

CONSUMER GRIEVANCE REDRESSAL FORUM
(Established under the section 42 (5) of the Electricity Act, 2003)
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION COMPANY LTD.
NASHIK ZONE

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Office of the
Consumer Grievance Redressal Forum
Kharbanda Park, 1st Floor,
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Dwarka, NASHIK 422011

No. / CGRF /Nashik/NUC/N.U.Dn.1/453/36-14/
(BY R.P.A.D.)

Date: 12/12/2014

Date of Submission of the case : 14/11/2014
Date of Decision : 12/12/2014

To.

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|---|---|--------------------------------------|
| 1. M/s.Plastiche Enterprises .
Plot No. 7/8, Gat. No. 471,
Shinde-Naigaon Road,
Village Shinde Tal. Sinnar
Dist. Nashik 422101
(Consumer No. 049109023530) | } | Complainant |
| 2. Nodal Officer ,
Maharashtra State Electricity Distribution Com. Ltd.,
Urban Circle office, Shingada Talav,
Nashik | } | Distribution Company
(Respondent) |
| 3. Executive Engineer (Urban-2)
Maharashtra State Electricity Distribution Com. Ltd.
Jail Road Nashik Road. | } | |

DECISION

M/s.Plastiche Enterprises (hereafter referred as the Complainant). Nashik is the industrial consumer of the Maharashtra State Electricity Distribution Company Ltd. (hereafter referred as the Distribution Company). The Complainant has submitted grievance against MSEDCL for Reimbursement of check metering cost. The Complainant 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.202 of 2014 on 14 /11/2014.

The Forum in its meeting on 18/11/2014, decided to admit this case for hearing on 05/12/2014 at 11.30 am in the office of the forum . A notice dated 18/11/2014 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, Urban Circle Office Nashik, for submitting para-wise comments to the Forum on the grievance within 15 days under intimation to the consumer.

Shri. C.C. Humane, Nodal Officer represented the Distribution Company during the hearing. Shri S.O Kabra and Shri. R. K. Rakibe appeared on behalf of the consumer.

Consumer's Representation in brief :

1. The complainant has taken a new HT connection at their factory in Nashik. The Check Metering work has been executed by the complainant as per the Circle Office instruction. After work completion the complainant has applied for the reimbursement of the cost for check metering to Circle Office on 23 July 2013.
2. But even after almost 1 year after submitting the application of Check Meter cost reimbursement, there is no feedback from M.S.E.D.C.L.
3. The consumer has even registered the complaint at Internal Consumer Grievance Redressal Cell Urban Circle Nashik. But they have not received any positive reply.
4. Hence requesting the Forum to help as per SOP Norm for getting Check Metering cost at the earliest.

Demands of the Consumer:

Speed up the process of reimbursement and proper information to be received.

Arguments from the Distribution Company.

The Distribution Company submitted a letter dated 28/11/2014 from the Nodal Officer, MSEDCL, Nashik Urban Circle and other relevant correspondence in this case. The representatives of the Distribution Company stated that:

1. M/s. Plastiche Enterprises, Shinde Naygaon Road, A/P Shinde, Nashik was given electricity connection after payment of amount as per firm quotation.
2. The usage of the said consumer is for "plastic molding". Hence check meter is essential. The consumer installed the same. But later applied for reimbursement of meter cost.
3. As this office has no power to refund the meter cost, the case was submitted for guidance to the Chief Engineer, Nashik Zone as per letter no. 05582 dated 26/11/2014

Action by IGRC :

1. Internal Grievance Redressal Cell, Nashik Urban Circle conducted hearing on 16/09/2014 for the complaint submitted on 28/08/2014
2. After hearing both the parties IGRC gave decision as per letter dated 22/09/14 as under:

"On receipt of directives from H.O. necessary action should be taken and communicated to the complainant"

Observations by the Forum:

1. The complainant has demanded reimbursement of Check Meter Cost installed as per instructions of the Distribution Company. The Complainant applied for 300 kW connected load with 200 kVA contract demand from existing 11 kV line. The Superintending Engineer, Urban Circle, Nashik sanctioned the load by a letter dated 07/02/2013. The sanction letter stipulated a condition to install the main as well as check meter according to the specifications as may be provided by MSEDCL.
2. The complainant issued a letter dated 18/02/2013 to the Superintending Engineer, Urban Circle, Nashik stating that the check meter is the responsibility of the MSEDCL and agreed to execute this work if reimbursement is done through the energy bills and requested for confirmation of the same. But the Distribution Company has not replied to this letter. The complainant stated that he was however verbally assured of the reimbursement.
3. In view of the urgency of getting supply, the complainant installed the check meter and requested for reimbursement as per letter dated 23/07/2013 addressed to the Superintending Engineer, Urban Circle, Nashik (acknowledged on 29/07/2013). But the Distribution Company has not acted upon this.
4. Later, the complainant submitted the grievance to the Internal Grievance Redressal Cell, Nashik Urban Circle on 28/08/2014. The IGRC did not give any decision and only informed that the necessary action should be taken and communicated to the complainant on receipt of directives from H.O.

5. 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 as under:

“ 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.”
6. The Maharashtra Electricity Regulatory Commission has issued an order in case 19 of 2012 on 16th August, 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 and 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 said 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
7. 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. ...”
8. The provisions as indicated above show that the distribution licensee is duty bound to install a correct and appropriate meter required for proper accounting and audit of distribution of electricity. 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 check meter at his cost is not correct .
9. The complainant had already pointed out this immediately after receipt of the sanction letter and installed the check meter under presumption of the reimbursement.
10. 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
11. According to the MERC order dated May 17, 2007 in Case No. 82/2006 , it has been directed that:

“MSEDCL should submit a detailed compliance report under affidavit, with respect to refund of amounts collected from all consumers towards ORC, cost of meter and ‘CRA’, together with interests, on and from September 8, 2006 (which the date of enforcement of the Order dated September 8, 2006 in Case No. 70 of 2005) up to April 30, 2007”

In view of the said MERC order , CE (Distribution) ,MSEDCL, Mumbai has issued a circular no. CE/Dist/D-III/MERC/ 34307, Dated: 3 Sep 2007 directing the field offices to refund the meter cost recovered from September 08, 2006 of all LT/HT consumers for release of new connections immediately through energy bills by giving credit of amount recovered against cost of meter. Hence the check meter cost incurred by the complainant at the time of release of the connection needs to be reimbursed through energy bills .

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 reimburse the check meter cost incurred by the complainant at the time of release of the connection by adjustment through energy bills .The reimbursement should commence from the ensuing billing cycle falling after the date of this order.
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

(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. , Urban Circle office, Nashik .