



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph- 2210707, Fax - 2210707, E-mail : cgrfkalyan@mahadiscom.in

No. K/E/1303/1539 of 2017-18

Date of registration : 06/03/2018

Date of order : 09/05/2018

Total days : 64

IN THE MATTER OF GRIEVANCE NO. K/E/1303/1539 of 2017-18 OF M/S VIPRAS CASTING LTD., SURVEY NO.33/5, VILLAGE – NIPHAN, SAVROLI – KHARPADA ROAD, TAL – KHALAPUR, DIST. RAIGAD, PIN CODE – 410 203 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING BILLING DISPUTE.

M/s Vipras Casting Ltd.,
Survey No.33/5, Village – Niphan,
Savroli – Kharpada Road,
Tal – Khalapur, Dist. Raigad,
Pin Code – 410 203.

(Consumer no. 031069019300)

... (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution
Company Limited,
Through it's Nodal Officer,
Pen Circle, Pen

... (Hereinafter referred as Licensee)

Appearance : For Licensee - 1) Shri.R.B.Mane, Nodal Officer, Pen Circle
2) Shri.G.V.Satpute, Law Officer, Pen Circle

For Consumer - Shri.B.R.Mantri (C.R.)

[Coram- Shri A.M.Garde-Chairperson, Shri A.P. Deshmukh-Member Secretary
Mrs.S.A.Jamdar- Member (CPO)].

1) Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003 (36/2003). Hereinafter for the sake of brevity referred as 'MERC'. This Consumer Grievance Redressed Forum has been established as per the notification issued by MERC i.e. "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is referred as 'Regulation'. Further the regulation has

been made by MERC i.e. Maharashtra Electricity Regulatory Commission. [Electricity Supply Code and other conditions of supply 2005] Hereinafter referred as 'Supply Code' for the sake of brevity. Even, regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply & Determination of Compensation) Regulations, 2014.' Hereinafter referred 'SOP' for the sake of convenience.

2) Consumer herein is one M/s Vipras Casting Ltd. Having Consumer no.031069019300, Pen Circle grievance is as under :

- i) *MSEDCL has disconnected the supply due to arrears under section 56 (1) with given the 15 days' notice on date 09/02/2017 and reconnected the same as per instruction of High court after payment of reconnection charges on date 25/04/2017.*
- ii) *As per the norms of Electricity Act 2003 and MERC Regulations; there is no differentiation between T.D. / P.D., there is word only "Disconnection". Disconnection means to remove the service line and meter. The agreement between consumer and Licensee has been terminated after disconnection. After disconnection there is no relation of consumer and Licensee.*
- iii) *As per section 56 of EA 2003; when a supply is disconnected the utility should stop the issue of bills and start the process for recovery of dues for which amount disconnection occurs.*
- iv) *MERC has also clarified the same in SOP Regulation 2005 as well as 2014 and given the explanation that payments dues as per Section 56 (1) of EA 2003 that means arrears amount for which disconnected the supply.*
- v) *Electricity act 2003 and MERC regulation has not allowed to licensee to Levy any charge (fix charges) when supply has disconnected under section 56(1).*
- vi) *MERC has also clarified the same in SOP Regulation 2005 as well as 2014 and given the explanation that payments dues as per 56 (1) that means arrears amount for which disconnected the supply. Electricity act 2003 and MERC regulation has not allowed to licensee to charge the demand charges for not providing the supply. In MERC regulation, within six-month supply can be reconnected after payment of dues for which supply has disconnected. There is no clause to pay the minimum charges or any charges for the period of disconnection to reconnection.*

MERC SOP Regulation 2005 Section 7.2 read as below:**7.2 Reconnection:**

Where the Distribution Licensee has disconnected supply to a consumer for a period of not more than six months, then if such consumer pays all amounts due and payable to the satisfaction of the Distribution Licensee or, in case of a dispute, pays such amounts under protest, the Distribution Licensee shall reconnect supply within - (i) twenty-four hours from payment of dues by the consumer in towns and cities; and (ii) within two days after the day upon which payment of dues has been made by the consumer in rural areas:

Provided that where the period of disconnection exceeds six months, an application for reconnection of supply shall, after either payment of amounts due or upon settlement of dispute, be treated as a fresh application for supply of electricity under the provisions of the Act.

Explanation – Payments made under protest in this Regulation shall be in accordance with the requirements of the proviso to sub-section (1) of section 56 of the Act.

From the above it clears that MSEDCL has disconnected the supply with consideration of Section 56(1) of EA 2003 and reconnected supply with consideration of MERC SOP Regulation, 2005 Section (7.2). So, MSEDCL cannot charged the minimum charges for the period of 09/02/2017 to 25/04/2017.

3) **Distribution Licensee is reply contends that :**

i) The contents of para 1 of grievance is matter of record and rest of the contents of para 2 to 5 are not true and correct and the same is denied by opponent MSEDCL. In this regard opponent submits that, As per the regulation **6.5 of MERC (Supply Code and other condition of supply) Regulation 2005, The agreement shall be deemed to be terminated upon permanent disconnection of the consumer or where the consumer remains disconnected for a period of more than six months : Provided that, the termination of agreement is without prejudice to the rights of the Distribution Licensee or under the Act for recovery of any amounts due under the agreement.**

ii) MD charges (Minimum Demand Charges) are the charges levied on the consumer for maintaining his Conhact Demand and they are levied as per MERC tariff order. In the present case consumers supply was disconnected on 0910212017, thereafter to avoid the minimum demand charges consumer had option to get his agreement terminated as per regulation 6.6 of MERC (Supply Code) Regulation 2005. Consumer not availed this option therefore consumer has to pay MD charges as MERC regulation.

iii) As per Condition of Supply based on the MERC (Electricity Supply Code and other condition of supply) Regulation 2005, there is no provision to charge MD charges considering the days in case of disconnection or reconnection. Therefore consumers demand for charging MD charges on pro-rata basis is not based on any MERC regulation.

iv) Opponents submit that, provision of regulation 4.3.6 of MSEDCL condition of supply regulation based on MERC (Condition of supply and other condition of supply) Regulation 2005 is not applicable to the present grievance as the same is for new connection.

4) We have heard both sides. Consumer relies on MERC SOP Regulation 7.2 whereas Distribution Licensee quote 6.5 of MERC (Supply code and other conditions of supply) Regulation 2005. Regulation 7.2 indicates two different situations of reconnection, one when disconnection for less than six months and other more than six months. Regulation 6.5 speaks about deemed termination of agreement of supply which has some bearing on Regulation 7.2. It appears clear that reconnection after six months is treated as fresh connection meaning thereby that agreement gets terminated. There appears to be an indication in the provision as read above that reconnection can be made within six months without treating it as fresh connection which means agreement remains intact. Same connection is continued which will entitle Distribution Licensee to claim MD charges in the period of disconnection. The regulation 8.1, 8.3, 8.7 of model supply code also indicate the same proposition.

5) In the above view of the matter Distribution Licensee is entitled to charge MD charges in the present case.

Hence the order.

ORDER

The Grievance application of consumer rejected.

Dated :09/05/2018

(Mrs.S.A.Jamdar)
Member
CGRF, Kalyan

(A.P.Deshmukh)
MemberSecretary
CGRF, Kalyan.

(A.M.Garde)
Chairperson
CGRF, Kalyan.

NOTE

- a) *The consumer if not satisfied, may file representation against this order before the Hon. Ombudsman within 60 days from the date of this order at the following address.*
- “Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”.*
- b) *Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or*
- c) *delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” at the following address:-*
- “Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”*
- d) *It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.*

