

**CONSUMER GRIEVANCE REDRESSAL FORUM  
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION COMPANY LTD.  
NASHIK ZONE**

(Established under the section 42 (5) of the Electricity Act, 2003)

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**Office of the  
Consumer Grievance Redressal Forum  
Kharbanda Park, 1<sup>st</sup> Floor,  
Room N. 115-118  
Dwarka, NASHIK 422011**

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**No. / CGRF /Nashik/Nagar Circle/Sangam.Dn/444/27-14/**

**Date: 17/10/2014**

**(BY R.P.A.D.)**

**Date of Submission of the case : 28/08/2014**

**Date of Decision : 17/10/2014**

To.

1) M/s. Malpani Health Club,  
Kasar Dumala Tq. Sangamner  
Dist. Ahmednagar 422605  
(Consumer No. 155049006670)

Complainant

1. Nodal Officer ,  
Maharashtra State Electricity Distribution Com. Ltd.,  
O&M Circle office, Ahmednagar
- 3) Executive Engineer ,  
Maharashtra State Electricity Distribution Com. Ltd.  
Sangamner Division office,  
Dist. Ahmednagar.

Distribution Company  
(Respondent)

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**DECISION**

M/s. Malpani Health Club (hereafter referred as the Complainant) Sangamner Dist. Ahmednagar. is the HT Industrial consumer of the Maharashtra State Electricity Distribution Company Ltd. (hereafter referred as the Distribution Company). The Complainant has submitted grievance against MSEDCL for Refund the cost of CTs with CT Testing fee and penalty charged for excess load during April, 13 to December, 13 . The Complainant has filed a complaint regarding this with the Internal Grievance Redressal Committee of the Maharashtra State Electricity Distribution Company Ltd. But not satisfied with the decision of the Distribution Company , the consumer has submitted a representation to the Consumer Grievance Redressal Forum in Schedule "A. The representation is registered at Serial No.157 of 2013 on 28 /08/2014.

The Forum in its meeting on 05/09/2014, decided to admit this case for hearing on 26/09/2014 at 12.30 pm in the office of the forum . A notice dated 05/09/2014 to that effect was sent to the appellant and the concerned officers of the Distribution Company. A copy of the grievance was also forwarded with this notice to the Nodal Officer, MSEDCL, Circle Office Ahmednagar and to the Executive Engineer ,Sangamner for submitting para-wise comments to the Forum on the grievance within 15 days under intimation to the consumer.

Shri V.G. Bhivsani, Dy. Executive Engineer Circle Office Aahmednagar, Shri U.R. Gogate Additional Executive Engineer, Sangamner, Shri. H.V. Chonde, Dy. Executive Engineer Circle Nashik Ahmednagar ., Shri. P. S. Sali , Dy. Executive Engineer, Sangamner S/Dn.. represented the Distribution Company during the hearing. Shri. B.R. Mantri appeared on behalf of the consumer.

**Consumers Representation:**

1. The complainant has applied for extension of load from 68 KVA to 220 KVA on 21/02/2013.
2. MSEDCL has sanctioned the same on 18/04/2013 with the condition to replace existing CT with CT ratio 25/5 and asked to pay for 1.3% supervision charges.
3. The complainant paid the necessary charges and submitted the Test Certificate on 09/05/2013.
4. As per MSEDCL instruction the complainant arranged and installed the same on 29/12/2013 and MSEDCL has released load in the month of January 2014.
5. MSEDCL has charged excess load penalty from the month of April, 13 to December, 13
6. There is no additional work in service connection, as existing infrastructure / line is capable for this extension of load. The work is only changes in existing metering section, is prime duty of MSEDCL and this cannot burden to consumer. As per MERC, metering is responsibility of MSEDCL and should provide free of cost. MSEDCL has asked to carry out necessary modification in metering cubicle, replacement work of CTs which is not consistent with the MERC schedule of charges.
7. As per MERC Case no. 70 of 2005 and circular issued by Chief Engineer (Distribution) relating to revision in schedule of charges in case the consumer applied for an additional load or contract demand i.e. extension of load and if the release of such load entails any work, the normative charges shall be recovered for the total load / contract demand (existing as well as additional load) as per applicable load slabs, indicated in Annexure-2.
8. MERC has allowed only service connection charges (normative charges). Service connection charges are exclusion of metering unit. The metering unit is not a part and parcel of service connection. MERC approves a rate of 1.3% of the normative charges to be recovered towards supervision charges in case MSEDCL permits an applicant to carry out the works through a LEC. The sanction of metering work under 1.3% is not as per schedule of charges.
9. As per MSEDCL instruction, the complainant has carried out the required changes work in metering section and as per estimate cost of CT's Rs. 49500/- to be refunded.
10. The complainant has claimed cost of CT's of Rs. 49500/- and refund of MD penal charges which are charged due to delay in effecting of additional load to SE, MSEDCL, Ahmednagar on 28/1/2014.
11. MSEDCL has also recovered the amount Testing of CT unit of Rs. 9000/-

**Demands of the Consumer:**

1. Refund the cost of CTs of Rs. 49500/- as per estimate.
2. Refund the CT testing fee Rs. 9000/-
3. Refund the excess payment made against MD penal charges from April 13 to Dec.13.
4. Above refund amount should be paid with interest from the date deposited to date of payment @9% .

**Arguments from the Distribution Company.**

The Distribution Company submitted a letter dated 23/09/2014 from the Nodal Officer, MSEDCL, Ahmednagar Circle Office and other relevant correspondence in this case. Putting forth the arguments on the points raised in the grievance, the representatives of the Distribution Company stated that:

1. The consumer had applied for load enhancement on 15/02/13 of existing load of MD from 68 KVA to 220 kVA,
2. Sanction was given on dt. 18/04/13. The CT was not provided by the consumer for replacement for releasing load enhancement. The consumer has given the consent in writing that he will bear all the expenses for the above load enhancement. The CT was procured by the consumer on 20/12/13.
3. After the testing of above CT, the same consumer's load extension released on dt. 09/01/2014. It is further contended that the consumer has not availed the facility of Addl. Load sanction, as he has not completed the formalities additional load sanction cannot be effected. Therefore, MD penalty cannot be refunded.

4. As the MD of consumer is enhanced by 25% higher than existing load therefore consumer should bear the expenses of CT's.

**Action by IGRC:**

1. The complainant submitted the grievance to the IGRC, Ahmednagar Circle on 29/01/2014
2. The Distribution Company represented as under in IGRC:
  - a. Application of consumer dated 23.02.2013 is with 3 Nos. of Rs.100/- bond paper.
  - b. Technical estimate and load sanction of consumer was given on dt. 18.04.13.
  - c. Consent on bond paper is given by the consumer about execution of infrastructure work.
  - d. Application of consumer for CT testing was on dt. 20.12.13. CT was tested on dt. 29.12.13. Connection of load extension was released on dt. 09.01.14.
  - e. First bill was generated for load extension in Jan.2014.
3. After hearing both the parties IGRC gave decision as under by a letter dated 26/02/2014
  1. C.T. cost cannot be refunded.
  2. M.D. penalty charged by MSEDCL is correct.

**Observations by the Forum:**

1. The complainant has demanded refund of cost CT's installed as per instructions of the Distribution Company. The Complainant applied for 190 kW additional connected load [from existing 110 kW to 300 kW] on 21/02/2013. The Distribution Company sanctioned the additional load at 11 kV by a letter dated 18/04/2013. The sanction letter stipulated to purchase the metering cubicle from the approved vendor of MSEDCL. The CT ratio 25/5 A (Class 0.5 10 VA) and PT 11kV/Root3/110v/Root3 (Class 0.5 50 VA) was prescribed. The Complainant procured the CTs of prescribed specifications in December 2013 and requested to test the same by a letter dated 20/12/2013 to the Distribution Company.
2. Regulation 14 of the Maharashtra Electricity Regulatory Commission (Electricity Supply Code & Other Conditions of Supply) Regulations, 2005, clearly provides that except where the consumer elects to purchase a meter, the distribution licensee may require the consumer to provide security for the price of the meter in accordance with the provisions of Clause (b), sub section (1) of Section 47 of the Act. Also regulation 6 (2) of the Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006, provides
  - a) *Consumer meters shall generally be owned by the licensee*
  - b) *If any consumer elects to purchase a meter, the same may be purchased by him. The meter purchased by the consumer shall be tested, installed and sealed by the licensee. The consumer shall claim the meter purchased by him as his asset only after it is permanently removed from the system of the licensee.*
3. The Commission on 16<sup>th</sup> August, 2012 has issued order in case 19 of 2012 in the matter of revision of 'MSEDCL Schedule of Charges', prescribing various charges to be paid by the consumer for provision of supply. Table 128 thereof deals with cost of meter and meter box. But the costs are applicable only in case consumer opts to purchase the meter from MSEDCL & in case of Lost & Burnt Meter. The CE (Distribution) MSEDCL Mumbai has also issued a circular No. CE/Dist-III/SOC/24500 Dated 30/08/2012 based on the MERC order. According to para 3.1 of this circular the cost of the meter is recoverable only when a consumer opts to purchase the meter from the MSEDCL or in case of lost and burnt meter.
4. As per regulation 2.1 (q) of the MERC (Electricity Supply Code & Other Conditions of Supply) Regulations, 2005 has defined "meter" as under –
  - a) *"Meter" means a set of integrating instruments used to measure, and / or record and store, the amount of electrical energy supplied or the quantity of electrical energy contained in the supply, in a given time, which include whole current meter and metering equipment, such as current transformer, capacitor voltage transformer or potential or voltage transformer with necessary wiring and accessories and also includes pre-payment meters."*From the above, it is clear that CTs and PTs are integral parts of the meter.

5. Section 55(2) of the Electricity Act, 2003, governing use of meters mandates as under:  
“.....For proper accounting and audit in the generation, transmission and distribution or trading of electricity, the Authority may direct the installation of meters by a generating company or licensee at such stages of generation, transmission or distribution or trading of electricity and at such locations of generation, transmission or distribution or trading as it may deem necessary. ...”
6. The Central Electricity Authority (CEA) has made Regulations called Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006 which came into force from 22<sup>nd</sup> March, 2006. It states that the consumer's meter shall generally be owned by the licensee unless the consumer elects to purchase a meter. The distribution licensee is duty bound to install a correct and appropriate meter required for proper accounting and audit of distribution of electricity.

The provisions as above show that meter is required to be installed by the licensee.

7. The CT/PT unit fixed in the metering cubicle is a part and parcel of the metering equipment. Since, the meter is required to be provided free of cost by the distribution licensee to the consumer, it automatically follows that every part of the metering equipment, including the CT & PT unit, is required to be provided by the Distribution Company to the consumer. The Distribution Company has no discretion to ask the consumer to provide it, as a condition in the load sanction letter. Therefore, the Distribution Company's action of asking the complainant to procure the CTs at his cost is incorrect. Hence it would be necessary to refund the cost of CTs procured for metering cubicle by the complainant but at the rate approved by the Commission in the Schedule of Charges with interest at bank rates as stipulated under Section 62(5) of the Electricity Act, 2003. The cost of H.T. Metering Cubicle including C.T. and P.T. as per MERC approved Schedule of Charges is Rs. 82,200 for 11 kV. The complainant has not procured entire Metering Cubicle but only 3 CTs at Rs. 49,500. There is no separate cost shown for CTs in the approved Schedule of Charges table by MERC. Hence refund has to be equal to the cost of CTs as approved by the MSEDCL in its tender for FY 2013-14 or Rs. 49,500 whichever is less. The Hon'ble Electricity Ombudsman, Mumbai in a similar case of Representation no. 67 of 2008 [M/s. Vaibhav Plastomoulds Pvt. Ltd. V/s MSEDCL] has allowed such refund under order dated 25/11/2008.
8. As per instructions contained in the CE (Distribution) MSEDCL Mumbai circular No. CE/Dist-III/SOC/24500, Dated: 30/08/2012 the testing charges of meter as approved by the Commission for metering equipments under various categories shall be applicable only in case the consumer requests the licensee to test the meter. Hence the testing fee for CTs is also to be refunded in this case with interest at bank rates as stipulated under Section 62(5) of the Electricity Act, 2003,
9. Though it was required that the Distribution Company should provide the metering equipment at their cost, the fact remains that the complainant agreed to the conditions of the Distribution Company by giving consent in writing on bond paper and procured the CTs. The complainant has not objected the same till 28/01/2014 when the refund was claimed by a letter addressed to the Superintending Engineer, Ahmednagar. There is delay in installing/procuring CTs on the part of the complainant which was done on 20.12.13. The Distribution Company tested CTs on 29.12.13 and load extension was released on 09.01.14. There is no delay on the part of the Distribution Company to release extended load after the CTs were procured. Had the complainant procured the CTs early, the extended load would have been released early. Hence the excess load penalty applied till December 2013 can not be refunded.

After considering the representation submitted by the consumer, comments and arguments by the Distribution Licensee, all other records available, the grievance is decided with the observations and directions as elaborated in the preceding paragraphs and the following order is passed by the Forum for implementation:

## **ORDER**

1. The Distribution Company should refund the amount equal to the cost of CTs as approved by the MSEDCL in its tender for FY 2013-14 or Rs. 49,500 whichever is less and the amount of CT testing fee recovered from the complainant with interest at bank rates as stipulated under Section 62(5) of the Electricity Act, 2003.
2. As per regulation 8.7 of the MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 , order passed or direction issued by the Forum in this order shall be implemented by the Distribution Licensee within the time frame stipulated and the concerned Nodal Officer shall furnish intimation of such compliance to the Forum within one month from the date of this order.
3. As per regulation 22 of the above mentioned regulations , non-compliance of the orders/directions in this order by the Distribution Licensee in any manner whatsoever shall be deemed to be a contravention of the provisions of these Regulations and the Maharashtra Electricity Regulatory Commission can initiate proceedings suo motu or on a complaint filed by any person to impose penalty or prosecution proceeding under Sections 142 and 149 of the Electricity Act, 2003.
4. If aggrieved by the non-redressal of his Grievance by the Forum, the complainant may make a representation to the Electricity Ombudsman, 606, 'KESHAVA', Bandra Kurla Complex, Bandra (East), Mumbai 400 051 within sixty (60) days from the date of this order under regulation 17.2 of the MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006.

**(Ramesh V. Shivdas )**  
Member-Secretary & Executive Engineer  
Consumer Grievance Redressal Forum  
Nashik Zone

**(Suresh P.Wagh)**  
Chairman

Copy for information and necessary action to:

- 1 Chief Engineer , Nashik Zone, Maharashtra State Electricity Distribution Company Ltd. ,  
Vidyut Bhavan, Nashik Road 422101
- 2 Superintending Engineer, Maharashtra State Electricity Distribution Company Ltd. ,  
O&M Circle office, Ahmednagar.