

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

Case No. CGRF(NUZ)/040/2007

Applicant : M/s. SUNDER ROLLING MILLS
Private Limited Through its Director,
LG-56, V.H.B. Colony,
Shantinagar,
NAGPUR.

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

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 22.08.2007)

The present grievance application has been filed
on 18.07.2007 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 non-release of 1500KVA contract demand based on the schedule of charges decided by the MERC (hereinafter referred to as Commission) on 08.09.2006.

He has sought following relief's from the Forum:

- 1) The MSEDCL i.e. the non-applicant be directed to sanction and release 1500 KVA contract demand to him immediately after issuing demand note to the applicant based on schedule of charges approved by the Commission on 08.09.2006;
- 2) The MSEDCL be penalized for delay in load sanction @ Rs.1000/- per day as per section 43 (3) of the Electricity Act, 2003;
- 3) The MSEDCL be directed to provide compensation to the applicant as per the MERC (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005 hereinafter referred-to-as the SOP Regulations;
- 4) The MSEDCL be directed to provide to Rs. 18.60 lacs as compensation which are direct losses incurred by the applicant due to delay in sanction of load.

Before approaching this Forum, the applicant had intimated his grievance to the Superintending Engineer, NRC, MSEDCL, Nagpur and no remedy was provided to the applicant's grievance within the prescribed period of two months as provided in Regulation 6.2 of the said Regulations.

Hence, the intimation given to the Superintending Engineer is deemed to be the intimation given to the Internal Grievance Redressal Cell as per the said Regulations.

The matter was heard on 08.08.2007.

The applicant's case was presented before this Forum by his nominated representative one Shri R.B. Goenka while the case of the non-applicant Company was presented by its Superintending Engineer, NRC and his subordinate Officers including Executive Engineer, Dn.-II MSEDCL, Nagpur.

The applicant's representative stated that the applicant is setting-up a plant of steel re-rolling mill at plot No. B-212, MIDC, Butibori, Nagpur. The applicant applied for electric load for contract demand of 1500 KVA vide his application dated 27.11.2006. He was ready to pay application processing fee in cash but the non-applicant did not accept the fee and communicated that this fee shall be collected alongwith the final demand note amount. He submitted point of supply drawing vide his letter dated 04.04.2007 though it is not required to be submitted with application. The point of supply is normally fixed at the time of joint inspection of premises by MSEDCL. He was told to contact the Executive Engineer O&M and Executive Engineer (Testing) Division to carry out the joint inspection. Thereupon the applicant received a letter from Executive Engineer CC O&M Dn-II in which the applicant was asked to submit layout plan and name & address of the licensed Electrical Contractor vide his letter dated 04.05.2007. The point of supply shown in the drawing submitted by the applicant was not acceptable to

MSEDCL. Hence, the applicant submitted alternative point of supply drawing near the applicant's gate of the proposed unit. This was done in response to the non-applicant's letter dated 19.05.2007. The applicant also reminded MSEDCL to sanction the load immediately since it has been delayed beyond the permissible limit prescribed in SOP Regulations. The applicant also brought to the notice of the licensee that the earlier point of supply drawing submitted on 04.04.2007 was satisfying the criteria laid down in Regulation 5.2 of the MERC (Electricity Supply Code and Other Conditions of Supply) Regulations 2005, hereinafter referred to as the Supply Code Regulation's. He also informed the licensee that the applicant shall make payment as per schedule of charges decided by the Commission and that the licensee has to carry out the works themselves. The Superintending Engineer, NRC addressed a letter, being letter dated 30.05.2007, to the Chief Engineer (Commercial), MSEDCL, Mumbai asking for the latter's guidance on the following two points:

- 1) Scheme to be operated for such works and
- 2) the Schedule of rates to be considered for framing the estimate.

According to the applicant's representative, seeking such a guidance was not necessary. His strong contention is also that the non-applicant failed to sanction and release the electric load for contract demand of 1500KVA despite the fact that all the requirements were fulfilled by him. The applicants sanction of finance from financial institutions was getting delayed for want of load sanction. Hence, he requested the licensee to provide report of load sanction

feasibility immediately vide his letter dated 29.06.2007. He further stated that the non-applicant has provided this feasibility report on 03.07.2007.

It is the submission of the applicant's representative that the application for sanction of load cannot be said to be incomplete on the ground of non-payment of processing fee in view of the fact that he had offered payment in cash of the processing fee of Rs.1000/- but the same was not accepted by the non-applicant stating that this will be included in the final demand note amount.

He quoted provision of Section 43 (1) of the Electricity Act, 2003 which states that "Every distribution licensee shall on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one month after receipt of the application requiring such supply". He also relied upon Section 43 (3) of the Electricity Act, 2003, the text of which is as under:

"If a distribution licensee fails to supply the electricity within the period specified in sub-section (1) of section 43, he shall be liable to a penalty which may extend to one thousand rupees for each day of default".

He requested that the distribution licensee i.e. the non-applicant should be penalized @ Rs.1000/- per day for not supplying the electricity to the applicant within one month from the date of receipt of application till the date of supply.

He also quoted provision of the SOP Regulations and in particular the provision contained in Regulation 4.1 thereof. It is his say that the MSEDCL has violated this legal provision and hence, it is liable to provide compensation to the

applicant as per Appendix "A" of the SOP Regulations. He has, therefore, claimed compensation @ Rs.100/- per week from the date of receipt of application beyond the period of 10 days permitted by these Regulations meant for inspection of his premises. According to him, charges to the borne by the applicant should have been intimated to him within 20 days from the date of receipt of application and that these charges are not yet intimated to him. Compensation of Rs.100/- per week beyond the permissible period of 20 days is also, therefore, payable to the applicant as per Appendix "A" aforesaid till they are intimated to him.

He continued to submit that MSEDCL should have provided supply within one month from the date of receipt of his application. Since this time limit is not observed in the present case, compensation of Rs. 100/- per week for the delay caused beyond this permissible period of one month is also payable to the applicant as per SOP Regulations. He requested that the compensation referred to above towards the delay caused be awarded till the date of connection.

He added that the licensee did not accept the first point of supply drawing which was satisfying the criteria of Supply Code Regulations and was at approachable location. This act of licensee amounts to violation of Supply Code Regulations and is punishable under section 142 of the Electricity Act, 2003. He requested that the applicant should be provided suitable compensation as requested by him for the delay in load sanction. He emphatically stated that the licensee has violated the provision of Regulations 4.3 and 5.1 of the Supply Code Regulations. Commenting upon the

delaying tactics of the concerned Executive Engineer, he stated that the same information which was already submitted in the format of the application like name and address of the licensed electrical contractor etc. was asked again. According to him, the MSEDCL has violated the provisions of the Act, Supply Code Regulations and SOP Regulations. He added that he does not know whether the Chief Engineer (Comm.) in Mumbai replied to the queries of the S.E. or not.

It is his further submission that the non-applicant is liable to provide compensation to the applicant for the direct losses incurred by him due to delay in load sanction in accordance with Regulation 8.2 (c) of the said Regulations. The project of the applicant has been delayed by more than six months due to not providing the load sanction and supply of power. The applicant has thus incurred direct losses of Rs.2.5 lacs per month as interest on investment of Rs. 2.5 crores and Rs. 60,000/- towards staff salary. The total loss incurred due to delay amounts to Rs.18.60 lacs. He prayed that compensation to the tune of Rs.18.60 lacs towards the direct losses be awarded to the applicant in addition to the compensation requested by the applicant as per SOP Regulations and the Electricity Act,2003.

He lastly prayed that the Distribution Licensee be directed to sanction the load of 1500 KVA contract demand to the applicant immediately and to issue demand note strictly as per the schedule of charges decided by the Commission on 08.09.2006.

The non-applicant, on his part, has submitted his parawise report dated 06.08.2007. In this parawise report as

well as in his oral submissions, he has denied that any delay has been caused by him. According to him, the delay has occurred because the applicant submitted vital documents such as point of supply drawing etc very late. He added that soon after receipt of the applicant's application dated 27.11.2006 for a new HT connection, it was forwarded to the concerned Executive Engineer on 06.12.2006 for inspection of the premises and for framing of estimate for the proposed connection. The consumer was asked to pay the application processing fee of Rs. 1000/- along with the other payments of load sanction order to be issued. He was also asked on 06.12.2006 to submit the layout drawing to decide the point of supply & room for metering equipment. He was again asked on 11.01.2007 to submit the same. The applicant submitted this drawing vide his letter dated 04.04.2007. The applicant was again asked to submit the layout diagram to the concerned Executive Engineer vide his letter dated 04.05.2007. As per Regulation 4.1 (vi) of the Supply Code Regulations, the applicant was required to submit the license number of the licensed electrical contractor but it was not submitted by him. The applicant was asked to contact the concerned Executive Engineer vide S.E's letter dated 11.04.2007 to decide the point of supply along with the Executive Engineer (T) Division but this procedure was not followed by the consumer. The point of supply shown in the drawing was not technically feasible and hence, it was not acceptable to MSEDCL as it was shown in the backside of the premises. Alternate point of supply drawing was submitted by the applicant vide his letter dated 19.05.2007. After joint inspection by the Superintending

Engineer, NRC, Nagpur and Executive Engineer (Testing) Division, estimate was received in the office of the Superintending Engineer. The provision of work involved as per estimate is 0.3 Km. of overhead line and 60 Mtrs. of underground cable. This estimate was kept pending at Circle Office as no guidelines are received from the competent authority. The applicant submitted drawing of an alternative point of supply vide his letter dated 19.05.2007 and requested MSEDCL to carry out the work to release the supply as per Commission's schedule of charges as per its order dated 08.09.2006. The Commission has directed that the cost towards infrastructure from the delivery point on transmission system to distributing mains shall be borne by the Company. In view of the above directives, it was not clear to the Circle Office as to the scheme to be operated for such works and the schedule of rates to be applied for framing of estimate. Hence, the matter was referred to the Head office (H.O.) in Mumbai vide his letter dated 30.05.2007 requesting for issuing guidelines in the above matter. In the mean time, the applicant had applied for providing certificate of feasibility of supply and accordingly, technical feasibility was issued to the applicant vide letter dated 03.07.2007. The load sanction order has also been issued by the circle office on 01.08.2007.

Citing the above chronology of events, the non-applicant stated that he did not violate provisions of the Act and of the Supply Code Regulations or SOP Regulations. According to him, the delay is attributable to the applicant. He lastly prayed that the grievance application may be rejected.

In reply, a re-joinder has been submitted by the applicant. The applicant's representative has stated in this re-joinder that inspection of the applicant's premises should have been completed within 10 days meant for rural area from the date of receipt of application as per SOP Regulations. However, the same has not been done within time. It was done after 19.05.2007. On the point of payment of processing fee of Rs.1000/-, he argued that the MSEDCL has accepted the fact that its officer refused to accept the payment of the fee alongwith the application although the same was offered to him on 30.03.2007. On the point of supply, he has stated that this is to be decided at the time of inspection of premises and it is not required to be submitted alongwith application or prior to inspection of installation. Further, it is nowhere mentioned in the prescribed A 1 application form that point of supply drawing is required to be submitted alongwith application. He quoted Regulation 5.2 of Supply Code Regulations and stated that as per this Regulation, the point of supply is fixed at the time of inspection. The applicant submitted point of supply drawing on 04.04.2007 in which the license number of the Electrical Contractor has been mentioned. He added that it was the duty of the licensee to send authorized representative to study the technical requirements of giving supply and to inspect the premises to which supply is to be given with prior intimation to the applicant as per Regulation 5.1 of the Supply Code Regulations and that it was not the applicant's duty to contact the concerned officers. The earlier point of supply drawing submitted by the applicant was satisfying the provisions of Regulation 5.2 of Supply Code Regulations since

the point of supply was at accessible location. Even then, the licensee did not agree to this location and thus violated the provision of this Regulation. He strongly submitted that the licensee is observing its own circular of S.E. (TQA) regarding point of supply. He has produced on record a copy of the circular. According to him, this circular is completely violative of the provisions of Supply Code Regulations so far as fixation of point of supply is concerned. It also directs field officers of MSEDCL to follow code of commercial instructions 1996 of MSEDCL which is no longer in force. This circular also doubts the honesty and integrity of consumers as it states that most of the consumers are thieves. He specifically requested this Forum to direct the non-applicant to follow guidelines of Supply Code Regulations and no other circulars of MSEDCL which are violative of these Regulations. He requested this Forum to direct the non-applicant to withdraw the illegal provisions of this circular.

He reiterated that the applicant submitted alternative supply of drawing vide applicant's letter dated 19.05.2007. This alternative location was also acceptable to the non-applicant but the applicant requested the licensee that the work of extension of supply from distributing mains upto the applicant's point of supply should be carried out by the licensee including supply and metering equipments and cables at its own cost. The applicant was ready to make payment as per the schedule of charges decided by the Commission vide its order dated 08.09.2006. The applicant also insisted upon the non-applicant to follow the guidelines of S.E. (TQA) issued in the circular referred to above while carrying out the work.

On the point of seeking guidelines by the concerned S.E. from the Head Quarter of MSEDCL, Mumbai, the applicant's representative contended that the Superintending Engineer who is the competent authority to take decision in such matters should not have delayed the release of load sanction to the applicant on the erroneous ground of seeking guidelines from the H.O. The applicant cannot be blamed for the delay caused in this respect. He submitted that the non-applicant has violated the provisions of Supply Code Regulations and SOP Regulations and hence, the non-applicant should be penalized and the applicant should be compensated as requested in the grievance application.

On the point of load sanction order dated 01.08.2007 issued by the S.E. during the pendency of this application, the applicant's representative's strong submission is that this load sanction order is issued just to cover up its lapses. The applicant has still not received this load sanction order. However, from the plain reading of the text of this order a copy of which is attached to the parawise reply, it is clear that here also the licensee has violated the provisions of schedule of charges decided by the Commission vide its order dated 08.09.2006. He particularly quoted the following observation made by the Commission in its order at page 26 thereof the text of which is as under.:

“ It is the duty of every distribution licensee to provide electric plant or electric line for giving supply to the premises of an applicant. As such MSEDCL's proposal to ask consumer to bring material itself is irrational and contradictory to the provisions of the Act. The Commission, therefore, directs the

MSEDCL to procure and use its own material. The distribution licensee may charge 1.3% of normative charges in case the applicant carries out the work after seeking permission from licensee. Otherwise the licensee has to carry out the work after collecting service connection charges specified in schedule of charges.”

As such, accordingly to the applicant’s representative, the licensee should have issued demand note for Rs.1,95,000/- and should have carried out the work itself since the applicant has not opted to carry out the work himself and accordingly communicated the same to the licensee vide his letter dated 19.05.2007. Against this back-ground, the MSEDCL’s demand note for charges of 1.3% of normative charges as supervision charges is wrong and it is issued just to cover up the lapses of delay on its part. The applicant had specifically requested that the work should be carried out by the licensee at its own expenses including providing of metering equipment and cubicle along with the required earthing specified by S.E. (TQA). The demand note issued by the licensee is not acceptable to the applicant. The applicant’s representative requested that the licensee be directed to issue a fresh and correct demand note as per provisions of schedule of charges.

He lastly stated that the non-applicant should be penalized in terms of Section 43 and section 142 of the Electricity Act, 2003 and compensation provided to the applicant as requested in the grievance application and further that the delay should be counted till the date of release

of supply. He also requested that supply of power be released immediately.

In this case, both the parties have accused each other for the delay caused in the matter. It is, therefore, necessary to decide whether delay has occurred in this case and if so, the quantum thereof. For this purpose, it is necessary to see and examine as to what are the legal provisions available in the Supply Code Regulations and SOP Regulations.

As per Appendix "A" meant for level of compensation payable to consumer for failure on the Licensee's part to meet the standards of performance prescribed as per SOP Regulations, time period of 10 days for rural area is prescribed for inspection of applicant's premises from the date of receipt of application. If this standard is not met, the applicant is entitled to compensation of Rs.100/- per week or part thereof of the delay. Similarly, a time period of 20 days is prescribed in this Appendix for intimation of charges to be borne by a consumer from the date of receipt of application in case connection is to be from existing net work. Where extension of distributing main or commissioning of a sub-station is required, then a time-period of 30 days is prescribed. In case this standard is not met, then compensation of Rs.100/- per week or part thereof of delay is payable to the consumer.

The words "date of receipt of application" are very important. In the instant case, the applicant claims that the time period for completion of inspection and for intimating charges to be borne is to be counted from the date of receipt of

application and the applicant's application was duly received by the non-applicant on 27.11.2006. At one place the applicant has mentioned that this date is 16.12.2006.

In this respect, Regulation 5.8 of the Supply Code Regulations comes into play. As per this Regulation, notwithstanding anything contained in these Regulations, an application shall be deemed to be received on the date of receipt of duly completed application containing all the necessary information documents in accordance with Regulation 4, etc. and all consents / permissions as may be required by the applicant and the distribution licensee under any law for the time being in force. According to the applicant, this date is 04.04.2007 when he has submitted the last document viz. drawing of point of supply and layout drawing of the site. The non-applicant, on his part, has stated that this date of receipt of completed application is 19.05.2007 when second acceptable alternative location plan of point of supply was submitted by the applicant.

Now, it is to be decided by this Forum as to exact date of receipt of duly completed application. The applicant's representative's strong submission is that as per Regulation 5.2 of Supply Code Regulations the authorized representative of the licensee shall, in agreement with the applicant, fix the position of mains, cut-outs or circuit breakers and meters and sanction the load for the premises. His submission is also that service position shall normally be at an accessible location. The applicant's representative also stated that the first alternative of the location plan of point of supply submitted on 04.04.2007 satisfies the requirement of Regulation 5.2 of the

Supply Code Regulations. Hence, there was no need to ask the applicant to submit an alternative location plan of point of supply.

The fact remains that the statutory duty for fixing the point of supply is primarily cast upon the licensee. The licensee is required to fix this point in agreement with the applicant as provided in Regulation 5.2. From the text of the letter dated 19.05.2007 addressed to the Superintending Engineer by the applicant, it is clear that although the first alternative submitted on 04.04.2007 was preferred by the applicant, there seems to be no objection from the applicant's side even if second alternative option of location plan of point of supply is executed by the non-applicant. The other precondition is that the service position normally should be at an accessible location. This access has no doubt to be a convenient and easy access. Therefore, by changing the site of point of supply from the back side of the applicant's premises as suggested earlier by the applicant near the entrance point of main gate, it cannot be inferred that the provision of Regulation 5.2 and in particular the one contained in its proviso is violated by the non-applicant. As stated above, the applicant had also no objection to bring supply in the front side of the applicant's premises. Although he earlier preferred to bring supply from the backside of the premises, the second alternative option was also agreeable to the applicant. The only condition the applicant has put in is that he shall not carry out any work for bringing the supply and he shall not provide the metering cost of equipment and instead, he shall pay the service connection charges as per schedule of charges

decided by the Commission. Hence, it follows that nothing wrong has happened if the non-applicant has fixed point of supply as per second alternative option submitted by the applicant since this second alternative provided easy and convenient access in preference to the first option.

Location plan of point of supply was given on 19.05.2007 by the applicant. Hence, the date of completed application containing all necessary information / documents has to be treated as 19.05.2007 and not 04.04.2007 as claimed by the applicant's representative. Hence, in terms of clause (i) of Appendix "A" of the SOP Regulations, the time period of 10 days meant for inspection of applicant's premises will have to be reckoned from 19.05.2007. There is no dispute in this case that this joint inspection was carried out on 04.06.2007. The 10 days' prescribed period ended on 28.05.2007. Since the inspection was done on 04.06.2007, it is evident that there is a delay of 6 days for completing inspection of the applicant's premises. Hence, compensation of Rs.100/- only for one week's delay is payable to the applicant as per SOP Regulations.

The time period for intimating charges to be borne by the applicant from the date of receipt of application is 30 days in the present case as per SOP Regulations since in this case extension of distributing mains is required. In this case, the date of receipt of duly completed application is 19.05.2007. Hence, it is obvious that the non-applicant ought to have intimated charges to be borne by the applicant on or before 17.06.2007. As rightly pointed out by the applicant's representative, these charges have not been intimated to the applicant within this prescribed time limit. This Forum,

therefore observes that there is a delay caused by the non-applicant in this respect. Hence, compensation @ Rs. 100/- per week or part thereof of delay w.e.f. 18.06.2007 is payable by the non-applicant as per Appendix "A" of SOP Regulations. In this respect, the non-applicant has submitted that the charges to be borne by the applicant are intimated to him by his order dated 01.08.2007. The applicant's representative, on his part, has challenged this order saying that it has been issued just to cover up the lapses of MSEDCL and it has also violated the provisions of schedule of charges applicable w.e.f. 01.10.2006. He particularly stressed that 1.3% of the normative charges amounting to Rs.2535/- included in this demand note are basically wrong since 1.3% normative charges are to be recovered only if the applicant is permitted to carry out the work. He therefore, argued that the load sanction order dated 01.08.2007 is not proper and legal and it is ab-initio void and infructions. This Forum agrees with the view expressed by the applicant's representative. The reason therefor is simple. The non-applicant cannot unilaterally take a decision without the consent of consumer and thrust upon him to carry the works because it is the basic duty of the MSEDCL to provide the required infrastructure. This has been made absolutely clear by the Commission in its order dated 08.09.2006. The applicant never asked for permission to carry out the work at his own cost and as such 1.3% of the normative charges included in the load sanction order dated 01.08.2007 are without any justification. The applicant had also earlier made it clear in his letter dated 19.05.2007 that the licensee will have to carry out all the works and he will only pay the

prescribed service connection charges. The prescribed charges payable by the applicant are Rs. 1,95,000/- in this case which the applicant is prepared to pay. Hence, it follows that inclusion of 1.3% normative of charges in the load sanction order dated 01.08.2007 was improper and illegal. Consequently, it follows that the load sanction order dated 01.08.2007 is bad in law ab-initio. Hence, the non-applicant will now have to issue a fresh load sanction order without inclusion of 1.3% of normative charges. This load sanction order dt. 01.08.2008 deserves to be quashed and accordingly we hold that the order stands quashed. The applicant shall pay, on his part the service connection charges of Rs.1,95,000/- alongwith other charges like security deposit etc. and thereafter the non-applicant shall be bound to carryout the work up to the point of supply.

In view of this position, compensation payable in the context of intimation of charges to the borne by the applicant shall be reckoned from 19.05.2007 till the date on which the applicant receives the correct demand note. On being asked, the S.E. concerned assured that fresh demand note shall be issued without any further delay. The applicant is thus entitled to receive compensation @ Rs. 100/- per week or part thereof of delay from 19.05.2007 till the date of receipt of fresh demand note by him.

A point is raised about the circular dated 10.03.2006 issued by the S.E. (TQA) MSEDCL, Kolhapur. In that, the applicant has requested this forum to direct the Licensee to withdraw this circular. In this case, we observe that now all the works are to be executed by the MSEDCL and

the applicant is not at all going to be held responsible for not observing the conditions for fixing point of supply as per this circular. In view of this position, this Forum does not see any propriety to issue any direction as requested for by the applicant. It is now for the non-applicant to execute the works and follow guidelines of the above referred circular.

A point has been made by the S.E. NRC, Nagpur that he had sought guidelines from the H.O. in Mumbai on charges to be made applicable in the present case and on the scheme of works to be executed. When asked by us the Superintending Engineer stated before us that no guidelines were received from the H.O. In the first place this Forum observes that the S.E. was all competent to take decision at his level on the points referred to by him to the Head office. Therefore in reality, there was no propriety of seeking any guidelines from Head office. This has no doubt resulted in passage of some time. May that the case be, this point is not now relevant.

The applicant's representative has prayed that the MSEDCL be penalized for delay in providing supply Rs.1000/- per day as per Section 43 (4) of the Electricity Act, 2003. In this respect, this Forum observes that the Forum is not empowered to penalize MSEDCL in terms of section 43 (3) of the Electricity Act, 2003. This Forum has also no power to inflict penalty on the MSEDCL as per Section 142 of the Act. This power, according to us, is vested in the Commission. Hence, the applicant's request in this respect cannot be granted.

The applicant has also prayed for providing compensation of Rs.18.60 lacs which according to him, are directed losses incurred due to delay in releasing load. The applicant's representative contended that the applicant's project has been delayed by more than 6 months due to non-provision of supply of power. According to him the applicant has incurred direct losses of Rs. 2.5 lacs per month as interest on the investment of Rs. 2.5 crores and of Rs. 60,000/- towards staff salary. Thus he calculated the total loss equal to Rs. 18.60 lacs. In the first place, this Forum observes that no details what-so-ever are provided by the applicant in respect of the quantum of investment made by the applicant and also in respect of the interest quantum etc. No supporting details of staff salary of Rs.60,000/- are also provided. Secondly, and more importantly, the applicant's contention that there has been a delay of more than 6 months is also not correct. The date of receipt of duly completed application in this case is 19.05.2007 and as such it is not understood as to how the delay of more than 6 months is arrived at. Moreover, as per Appendix "A" of SOP Regulations, time-period prescribed for provision of supply is of 3 months where extension or augmentation of existing distribution mains is required and this time-period is to be counted from the date of receipt of completed application and also payment of charges to be borne by the applicant. In this case, the applicant has yet to make payment of the charges. It is true that he should have been intimated by the non-applicant about charges to be borne by him on or before 17.06.2007, but the prescribed last date for provision of supply is still not in view.

