

**Before Maharashtra State Electricity Distribution Co. Limited Consumer Grievances Redressal Forum, Pune Zone, 925, Kasabapeth Building, IInd flr. Pune-11**

**Case No. 09 of 2010**

**Date: 5/4/2010**

**In the matter of M/s. Magna Casting & Machine Works Pvt.Ltd.(MCMI)**

**- Complainant**

**V/S**

**M.S.E.D.C.L. Pune Rural Circle**

**- Opponent**

**Quorum**

Chair Person

Mr. A.V.Bhalerao

Member/Secretary,

Mr. L.G.Sagajkar

- 1) M/s. Magna Casting & Machine Works Pvt. Ltd.(Complainant for short) is getting supply to its industry under the category HT-I non continuous from its dedicated express feeder. It made an application dt. 22/12/2009 to Maharashtra State Electricity Distribution Co. Ltd. (Opponent for short), for change of tariff from HT-I non continuous to HT-I continuous. The opponent vide letter dt. 13/01/2010 informed the complainant that its request to change the category HT-I non continuous to HT-I continuous could not be considered as other two units which are on the same feeder there was no other industrial feeder with one day staggering it was further informed that if complainant was willing to shift the other

two units on Katraj feeder having daily load shedding for 6.5 Hrs. then only the complainant could be given continuous supply from the feeder to which it is already connected. It was also informed to the complainant that if it was not willing to shift the other two units to katraj feeder and they are to be kept under the same category non continuous on the same existing feeder then the complainant will have to opt for a separate feeder with separate service line for which the complainant will have to bare the expenses.

- 2) The opponent vide letter dt. 15/01/2010 refused to accept the options given to it and contended that the existing feeder was installed at common cost so that it including other two companies which formed a group so that they should get continuous supply and requested the opponent to consider its proposal to change its category from non-continuous to continuous retaining category of its other two units as non-continuous getting the supply from one and the same feeder.
- 3) The opponent did not give any response due to which it directly made a grievance to this Consumer Grievance Redressal Forum without first approaching the Internal Grievance Redressal Forum. The opponent vide its letter dt. 26/03/2010 resisted the complainant's case contending that as the complainant has approached directly to CGRF without first approaching IGRC the

complaint made by it should not be entertained the opponent later on by filing its say resisted the complaint's claim contending that Magnum forge & machine works Pvt.Ltd., World wild oilfield machine Pvt. Ltd. and the complainant are three different consumers getting supply of electricity under different consumer Nos. The existing feeder from which the above three consumers are getting supply was installed not on application made by the complainant but it was installed on an application made by Magnum forge & machine works Pvt. Ltd. It was further contended that though the complainant had not contributed any thing for the installation of a separate existing feeder a supply of electricity to it was given from that feeder at its discretion. The opponent alleged that the complainant could be given a continuous supply provided the other two industries Viz. Magnum forge & machine works Pvt. Ltd. & World wild oilfield also opt for continuous supply . It further alleged that from one and the same feeder supply can not be made continuous to one consumer and non-continuous to the others who are on the same feeder. The opponent contended that the option to change the tariff that too within one month from date of the issue of the tariff has been given to the consumers getting supply from express feeder so that those who are getting supply from express feeder and desire to have non continuous supply should not suffer.

4) On the date of the hearing on behalf of the complainant its Manager Shri.Gokarn and on behalf of the opponent its Ex.Engr. (Adm) Mr.Patole, & Mr. Pendarkar, A.E. argued their cases. On behalf of the complainant it was submitted that Magnum forge & machine works Pvt.Ltd and M/s.Magna Casting & World wild oilfield are the sister concerned or group of companies who required continuous uninterrupted power supply and therefore for the use of all the three companies separate industrial feeder was asked for which was sanctioned and its cost was paid in the name of one of its units Magnum though the complainant alongwith other two companies asked for separate industrial express feeder so as to have a continuous supply. They have been receiving supply under the category HT-I non-continuous. The complainant alone was in need of a continuous supply and therefore it made an application dt.22/12/2009 to get continuous supply. The said application was made by it under Reg. 9.2 of Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, period for Giving Supply and Determination of Compensation)(MERC SOP Reg.2005) Regulations, 2005. The opponent instead of giving continuous supply changing the tariff from HT-1 non- continuous to HT-I continuous asked the complainant that its tariff could be changed only if the other two

companies could be switched over to another feeder which has daily load shedding 6.5 hrs. The other two companies alongwith the complainant are getting supply from the existing feeder without every day load shedding but only with one day staggering in a week.

- 5) It was argued on behalf the complainant that Regulations or tariff or the Elect. Act-2003(Act) does not prescribe any such condition and therefore from same feeder the complainant should get the continuous supply. The complainant claimed compensation for delay caused in changing the category in effect the tariff.
- 6) On behalf of the opponent it was conceded that the existing feeder from which the complainant and its two sister concerns are getting the supply under the tariff HT-I non continuous was installed for all the three units as they wanted continuous supply. It appears that subsequently the complainant and its other two concerns opted for non continuous supply without daily load shedding but with only one day load shedding in a week and therefore subsequently change in tariff might have been made by the complainant for it self and for its other two sister concerns . The opponent argued that it was ready to change the tariff and give continuous supply to the complainant provided the complainant was ready to have separate feeder and separate service line at its cost as without changing the

tariff of their two sister concerns it was not possible to give a continuous supply to the complainant. It was argued that the complainant was given a second option of having continuous supply from the same feeder without making any extra payment provided the complainant was willing to switch over its other two concerns to Katraj feeder where there is daily load shedding of 6.00 hrs. The complainant was also given 3<sup>rd</sup> option to have continuous supply to it without making extra payment provided it gives willingness to have its other two concerns also a continuous supply. The complainant did not agreed to any one of the options given to it and contended that keeping the other two industries non continuous it should be given supply continuously from same existing feeder relaying upon representation No. 87 of 2009 in between M.S. Ramsons Casting Pvt. Ltd. VS MSEDCL decided on 15/09/2009 by the Hon'ble Electricity Ombudsman.

- 7) On rival contention following points arise for consideration.
- i. Is complainant entitled to get continuous supply from existing feeder which is at present non express feeder giving supply to other two companies under the category non continuous?
  - ii. If not what should be the way out the above points are answered as per final order.

## **REASONS**

- 8) POINT No.1 : In the tariff order which came in to force from 1<sup>st</sup>. June 2008 HT-I industry is categorized in two parts one continuous (on express feeder) and second non continuous (not on express feeder). In the instant case the complainant and other two industries Magnum forge & World wild oilfield are getting supply under the category non continuous from one feeder. The said feeder was installed for all the three industries. It is not in dispute that all the three industries are sister concerns under one management. The complainant alone made an application for change of tariff from non continuous to continuous and wanted continuous supply before the expiry of second billing cycle from the date of application changing the tariff as provided under Reg. 9.2 of MERC SOP Reg.2005 . The opponent had no objection to give continuous supply as provided under Reg. 9.2 but gave complainant three options one that the complainant could get continuous supply from the same existing feeder provided the other two industries who are getting supply from the same feeder opt for to switch over to other feeder where there is daily load shedding of 6.00 hrs. The second option was that the other two industries also should opt for continuous supply. In case of above two options the complainant was not required to make extra expenses, the third options was

that complainant should get installed a new express feeder and service line at its expenses as provided under Reg. 3 of Maharashtra Electricity Regulatory Commission (Electricity Supply code and other conditions of supply) Regulations-2005 (MERC ESC Reg 2005) read with section 46 of the Act.

- 9) As provided by Reg. 9.2 of MERC SOP Reg. 2005 the opponent has to effect change of tariff category before the expiry of second billing cycle after the date of receipt of application. In the instant case for effecting a change of tariff a new feeder is required to be installed then this Reg. 9.2 will have to be read with Reg. 3 of MERC ESC Reg.2005 and section 46 of the Act. The complainant relied upon a decision in representation No.87 /2009 M/s. Ramsons Casting Pvt. Ltd. VS MSEDCL in which the consumer had made an application for change of tariff from HT-1 continuous to HT-1 non continuous on 26/06/2008. His tariff was changed from next billing cycle after Dec-2008 when the other consumer getting supply from the same feeder opted for non continuous in Dec-2008. The learned ombudsman relaying upon Reg. 9.2 of MERC SOP Reg.2005 directed MSEDCL to change the consumer's tariff before the expiry of second billing cycle after the date of receipt of the consumer's application and refunded the excess amount recovered with the interest at the bank rate. In the case before learned ombudsman as



the other consumer who was getting the supply on the same feeder opted for the same tariff asked for by the earlier consumer no question involved of making supply of electricity from any other feeder incurring extra expenses. In the instant case from the existing feeder 3 industries are getting supply non continuous the other two industries are not willing to change their category from non continuous to continuous like the complainant. In order to avoid any inconvenience the opponent gave 3 options but complainant did not opt for any one. The existing feeder was for the three industries if the other two industries wanted non continuous supply they can not be forced to get continuous supply. All the three industries which are group of industries had initially asked for continuous supply on express feeder even then after installation was complete they were together allowed to have a non continuous supply under the tariff HT-1 non continuous the tariff for which is comparatively at the chipper rate than continuous. The complainant can not be given a continuous supply from the same feeder as it would be detrimental to the other two industries. If the other two industries are getting supply under the category HT-1 non-continuous they should not have any objection if they are switched over to any other non express feeder but as the separate dedicated feeder was installed for them with one day staggering the option

were offered. In the instant case keeping the other two industries on the same feeder getting supply under the tariff HT-I not continuous the complainant can not be given a continuous supply from the same feeder as there is no other industrial feeder to which the complainant's other two industries could be connected. Under such circumstances it is necessary to install an express feeder with service line and for such express feeder and the expenditure will have to be made by the complainant as provided in Reg. 3 of MERC ECS Reg.2005 read with Sect. 46 of the Act. The complainant showed reluctance to bear such expenses due to which change of tariff as asked for by it could not be effected.

### **ORDER**

The complaint stands dismissed, however the complaint is given a liberty to exercise any one of the three options discussed above.

Sign:

Mr. L.G.Sagajkar,  
Member/Secretary

Mr.A.V. Bhalerao  
Chair Person

Date: 05/04/2010

