

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

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**Case No. CGRF(NUZ)/053/2009**

Applicant : M/s. Persistent Systems Limited  
2<sup>nd</sup> & 3<sup>rd</sup> Floor, I.T. Tower,  
I.T. Park, MIDC,  
Parsodi,  
NAGPUR.

Non-applicant : MSEDCL through  
the Nodal Officer-  
Executive Engineer,  
Congressnagar Division, NUZ,  
Nagpur.

Quorum Present : 1) Smt. Meera Khadakkar,  
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.F. Lanjewar  
Executive Engineer &  
Member Secretary,  
Consumer Grievance Redressal  
Forum, Nagpur Urban Zone,  
Nagpur.

**ORDER (Passed on 07.12.2009)**

This grievance application is filed on 01.10.2009 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 complainant M/s. Persistent Systems Limited has filed the present grievance against the decision of Internal Grievance Redressal Cell. The complainant had approached IGRC on 22.06.2009. The grievance was heard. However, no relief is granted to the complainant.

The consumer has applied for refund of an amount of Rs. 4,17,958/-. It is the case that an amount of Rs.3,50,000/- was paid by the consumer as fixed service connection charges with an amount of Rs.67,958/- as the cost of metering cubicle in the year 2006. He was asked to pay fix service connection charges of three occasion out of which an amount of Rs.1,75,000/- has been refunded to the consumer by the order of Internal Grievance Redressal Cell.

The consumer has done the relevant work, the non-applicant has wrongly recovered the same amount, the consumer had approached to the Internal Grievance Redressal Cell on 22.06.2009. However, no relief is given to the consumer.

The consumer has prayed for refund the said amount along-with interest.

The non-applicant has submitted his reply on 15.10.2009 and denied the consumer's prayers. It is the non-applicant's contention that the work was to be carried out by the non-applicant. Therefore the consumer was charged with the said amount. The

consumer has not raised complaint or protest while making the payment.

On the second occasion the consumer had applied enhancement of load, the non-applicant has admitted that the amount of Rs.1,75,000/- was refunded to the consumer. Vide order of Internal Grievance Redressal Cell. The non-applicant has further submitted that the work of laying under ground cable and over head was involved. Hence service connection charges of Rs.1,75,000/- were demanded as per MERC's order. Similarly the cost of cubicle has been recovered as per MSEDCL's directives, hence there is no question of refund the service connection charges or the cost of cubicle. There is no substance in the consumer's application. Hence the applicant's application should be rejected.

Heard both the parties, the consumer has requested for refund of amount of Rs. 3,50,000/- and Rs.67,958/- paid by him as fixed service connection charges and metering cubicle cost. The non-applicant has opposed the consumer's prayer. The consumer's grievance is technically decided in his earlier grievance made to IGRC.

The consumer had applied for enhancement of power twice. The first enhancement was asked in the year 2006. The consumer has paid an amount of Rs.4,12,308/- vide money receipt no. 7848064 dated 20.11.2006. The consumer was given enhancement of supply after the payment was made. Thereafter he had applied for further enhancement of power supply in the year 2008. The consumer has paid the amount of Rs. 3,07,000/- vide money receipt no. 32678 dated 07.02.2008. Thereafter the consumer had approached the Internal Grievance Redressal Cell for refunding of fixed service connection charges as well

as metering cubicle charges. The order dated 3<sup>rd</sup> August 2009 is on record. It is clear from the order i.e. an amount of Rs. 1,75,000/- is refunded to the consumer through energy bill as the said amount was wrongly recovered as service connection charges.

The learned Member Secretary of this Forum has noted his descending view about the consumer's right to claim refund of service connection charges. In his opinion the amount is recovered prior to the circular no. 43 of 2006. Therefore the amount cannot be refunded.

In this regard the majority view of the Forum is that the non-applicant cannot charge service connection charges. In the Commission's order in case no. 70 of 2005, it is observed that the MSEDCL cannot recover service connection charges from the prospective consumer, similarly circular no. 43 is also clear on this point.

The non-applicant has not raised this issue while opposing present grievance application.

In principle IGRC has accepted that the non-applicant is not competent to recover the service connection charges of Rs.1,75,000/- from the consumer in its order referred above. The same principle or analogy will have to be applied in the present grievance application. Since it is observed by the Competent Authority that the non-applicant cannot charge for service connection charges. The consumer is entitled to get refund of the said amount.

The consumer has paid an amount of Rs. 67,958/- as metering cubicle cost that should be refunded. The non-applicant has admitted that the consumer has paid the said amount. However, according to the non-applicant the consumer was not expected to do the

work. However, in spite of the non-applicant's understanding, he has carried out the work on his own. That is why the consumer claimed the refund of said amount.

It is submitted by the non-applicant that the consumer has not raised any protest or never opposed for payment, which he paid time to time. The consumer has relied upon the ratio in the Hon. Ombudsman's order in representation no. 46/2008. In present case the consumer has filed on record several documents which clearly show that the consumer has incurred the cost for HT metering cubicle. It is observed by the Hon'ble Ombudsman that "the HT metering cubicle including CT & PT are required to be provided by the MSEDCL at its own cost in terms of Electricity Act, 2003 and the Regulations made therein."

In this case, the main question has arisen that who had made a work?

We are gone through the documents on record and satisfied that the consumer has incurred expenses for erecting HT metering cubicle for which he has paid an amount of Rs.67,958/-.

In view of the order in reference no. 46/2008, the non-applicant cannot deny the re-payment of the said amount.

In majority view, we are satisfied that the consumer is entitled to get the refund of an amount of Rs.2,42,958/- (Rs. 1,75,000/- service connection charges + Rs.67,958/- metering cubicle cost).

The consumer has prayed for refund of amount along-with interest, he has not made any statement about the rate of interest. However, keeping in view the practice as well as provision of law it

would be fair to award interest at the bank rate on the refund of amount of Rs. 2,42,958/- till the date of actual refund.

After considering the arguments of both the parties as well as documents on records.

The present grievance application is allowed.

The non-applicant shall refund the amount of Rs. 2,42,958/- along-with interest at bank rate on refund of the date of actual refund.

The non-applicant may refund the amount by adjustment in the future energy bills.

The non-applicant shall carryout this order & report compliance to this Forum on or before 15.01.2010.

Sd/-	Sd/-	Sd/-
(S.F.Lanjewar)	(Smt.Gauri Chandrayan)	(Smt. Khadakkar)
Member-Secretary	MEMBER	CHAIRMAN

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