

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

Case No. CGRF(NUZ)/042/2009

Applicant : M/s. Seth Banktlal Maloo
Industries Pvt. Ltd.,
1186, Radha Niwas, Bhawsar Chowk,
Gandhibag, C.A. Road,
NAGPUR.

Non-applicant : MSEDCL represented by
the Nodal Officer-
Executive Engineer,
MSEDCL O&M Dn.,-II,
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 05.09.2009)

This grievance application has been filed on 07.07.2009 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 applicant has filed this representation on 07.07.2009 for getting the interim order regarding not to withdraw the continuous supply facility. The same is registered at Sr. No. 42 of 2009. This Forum had passed an Interim relief order on 14.07.2009 regarding not to withdraw the applicant's facility of continuous supply till the grievance application will finally decided. Hence the case is decided for hearing.

The grievance of the applicant is in respect of regarding not to withdraw the applicant's facility of continuous supply till the grievance application will finally decided.

The matter was heard on 14.07.2009, 18.08.2009 and 21.08.2009.

The applicant submitted the written statement on dated 04.08.2009.

- 1) The applicant Company applied for HT power supply to his unit on 19.05.1995.
- 2) The applicant informed the non-applicant about the load requirement & to provide the power on separate as it is a continuous process industry.
- 3) The MSEDCL sanctioned the load of 1090 KVA by order No. SE/NRC/ST/Tech/2311 dated 22.08.1995. The payment of Rs.12,73,040/- was made accordingly.
- 4) The connection was released on dated 03.02.1997, the application was asked to submit the continuous supply. The MSEDCL had categorize the industry is continuous process industry as per the directives of MERC in 2006. The additional

payment of 24% had to pay the ASC charges on the basis of circular no. 45 dated 09.10.2006.

The applicant also added in his reply that he had applied for continuous supply. He had also submitted the application of D.I.C. in support of the above say. Upto 30.06.2009 the applicant unit was running smoothly without any interruption of supply. But the load shedding was imposed since 01.07.2009. The applicant also said that same consumer is connected on the said feeder on which the applicant's supply is already connected. Due to which, he is suffering. He also alleged that due to such act there were numbers of interruptions to the unit & there is a heavy loss to his unit. He also alleged that the change of category is done due to ill intension and the letter was posted on back dated which is not correct.

The applicant lastly prayed that

- (1) To direct the non-applicant to maintain the express feeder status without any load shedding as per rule; Otherwise if it is not the express feeder then refund the additional supply charges charged till date @24% interest.
- (2) He also added not to harass the applicant company by unscheduled power cuts in consideration to the letter dated 17.09.2008.
- (3) To grant compensation to the applicant of Rs.5,00,000/- for the harassment caused by company because of unscheduled and illegal load shedding.
- (4) Not to connect any other consumers on this express feeder.

The non-applicant had submitted the written statement letter no. SE/NRC/NGP/T/Consumer Grievance Redressal Forum/4477 dated 01.08.2009, he pleaded the following points.

(1) The applicant had applied for new connection on dated 19.05.1995 in this application the consumer had not mentioned his intension that he wants supply on separate feeder or express feeder or exclusively for himself only.

(2) The load was sanctioned only fresh power supply for continuous process industry / not express feeder is sanctioned.

After two months the applicant informed to MSEDCL (erstwhile MSEB) about change in his project & connected load on dated 24.09.1995. Therefore the non-applicant made a revised application and according to revised Annexure "P" 9A & 9B of the same.

(3) The non-applicant also added that the applicant by his letter of 24.07.1995, that there was no such concept of express feeder or separate feeder in existence. Even if any consumer or group of consumer ask for such feeder, MSEB was having absolute consideration to give connection on such feeder to other consumer subject to the condition that this will not affect the power supply of such existing consumer or group of consumers.

(4) He also replied that the applicant in his letter on dated 24.07.1995 was only requested to MSEB to extend power from new Patansawangi sub-station, which MSEB would be commissioning by March 1996 that is after near about one year from date of his submission of application to MSEB for power supply the request of the applicant was not justified. There was no clear understanding to his intension. Whether he wants separate feeder or just want to extend power supply from new sub-station after one year it would have been commissioned.

(5) He also cleared in the reply the applicant had subsequently the separate feeder in his written letter by hand. As such by sanction order dated 22.08.1995 MSEB had only given the sanction order to supply for continuous process industry of the consumer and he had not been sanctioned separate or express feeder.

(6) The non-applicant also said that they had informed to the applicant to pay Rs.5,20,000/- towards the service charges which were for erection of 1.5 km. HT line from 33/11KV sub-station at Patansawangi to tap 11 KV Patansawangi (Rural) feeder to the end of M/s. Murli Agro Products Ltd at Patansawangi Tal-Seoner. He also denied that the consumer had specifically applied for separate feeder /express on his demand was vague for the reasons mentioned. The applicant was given the uninterrupted power supply till 30.06.2009 as per circular No. 563 of January 1996 which is accepted by the applicant in his complaint.

(7) The applicant is a old consumer and the load shedding protocol was not in existence at that time i.e. 2005. The consumer supply was continued as per their previous supply method for the sake of convenience of MSEDCL. Just for the purpose of identification of feeder; the employees of the Company used to call the Patansawangi (Rural) feeder by the name of consumer name i.e. SBM feeder. It was mistakenly treated by MSEDCL as per the tariff applicable for express feeder. Under this presumption, the MSEDCL billed the consumer as express feeder. Accordingly the charge load was also provided with the facility of express feeder till 01.07.2007. As the consumer has been paying the ASE charges & billed as express feeder SE (NRC) forwarded the complaint of the consumer dated 25.08.2008 along-with the

covering letter dated 17.09.2008 to Executive Engineer to verify the matter. After issue of letter of SE NRC's letter dated 17.09.2008 Executive Engineer verified the complaint of the consumer & it come to notice of Executive Engineer that the said feeder is a normal feeder. He intimated the H.T. the consumer M/s. Seth Bankatlal Maloo for changing the tariff i.e. from continuous tariff to non-continuous tariff for implementation of staggering day on that feeder vide letter no. 3284 dated 02.06.2009.

(8) The non-applicant has also shown his apologies for mistakenly attaching the letter in its reply which was not posted to the applicant. But instead of attaching the letter of dated 25.06.2009, the letter was wrongly attached.

(9) They have agreed that under wrong presumption, that the said feeder is as express feeder due to this reason the consumer has been provided with the facility of express feeder. But when the fact came to notice of MSEDCL, the officials of MSEDCL decided to implement staggering day on that feeder as per MERC directives and the consumer was intimated accordingly by the letter dated 25.06.2009. Hence there are no violation of MERC direction on the part of MSEDCL.

He also added in his reply that the consumer was enjoying the facilities of express feeder and also availing uninterrupted power supply from MSEDCL. But actually the feeder is a normal feeder. Therefore the applicant is not entitled to refund of any charges as he was getting continuous power supply without interruption.

On Patanswangi Rural i.e. (SBM) feeder is also giving supply to four numbers of Distribution Transformer, out of which, one

Distribution Transformer had various consumers and these consumers getting express feeder facility they were shifted to another feeder in October 2008. After dismantling of 132 / 11 KV EHV Khaperkheda sub-station three numbers of distribution Transformer; supply of Agriculture Pump connections was also connected to Patansawangi Rural (SBM) feeder. They were also getting express feeder facility till 2008. In year 2008 after commissioning of 33 / 11 KV Rohna S/stn. these three distribution transformer shifted to 11KV Rohna feeder. The consumers are connected on this feeder the list is given by non-applicant.

List of few consumers that is on Patanswangi Rural (SBM) feeder till 2008.

Sr. No.	Name of Consumer	Date of Supply	Category of Consumer	Consumer number
1)	Shri Kanji Premji Patel	22.06.1993	IP	419550002532
2)	Shri M.K. Thakur	09.05.1989	CL	419550014051
3)	Shri Manohar Gunderao Katoke	16.08.1994	AGP	419550020093
4)	Shri Ramesh D. Mankar	26.05.1993	AGP	419550020026
5)	Shri G.S. Kedare	29.12.1993	AGP	419550016088
6)	Shri K. Ramaji Panpatte	18.10.1990	AGP	419550016886
7)	Shri Rambhau G. Musle	02.10.1996	AGP	419550013518
8)	Shri Marotrao	20.07.1991	AGP	419550019974

	Gangaram Sabale			
9)	Shri Mayaram Dhivaru Thakur	10.10.1989	CL	419550019907
10)	Shri P.G. Ghate	10.08.1988	AGP	419550017751

The non-applicant tried to show that various category of consumers are connected to Patansawangi Rural (SBM) feeder & in this way he clarified that the Patansawangi rural (SBM) feeder is normal feeder.

He had also added in his reply that the process of identifying the various feeders for implementing of load shedding protocol is very complicated and has long procedure. It cannot be completed at one stroke. The process of identification and separation of consumer as per their category is still going on.

He also clarified that it is a continuous process with erection and addition of new lines. Transformers and substation and also load shedding protocol at particular period. If the consumer desires express feeder facility from MSEDCL, he will have to apply for express feeder supply and applicant will have to pay the additional cost of 11KV bay, control panel and relay etc.

He also said that the MSEDCL is ready to give express feeder facility to the applicant after paying the required charges for express feeder.

The non-applicant has submitted the following documents in the support of his submission.

- 1) Letter of MSEDCL to applicant on dated 25.06.2009.
- 2) Letter of applicant's on dated 24.07.1995

- 3) Estimate for erection of 11KV line for M/s. Murli Agro Products at village Patansawangi.
- 4) Letter of Executive Engineer to S.E. on dated 02.06.2009.
- 5) List of few consumers that the connected on Patansawangi Rural (SBM) feeder.

The case was heard on date 18.08.2009 & 21.08.2009. The applicant Shri Maloo & his Manager and Shri Bhagat S.E. from MSEDCL side were present.

The applicant argued that the connection was sanctioned on dated 24.07.1995 and he had applied for continuous supply. He was paying the charge as per continuous power supply. But all off a sudden from date 01.07.2009, his industry was treated as a non-continuous industry and the load shedding was implemented. Due to which the industry is going in loss.

He also argued that the other consumers are connected on the feeder so the number interruptions are increased due to which he is also suffering.

Lastly he had requested to make the supply as it was in previous stage that is before 01.07.2009 and remove the industrial connection which was recently connected.

The non-applicant had pleaded in his argument that the feeder on which M/s. Maloo Paper Mill is connected is not a express feeder. The feeder is a combined (mix) feeder and there are many consumers which are already connected prior to connection of M/s. Maloo Paper connection. The feeder was wrongly nomenclature as a Express feeder but it is actually a Pantansawangi Rural called (SBM)

feeder and from which the supply was tapped of M/s. Maloo Paper Mills HT consumer. It was long back feeder and was in existence prior to 33KV Patansawangi S/stn. was erected. The sub-station was charged in March 1996, that is after sanctioning of M/s. Maloo Paper Mill HT supply load. Hence there is no justified reason given by the applicant, that the supply was sanctioned on Express feeder and his supply was on express feeder. But by mistake the continuous supply facility was given to the consumer. But after MERC load shedding protocol the position of feeder & supply is verified minutely. And just to follow the MERC protocol the facility of continuous supply had been withdrawn since 01.07.2009 to the said consumers.

He had also clarified that even-though the charges of continuous supply are charged to the consumer, he was availing the facility of continuous supply. Hence there was no burden given to the consumer. In fact whatever the charges are levied to the consumer are correct and as per guideline of MERC and following the direction of MSEDCL rules & regulations.

Lastly he added in his argument that if the applicant desires to express feeder facility, he will have to apply for express feeder supply and will have to pay the additional cost for that. As per MERC Supply Code & Other Conditions of Supply Regulations, 2005 Regulation 3.3.3.

After verifying all the documents submitted by both the parties and hearing the argument the Forum has come to the conclusion.

Decision

- 1) The applicant has to pay the cost of estimate for express feeder.
- 2) After payment, the facility will be dedicated to this particular consumer only.
- 3) After that supply should be maintain uninterrupted.

The non-applicant shall carry out this order & report compliance to this Forum on or before 15.10.2009.

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

Sd/-
(Smt. Gauri Chandrayan)
MEMBER

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

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Nagpur Urban Zone, NAGPUR