is drawn for the whole of the 0.38km line from the tapping points on 11kv MIDC feeder-III to the point of supply at consumer's premises. This can be seen from the single line diagram and the cost of estimate, attached with reply at Annexure-II & Annexure-III. As the MSEDCL is entitled to recover Rs.1,95,000/- towards SCC, this amount have to be deducted from the cost of estimate and the cost of metering cubicle included in the estimate [Rs.7,18,255 - (1,95,000 + 1,10,000)]=4,13,255). Therefore MSEDCL is liable to refund the amount of Rs.4,13,255/- only to the applicant. Claim of the applicant for agreement fee of Rs.200/- may be rejected as it has no merits.

Forum heard the arguments of Mr. Khandekar representative of the applicant, so also heard the argument of the Nodal Officer Mr. Randive, Superintending Engineer, NRC, MSEDCL, Nagpur. Forum had perused entire record carefully.

In this matter applicant is claiming the cost of infrastructure created to provide power supply to him by MSEDCL. Initially, we have to considered whether claim, prayer and relief claimed by the applicant can be fall within

the definition of “Grievance” as contemplated under provision of Regulation 2.1 (c) of the said Regulation.

Regulation 2.1 (c) defined “Grievance” as under.

*“Grievance” means any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which has been undertaken to be performed by a Distribution Licensee in pursuance of a license, contract, agreement or under the Electricity Supply Code or in relation to standards of performance of Distribution Licensees as specified by the Commission and includes inter alia (a) safety of distribution system having potential of endangering of life or property, and (b) grievance in respect of non-compliance of any order of the Commission or any action to be taken in pursuance thereof which are within the jurisdiction of the Forum or Ombudsman, as the case may be.”*

Hon. High Court of judicature at Bombay appellate side, Bench at Aurangabad in writ petition no. 2032 of 2011, the MSEDCL Rural Circle, Aurangabad ---- Vs. M/s. Kaygoan Paper Mill Limited “Manisha” behind Axes Bank Aurngabad in judgment dated 01.07.2011 hold -----

*“By no stretch of imagination the grievance of respondent No. 1, mentioned above, would be covered by this definition. A consumer’s grievance contemplated under the Regulations is basically a complaint about fault or inadequacy in quality of performance of the Electricity*

*Distribution Company. In this case, admittedly, there is no grievance that performance of the petitioner-company, as distribution licensee, had been imperfect or otherwise. The grievance of respondent No. 1 is in respect of breach of statutory obligation allegedly committed by the petitioner-company. So, the grievance would not fall within the four corners of the term “grievance” defined under the Regulations”.*

In the same authority cited supra writ petitioner no. 2032 of 2011 MSEDCL Vs. M/s. Kaygaon Papers Mill Limited Hon. His lordship hold.- - - - -

*“Shri H.F. Pawar, learned Advocate for respondent no. 1 then tried to show me certain orders passed by the Maharashtra Electricity Regulatory Commission in the matter of complaint filed by certain consumers of the petitioner-company for refund of the amount etc. The Commission directed the petitioner-company to refund the amount to the consumer in those cases. I am afraid, even though in similar situation, the petitioner-company was directed by the Commission to refund the amount to their consumers, still such orders are not capable of being utilized is of civil nature and would not be covered by the term “grievance”. The Consumer Grievance Redressal Forum, which had passed the impugned order, apparently did not have jurisdiction to entertain a complaint of this nature. Respondent No. 2 – Forum thus could not have decided the dispute of this nature. Therefore the*

*orders passed by the Commission will be of no use to respondent No.1”.*

Facts of the present case and facts of the Judgment cited are similar and identical. Therefore relying on the Judgment of Hon. High Court, Forum hold that the dispute between the Parties, is of Civil nature and would not cover by the terms “grievance”, therefore this Forum has no jurisdiction to entertain a complaint of this nature. Therefore grievance application deserves to be dismissed.

Further more Hon. High Court of judicature at Bombay Nagpur Bench Nagpur in writ petition no. 988 of 2011 MSEDCL Vs. Consumer Grievance Redressal Forum Amravati Zone, Akola decided on 07.07.2011 hold- - - - -

*“The learned counsel for the petitioner submits that the issue as to whether the Distribution Company can recover the expenses in so far as the consumers of the kind, to which the respondent herein belongs, is subjudiced before the Apex Court and the payment therefore, even if made by the respondent for the said dedicated supply, would be contingent upon the decision of the Apex Court.*

*In the light of the above, the impugned order dated 06.12.2010 would have to be set aside and is accordingly set aside. However, it is made clear that if the respondent no. 2 desires to have a dedicated supply to his Saw Mill, which is outside the Gaathan, the same would be provided, as has been stated on behalf of the petitioner – Company before the CGRF, at the costs of the respondent.*



*In the event, the said cost of the infrastructure is paid by the respondent, needless to say that the same would be subject to the outcome of the proceedings in the Apex Court.”*

Relying on the judgment of Hon. High Court, the Forum holds that at this moment no relief can be granted to the applicant as prayed for .

Therefore Forum holds that present grievance application is untenable before this Forum. This Forum has no jurisdiction to decide present grievance application and grievance of the applicant deserves to be dismissed.

The forum proceed to pass the following order.

**ORDER**

The grievance application is dismissed.

<b>Sd/-</b> <b>(Smt.K.K.Gharat)</b>	<b>Sd/-</b> <b>(Adv.Smt.GauriChandrayan)</b>	<b>Sd/-</b> <b>(ShriShivajirao S.Patil)</b>
<b>MEMBER</b>	<b>MEMBER</b>	<b>CHAIRMAN</b>
<b>SECRETARY</b>		