

**BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
AURANGABAD ZONE, AURANGABAD.**

**Case No. CGRF/AZ/AUR/U/678/2018/18
Registration No. 2018020078**

Date of Admission : 02.05.2018

Date of Decision : 03.07.2018

M/s. Garware Polyester Limited, : COMPLAINANT
Aurangabad Pune Road,
Waluj,
Aurangabad 431133.
(Consumer No. 490019001706)

VERSUS

The Executive Engineer (Admn) : RESPONDENT
Nodal Officer, MSEDCL, Urban Circle,
Aurangabad.

Complainant Representative : Shri Anil Bugdani,
Respondent : Smt. RA Kulkarni, EE (Admn),
Urban Circle, Aurangabad

CORAM

Smt. Shobha B. Varma, Chairperson
Shri Laxman M. Kakade, Tech. Member/Secretary
Shri Vilaschandra S. Kabra Member.

CONSUMER GRIEVANCE REDRESSAL DECISION

1) The applicant M/s. Garware Polyester Limited, Aurangabad Pune Road, Waluj, Aurangabad is a consumer of Mahavitaran having Consumer No. 490019001706. The applicant has filed a complaint against the respondent, the Executive Engineer i.e. Nodal Officer, MSEDCL, Urban Circle, Aurangabad under Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulation 2006 in Annexure (A) on 02.05.2018.

BRIEF HISTORY & FACTS RELATING TO THE GRIEVANCE:

- 2) The applicant has filed the complaint raising following contentions:-
1. The applicant is situated at Aurangabad – Pune Road, Post Waluj, Aurangabad 431 133, Consumer no.490019001706 (herein after to be referred to as the Applicant) have taken High Tension power supply from respondent since 1996. Applicant's present Contract Demand & Sanctioned Load is 7750 KVA & 35,887 kW respectively.
 2. That, the Applicant is engaged in manufacture of Polyester Film/BOPP/ Polyester Chips / Sun Control Film and uses PTA / Additives / Glycol & various chemicals as raw material, which is then subjected to various processes. The Applicant submitted application for reduction in contract demand on 11.08.2018 due to badly affected business situation and recessionary trend.
 3. That the applicant came to know that the application for demand reduction submitted was forwarded to The Chief Engineer (Commercial) MSEDCL Head office Mumbai on 18.09.17 which is a sanctioning authority as per their procedure for sanction. Since applicant did not

hear about sanction of its demand reduction application, the applicant submitted reminder letter to S.E.(O&M) Urban Circle Aurangabad on 31.10.17. The applicant received sanction letter from S.E.(Commercial) Head office MSEDCL Mumbai on 27.11.17. The applicant received firm quotation for reduction in contract demand from S.E.(O&M)Urban circle office on 15.12.17. The applicant paid necessary charges (Rs.2226/-) as per the firm quotation on 18.12.17. The applicant executed agreement on 22.12.17. The applicant received load release letter on 22.12.17 from S.E.(O&M) Urban circle Aurangabad, The effect of reduction in contract demand given in the billing month of Dec.2017.

4. It is stated that no technical work such as installation of any equipment etc. was involved in the reduction in contract demand process, in spite of this the whole process was completed in 4th billing cycle from the date of application by applicant.
5. As per the MSEDCL Circular No. 224, dated - 05.07.2014 of Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014, the reduction in contract demand shall be executed before the expiry of second billing cycle.

The applicant has prayed to direct the Superintending Engineer, MSEDCL, O&M (Urban) Circle, Aurangabad to release demand reduction from Oct.17 billing month, revise electricity bills for the month Oct.17 & Nov.17 and as a result of this bill revision, credit the refund amount in the ensuing bill of consumer.

- 3) The Respondent has filed Say (Page No. 6)
1. The Garware Polyester Ltd is -existing HT consumer on 132KV having contract demand CD-7750 KVA & CL-35887KW.
 2. The consumer has applied for demand reduction from 9400KVA to 7750KVA on Dtd 11.8.2017
 3. Accordingly NOC from EHV is received on dtd 15.09.2017
 4. The metering specifications are received from the SE TQA on dtd 06.09.2017.
 5. As per procedure & SOP this office has forward proposal to H.O. on dtd. 16.09.2017.
 6. The approval from The CE(Commercial) is received on dtd 27.11.2017. Accordingly this office has issued sanction on dtd 15.12.2017.
 7. The consumer has paid necessary charges on dtd 19.12.2017.
 8. The agreement is executed with the consumer on dtd 22.12.2017.
 9. The load reduction is implemented in the billing month of Dec-201 7 after agreement.
- 4) As per SOP consumer should be on 33KV level. But consumer preferred for 132KV level & hence proposal is forwarded to H.O for convince to the consumer. Hence request of the consumer for effect of load reduction from second billing cycle is not valid.
- 5) The applicant has submitted rejoinder as follows :-
1. The Applicant reiterates that as per the as per Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014, it is mandatory for all the Distribution Licensees in the State (in the present case MSEDCL) to reduce the contract demand /

sanctioned load of a consumer before the expiry of the second billing cycle after the receipt of such request. The Applicant submits that the Respondent MSEDCL is well aware of this provision and has accordingly issued instructions to the field offices vide Commercial Circular No. 224 dated 5th July 2014.

2. The Applicant submits that more over for effecting reduction in Contract Demand no technical work, like replacement of CT / PT or Meter, strengthening of System, etc. was involved and therefore it was binding on the Respondent MSEDCL to give effect of reduction in Contract Demand from 9400 KVA to 7750 KVA with effect from the billing month of October 2017.
3. The Applicant has submitted that as can be seen from the chronology of events / steps, the Application submitted by the Applicant was pending in the office of the Superintending Engineer, O & M Circle, MSEDCL, Aurangabad for more than a month and thereafter the same was under consideration of the Head Office of the Respondent MSEDCL for more than two months, however no proper justification for such delay has been provided by the Respondent MSEDCL in its reply.
4. The Applicant has submitted that the Applicant is no way concerned with the hierarchy of authorities of Respondent MSEDCL and respectfully submits that the Respondent MSEDCL has to ensure that the designated authorities should decide the matter within the time frame provided in SOP Regulations.
5. The Applicant has submitted that the Applicant was initially connected at voltage level of 11KV, however in the year 1996, when the Applicant requested for enhancement in Contract Demand from 1279 KVA to 9279

KVA, the Respondent MSEDCL itself has directed the Applicant to switch over to the EHV level in compliance with the SOP Regulations then prevailing. Now, as per the amended regulations, inter – alia now a consumer can be given power supply at 33 KV level for contract Demand up to 10000 KVA.

6. The Applicant has submitted that the said MERC (SOP) Regulations however nowhere discriminates between the consumers having power supply below or above the provisions of the said Regulations and all the provisions of the said SOP Regulations, including the permissible time period for effecting reduction in contract demand are uniformly applicable to all the consumers, irrespective of whether or not the consumer is receiving power supply at an appropriate voltage level or otherwise.
7. The Applicant has submitted that the Respondent MSEDCL had on two occasions in past, in October 2016 has increased the Contract Demand of the Applicant from 9350 KVA to 9750 KVA and again in December 2016 has reduced the Contract Demand from 9750 KVA to 9400 KVA, but on neither of these occasions the issue of Applicant receiving power supply above the SOP prescribed level was raised by the Respondent MSEDCL.
8. The Respondent MSEDCL has neither given any valid & justified reason for the delay in effecting the reduction in Contract Demand of the Applicant from 9400 KVA to 7750 KVA nor the existing voltage level of the Applicant being not as per the prevailing SOP Regulations permits the Respondent MSEDCL to overlook the other binding provisions of the said SOP regulations.

It is further prayed that,

- A. MSEDCL may be directed to follow the Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014 in its true letter & spirit;
- B. MSEDCL may be directed to revise Applicant's monthly electricity bills for the billing month of October 2017 & November 2017 and to pass on appropriate credit, including State Government Subsidy in the ensuing bill(s) of the Applicant;

6) The Respondent has submitted rejoinder as follows :-

- 1. As per MSEDCL commercial circular No. 224 dtd. 05.07.2014, the consumer having contract demand above 10,000 KVA on express feeder shall be connected on EHV. In this case consumer's contract demand was 9400 KVA & it is connected on EHV level i.e. case is beyond SOP voltage level.
- 2. As per MSEDCL commercial circular No. 291 dtd.29.06.17 the delegation of power for load sanction/reduction, all cases beyond SOP voltage level will be sanctioned by H.O. only.
- 3. As the consumer is connected on EHV voltage level NOC from MSETCL required to be taken.
- 4. As per MSEDCL procedure in case of HT consumer load reduction/enhancement the metering details should be confirmed with concerned SE (TQA).
- 5. In view of above though the consumer has applied for load reduction onf-11.08.2017 after approval from H.O., agreement is executed & load reduction implemented in Dec-2017. There is no delay in processing, but the proposal required to be routed through 4 nos. of Offices.

6. Consumer has mentioned that in case of load enhancement & load reduction in the year 2016, the issue of supply level above the prescribed was not raised. However it is to inform that revised directives are received vide circular No, 291 dtd. 29,06,2017 and in which clause of “cases beyond SOP voltage level is included & the sanction is at H.O. level.
 7. Therefore, though consumer is demanding the period of second billing Cycle, i.e. Oct. 17 for load reduction sanction as per SOP, this is not possible in case of supply voltage beyond SOP level, where to process the proposal at 4 No. of Offices , within 2 months.
- 7) Further rejoinder submitted by applicant is in short as follows:-
1. The Respondent has conveniently ignored the fact that the Applicant had switched over to EHV level only as directed the Respondent MSEDCL in the past when the Applicant had approached the Respondent MSEDCL for enhancement in Contract Demand.
 2. The Applicant has switched over to EHV level in past only in compliance with the then prevailing provisions of the MERC SOP Regulations.
 3. The Applicant has further submitted that the said MERC (SOP) Regulations however nowhere discriminates between the consumers having power supply below or above the provisions of the said Regulations and all the provisions of the said SOP Regulations, including the permissible time period for effecting reduction in contract demand are uniformly applicable to all the consumers, irrespective of whether or not the consumer is receiving power supply at an appropriate voltage level or otherwise.

4. The Applicant has submitted that the MERC (SOP) Regulations being subordinate legislations, the procedure or process followed by the Respondent MSEDCL for approving reduction in Contract Demand cannot override or supersede the provisions of the said MERC (SOP) Regulations.
 5. The Applicant submits that the Respondent MSEDCL has to ensure that the procedure or process followed by the Respondent MSEDCL for approving reduction in Contract Demand is so designed that the decision is given within the framework/timelines provided in MERC (SOP) Regulations.
 6. The Applicant submits that the Applicant or any other consumer is governed by the Regulations framed by the Hon'ble Commission and in no way is concerned with the Circulars issued by the Respondent MSEDCL in case the provisions of such Circulars are contrary to the Regulations.
 7. Respondent on its own cannot change or modify any of the provisions of the said or any other Regulation issued by the Hon'ble Commission & requested to grant relief.
- 8) We have pursued the documents on record filed by the applicant and respondent. We have heard applicant representative, Smt. RA Kulkarni, Executive Engineer (Admin.) for Respondent. Following points arise for our determination & its findings are recorded for the reasons to follow:-

Sr. No.	POINTS	FINDINGS
1)	Whether Complainants demand for reduction in Contract Demand from October 2017 is acceptable ?	No
2)	What order?	As per final order

Reasons

9) **Point No. 1** : Complainant had submitted application for reduction in contract demand from 9400 KVA to 7750 KVA in office of respondent i.e. Superintending Engineer, Urban Circle, Aurangabad on dtd. 11.08.2017.

10) According to MERC (Standards of performance of distribution licensees) Regulation 2014. Clause for Reduction in load is reproduced here

4.14 Upon receipt of a request by a consumer for reduction of contract demand / sanctioned load of such consumer, the distribution licensee shall, unless otherwise agreed, so reduce the contract demand / sanctioned load of such consumer before expiry of second billing cycle after the receipt of such request.

Provided that distribution licensee and consumer should execute fresh agreement for such revised load before the second billing.

11) Considering the above provision now let us see the datewise processing of application for load reduction and its sanction and compliance made by petitioner.

Sr. No.	Process	Date
1)	Consumer's application for load reduction of contract demand 9400 KVA to 7750 KVA	11.08.2017
2)	Superintending Engineer, Urban Circle, Aurangabad send proposal to Chief Engineer, (EHV) i.e. transmission authority for no objection certificate (NOC)	19.08.2017
3)	Superintending Engineer, Urban Circle, Aurangabad received NOC From Chief Engineer, (EHV) i.e. transmission authority	15.09.2017
4)	Superintending Engineer, Urban Circle, Aurangabad forwarded Proposal to sanctioning authority i.e. SE (Commercial-I) Mumbai	16.09.2017
5)	Sanction received from SE (Commercial-I) Mumbai	27.11.2017
6)	Agreement executed	22.12.2017
7)	Load reduction is implemented	01.12.2017

12) Consumer is having supply on 132 KV level i.e. EHV Level, Superintending Engineer, Urban Circle, Aurangabad has asked NOC from Chief Engineer, EHV O&M (i.e. EHV Authority) on dtd. 15.09.2017. MERC SOP 2014 Rule 5.3 state that except where otherwise previously approved by the authority, the classification of installation shall be as follows :

v) Three phase, 50 cycles, 33 KV - all installations with contract demand above the limit specified in the clause (ii) or clause (iii) or (iv) above up to 10000 KVA.

Here admitted fact though contract demand is below 10000 KVA consumer supply voltage level is 132 KV and consumer has no objection regarding higher voltage than SOP voltage i.e. 33KV.

- 13) Conditions of supply based on MERC Regulation 2005 regarding processing of application is reproduced here.

3. Processing of application.

3.2.2 Whenever the provisions of these Conditions of Supply requires to give power supply to any Applicant / Consumer on EHV (for loads exceeding 5,000 kVA), the MSEDCL shall within seven days from the date of inspection of the premises, forward the Application for such power supply to the "Transmission Licensee" and after receipt of intimation from the "Transmission Licensee" about the technical feasibility of giving power supply to the Applicant / Consumer, shall inform the Applicant / Consumer the details of any works that are required to be undertaken, the charges to be borne by the Applicant / Consumer thereon in accordance with the

"Schedule of Charges" as approved or as may be approved / revised by the Commission from time to time, and list of outstanding documents, if any, including No Objection Certificates / Consents or Statutory Permissions required to be obtained by the Applicant / Consumer; Provided however that the time period required by the Transmission Licensee in responding to the MSEDCL's reference shall be excluded while determining the time required by the MSEDCL for releasing the power supply;

It is clear that EHV (Transmission) authority has taken period from 19.08.2017 to 15.09.2017 for issuing NOC, time period required by the transmission licensee in responding to the MSEDCL's reference shall be excluded while determining the time required by the MSEDCL for releasing the power supply, hence above period from 19.08.2017 to 15.09.2017 (28 days) shall be excluded while determining total time period.

- 14) Consumer representative confirmed the receipt of sanction letter but no correspondence / undertaking submitted after sanction letter. Hence load reduction process is delayed on part of consumer from 27.11.2017 to

- 22.12.2017. Agreement made on 22.12.2017 & load reduction effective from 01.12.2017,
- 15) Hence Time period taken by MSEDCL for load reduction is 11.08.2017 to 19.08.2017, 15.09.2017 to 27.11.2017 (excluding time period of transmission authority i.e. 19.08.2017 to 15.09.2017) is 2 months 20 days from 27.11.2017 process is pending on account of consumer's acceptance / agreement. Whereas agreement is made on 22.12.2017 but effect is given from 01.12.2017. Hence 20 days benefit is already given.
- 16) As such, we answer point No. 1 in the negative and in reply to point No. 2 we proceed to pass following order.

ORDER

- 1) The Petition is hereby dismissed.
- 2) No order as to cost.

Sd/-
Shobha B. Varma
Chairperson

Sd/-
Laxman M. Kakade
Member / Secretary

Sd/
Vilaschandra S.Kabra
Member