

**Maharashtra State Electricity Distribution Co. Ltd.'s  
Consumer Grievance Redressal Forum  
Nagpur Zone, Nagpur**

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**Case No. CGRF(NZ)/39/2018**

Applicant : M/s. Rukamani Industries , Hinganghat,  
C/o. Ashish Subhash Chandarana,  
302, Sahakar Nagar, Akola-444004.

Non-applicant : Nodal Officer,  
The Superintending Engineer,  
Wardha Circle, MSEDCL,  
Wardha.

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**Case No. CGRF(NZ)/42/2018**

Applicant : M/s. Jyoti Oil Mill, Hinganghat,  
C/o. Ashish Subhash Chandarana,  
302, Sahakar Nagar, Akola-444004.

Non-applicant : Nodal Officer,  
The Executive Engineer,  
Hinganghat Division, MSEDCL,  
Wardha.

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Applicant represented by : - Shri Ashish Subhash Chandarana,

Non-applicant represented by: 1) Shri.H.P. Pawade .E.E.Hinganghat  
2) Shri R.R.Nagpade, E.E., MSEDCL,Wardha.  
3) Shri S.V.Barahate, Jr.Law Officer, Wardha.

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Quorum Present : 1) Shri Vishnu S. Bute,  
Chairman.  
2) Shri N. V. Bansod,  
Member,  
2) Mrs. Vandana Parihar,  
Member Secretary

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**COMMON ORDER PASSED ON 18.06.2018**

**in Case No.39/2018, Case No.42/2018,**

1. These two grievance applications are filed on 19-04-2018 and 20-04-2018 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission

(Consumer Grievance Redressal Forum & Electricity Ombudsman)

Regulations, 2006 (hereinafter referred to as said Regulations).

2. Facts of all these applications are similar and identical therefore we are deciding these cases by a common order.
3. Non applicant filed reply and denied the case of the applicant. Forum heard arguments of both the sides and perused record on 05.06.2018.
4. Applicant's case in brief is that they are Industrial consumers of non-applicant MSEDCL. As per the grievance, while providing electric connection to their installation non-applicant have recovered infrastructure cost under ORC and Non DDF head and other charges which are collected in violation of MERC's supply code regulation 2005 and approved schedule of charges. They subsequently denied the refund of the total amount with interest. According to applicant, IGRC vide it's order directed to refund the amount in case of HT connection of M/s Rukamani Industries the cost of metering cubicle, amount of testing charges of metering cubicle and also to initiate the process of refunding Service connection charges after deducting 1.3%. The IGRC also directed about the LT connection of the same consumer to initiate action to refund the amount as per departmental circular no.31793 dt. 29.12.2017 and refund of Security deposit pertaining to LT connection. They Contended that at the time of LT to HT conversion security deposit of LT consumer no.510019005620 amounting Rs.1143330 with interest is not refunded to them. In respect of M/s Jyoti Oil Mills refund of expenditure incurred by applicant as per Non-DDFCCRF scheme, But in the opinion of

applicant IGRC's directions are vague and IGRC remained silent on the issue of interest and overheads which needs to be taken into account such as 5% Transportation,5% VAT,3% Contingencies,1.5% plant and Tools etc. Hence shall cause dispute over amount to be refunded. Therefore prayed for refund of the amount of infrastructure work sanctioned under Non DDF after adding centrages in W.C.R.as per prevailing cost data of MSECL and S.D. refundable and other charges such as meter cost and transformer testing charges collected unlawfully along with the interest @ 12% as decided by MERC in case no.23 of 2004 from the date of release of connection till the date of refund of entire amount. As such applicant claimed refund of infrastructure cost of Rs. 519480.00/-for M/s. Rukmini Industries, Hinganghat, along with refund of SD amounting Rs.114300.00 ,and SOP compensation @100/- week for delay in settlement of closure of account as per MERC Regulations 2005 and 2014,and refund of infrastructure cost of Rs.393550.00/-, Meter cost and Transformer charges for M/s. Jyoti Oil Mill, Hinganghat. Applicant annexed copy of Estimate as per Non-DDF (CC&RF)scheme in r/o M/s. Jyoti Oil Mill, Hinganghat for the year 2007-2008, Estimates as per ORC scheme for the year 2005-2006 in r/o M/s. Rukmani Industries, Hinganghat, IGRC order of M/s.Rukmini Industries. Further applicant has produced WCR of M/s Jyoti oil Mill Hinganghat wherein centrages of 42.63% is considered by non-applicant, so he demanded uniformity in centrages for all consumers irrespective of scheme and in the refund procedure to be adopted for all consumers by the non-applicant.

5. Non-applicant filed written reply, in respect of Rukamani Industries, non-applicant MSEDCL agreed the refund infrastructure cost recovered as per sanctioned estimate in respect of M/s.Jyoti Oil Mill Hinganghat,the service connection charges and supervision charges for LT connection, the Security deposit. They also mentioned that Meter cost need not be refunded as this cost is already covered under cost of Service connection Rs.28698.61; however refund of LT to HT as per decision of IGRC. Similarly in respect of M/s. Rukmini Industries non-applicant agreed to refund the cost of meter through energy bill on production of original vouchers or indemnity Bond by the applicant, the ORC charges as per sanctioned estimate which was prepared as per departmental circular. The interest rate will be decided as per MSEDCL's departmental circular.

6. It is noteworthy that there is a difference of opinion amongst the three members of the Forum. Therefore the judgment and the decision is based on majority view of the Chairperson and the Member Secretary whereas dissenting note of Member (CPO) is noted in the judgment and it is part and parcel of the judgment which is as follows,

7. Dissent Note dated 19.06.2018 in case No 39 of 2018, 42 of 2018 By Mr. Naresh Bansod Member (CPO).

- 1) Arguments of Both parties heard in detail and perused all the papers and record. The grievances in above noted both the cases before me are less or more same or identical and consumer Representative as well as non applicant are same, hence decided by common order.IGRC partially redress the grievance vide order dated 12.04.2018.

- 2) Applicant's grievance is regarding refund of ORC charges and other charges recovered by non applicant unlawfully in violation of approved schedule of charges by MERC and interest thereon along with refund of security deposit of LT connection retailed by non applicant unlawfully and not refunded so far along with applicable interest.

Applicant prayed for direction to MSEDCL ( NA ) to refund infrastructure cost spent under ORC and NON DDF head and other charges collected in violation of ES code 2005 along with interest @ PLR of SBI as directed by APTEL in case No 47 of 2011 as well as refund of illegally retained security deposit with interest accumulated on yearly basis @ PLR of SBI and SoP Compensation for delay in closure of account and action against errant officials for delaying ORC refund of consumers and compensation amount to be recovered from errant officers and cost of Rs. 10000/- in each case.

- 3) Applicants (s) relied on provisions regarding Non DDF infrastructure cost along with interest i.e. EA 2003, ES code 2005, MERC order dated 08.9.2006 in case No. 70 of 2005, Aptel order dated 14.05.2007, MERC order dated 21.08.2007, Supreme Court order dated 31.08.2007 and 11.10.2016. etc.

- 4) The common points for my consideration are,

- a) Whether applicant is entailed for interest for refund amount under section 62 (6) read with Aptel order in appeal No. 47 of 2011 dated 17.04.2012?

**Yes**

Applicant demanded the interest on refund amount as per Aptel order above i.e. @ PLR of SBI but non applicant repeatedly stated that refund will be as per MSEDCL circulars but did not specify the provisions as per MERC directions. Section 62(6) is relates to refund of charges with interest equivalent to bank rate. Aptel in appeal No 47 of 2011 by order dated 17.4.2012 in Para (39 V) observed as under.

"The state commission has correctly directed that the payment of interest should be at prime lending rate of SBI i.e. PLR of SBI "which is binding on the forums as well as NA.

Hence applicant is entitled for the interest @ PLR of SBI

- b) Whether centrages on material cost can be considered as per cost data basis in WCR at par with contractors working for MSEDCL and work done by consumers through MSEDCL empanelled contractors? **Yes**

As per MSEDCL cost data, centrages includes as under:-

- a ) Transportation charges 5%
- b) Service tax 12.24% on labor and transportation charges.
- c) Contingencies on material 3%
- d) Tool and plant on material 1.5%

- e) Contractor supervision, high level testing and commissioning charges 5%
- f) Contractor's profit on all these components 5%
- g) Price escalation on material cost 5%
- h) HO. Supervision charges 15% on labor cost and i.e. 1.5% on material cost.
- l) Interest during construction period 2.5%

As centrages are framed by MSEDCL, then it is binding on non applicant to prepare estimates as per cost data and all centrages needs to be included in WCR whether work is executed by MSEDCL through contractor or consumers through empanelled contractors of MSEDCL and NA cannot give differential treatment to consumers. In fact in case of Jyoti Oil Mill, MSEDCL has rightly framed estimate with correct centrages.

The arbitrary act on non applicant by considering centrages in different execution of works among consumers and contractors needs to be condemned and NA shall apply centrages on metrail cost in cost data at par and in WCR

- 5) Before I proceed with the above individual cases one by one separately, on verification of approved schedule of charges recoverable, It can very well be inferred that Rs. 22610/- metering cost, 15% supervision charges and SCC recovered unlawfully though the work was carried out by applicant
- 6) empanelled contractors of MSEDCL even though not included in approved schedule of charges of MERC as well as MSEDCL circulars. Hence the action of NA to recover the metering cost Etc are unlawful and applicants are entailed for refund of charges with interest from date of connection till date of Refund @ PLR of SBI

A: Case No: 39 of 2018 : M/S Rukmini Industries

- 7) This case is for refund of Infrastructure cost collected under head ORC charges and other charges recovered unlawfully as well as unlawfully retained security deposit of LT connection. Applicants power connection estimate was framed under ORC 15% supervision and was sanctioned on 28.10.2005 by SE Wardha vide sanction no. SE/O&M/WRD/Estt/ORC/58 amounting Rs. 289485.00. Non applicant recovered by way of demand note dated 17.11.2005 Various charges including unlawful recovery of Meter cost Rs. 22610.00 and 15% supervision charges Rs. 3895/- and SCC Rs. 11000/- though work was proposed to be carried out by applicant. Applicant submitted that related overheads thereon needs to be considered while finalizing WCR or calculating amount which includes 5% transportation, 5% VAT, 3% contingencies, 1.5% Plant and tools etc and Final Amount on account of ORC infrastructure comes to 331460.00 but NA failed to includes these overheads in estimate as per cost data. As per applicant, Hon'ble MERC vide its order dated 17.05.2007 directed MSEDCL to refund all monies collected in violation of approved schedule of charges and in violation of ESC 2005 and further not

to collect monies not defined under Supply code 2005 or not approved under schedule of charges. Applicant submitted that as the Hon'ble Supreme court dismissed the petition of MSEDCL on 11.10.2016, the provisions of ES code & order of MERC dated 08.09.2006 and 17.05.2007 in case No 82 of 2006.

8) Applicants LT connection was converted into HT supply and NA recovered excess charges i.e. Rs. 15000/- SCC charges on 07.09.2009. Rs, 5600/- as 1.3% of ORC charges, Rs. 5000/- meter cubicle testing charges, Rs. 125000/- towards cost of metering cubicle ( Including other expenses) total amounting Rs. 150600/- and applicant is entitled for the refund of amount Rs. 368880.00 + Rs. 150600.00 i.e. total Rs. 519480.00 with above rate of interest.

NA reply admitted that Service charges and supervision charges will be refunded as per MSEDCL circular but failed to explain why not refunded in spite of clear directions of MERC.NA further admitted that infrastructure for LT IP will be refunded as per WCR and centrages as per sanctioned estimate and SD (for LT IP) with interest will be dealt as per company circulars. NA further admitted that applicant paid separately metering cost 22400.00 and this cost is already covered in Service connection charges Rs. 28698.61 as consumer has procured but NA has provided by accepting Rs. 22400/- hence denied refund and refund will be through HT consumer number of Applicant as per decision of IGRC.NA in additional reply stated that excess overheads

not covered in sanctioned estimate but failed to explain the reasons for the same when NA considers the same in case of their own contractors.

9) NA submitted that as party has entered in contract and there was no objection and demand for overheads other than mentioned under estimate cannot be considered, which is baseless submission. Firstly copy of the contract or agreement is not produced before us and hence the submission of NA is futile attempt on their part to divert the attention of the forum. In view of the above observations, NA is liable for refund amount of SD of Rs. 114300/- as per letter dated 12.02.2010 with interest @ PLR of SBI from 01.04.2009 with annual consideration till date of refund.

10)NA also failed to explain why estimates were carried out on cost data as well as failed to explain why all centrages were not considered in case of consumer who executed work through MSEDCL contractors. Hence unlawful recovery as per table A (LT ) i.e. 366880.00 and as per table B ( LT to HT ) i.e. 150600.00 total amounting Rs. 519480.00 and NA is liable to refund 519480.00 with interest @ PLR of SBI.

B. Case No 42 of 2018: JYOTI OIL MILL HINGHANGHAT

11)NA Deputy executive engineer in their letter dated 14.03.2018 read with letter dated 13.03.2018 clearly admitted that the infrastructure is under NON DDF. Applicant is consumer of MSEDCL and he applied for new connection in LT category and same was released on 12.02.2009 for which infrastructure cost is borne by applicant under NON DDF scheme. The infrastructure was created by applicant under provisions of the circular

for NDDF CCRF vide estimate sanction NO.SE/CIRCLE/TECH/ARR/NDDF/ CCRF/ 08-09/30 dated 07.11.2008 for amount Rs. 368150.00 and demand of Rs. 136000.00 is paid on 05.02.2009 which includes meter cost of Rs. 22400/- and condition was accepted that refund shall be given after HO guidelines. Applicant is burdened with illegal recovery in violation of MERC approved schedule of charges vide MERC case No 70 of 2005 and commercial CIRCULAR No 43 dated 27.09.2006 for LT connection as per estimate sanctioned for Rs. 368150.00 even though NDDF CCRF scheme is not approved by MERC but is internal arrangement by means of promissory estoppels by taking

advance monies from consumers to fulfill universal service obligation for providing supply and subsequently adjusting it in energy bill but delayed abnormally and liable to be refunded along with interest and no alternate option to the consumers the delay of the refund is 9 years. The NA also recovered Rs. 3000/- for transformer testing charges and metering cost 22400/- in violation of schedule of charges hence excess charges recovered are 368150.00 NDDF CCRF amount plus Rs. 3000/- transformer testing charges and metering cost Rs. 22400/- totaling Rs. 393550.00 are refundable with interest @ PLR of SBI as per Aptel order above.

NA reply admitted that Charges of Infrastructure (NDDF Charges) for LT IP will be refunded as per WCR and centrages of sanctioned estimate and interest as per company circulars and also admitted the meter cost Rs. 22400/- will be refunded through energy bill but failed to explain why not to be refunded till the date of refund which proves the deliberate attempt on part of NA to delay payment. NA is salient on transformer testing charges Rs. 3000/- which proves that NA collected it illegally and NA is liable to refund 393550/- with interest as noted above. It is pertinent to note that in this case, NA has framed all the required centrages in estimate.

NA replied at Para 4 stated that above refund through energy bill can be done on producing the original bill or indemnity bond and it is submitted by applicant that same is submitted as soon as sought by NA.

12) NA referred MSEDCL circular CE(DIST)/D-III/NON DDF/Stoppage/009245 dated 23.04.2018 and CE ( Dist) /D-III/NON DF CC & RF/ 5489 dated 14.03.2018 but due to clear cut directives from MERC from time to time, the reliance of NA is of No use and circulars are against ESC 2005 regulations and MERC orders for refund. Further how the circular issued on 14.03.2018 made applicable to sanction given in year 2008 remains unexplained on part of NA.

13) I am of opinion that this is a deliberate attempt to avoid or delay refund of legitimate claim of applicant in the absence of MERC guidelines and contention of NA deserves to be rejected because in none of the cases non applicant asked to submit original vouchers act Applicant is all above two cases prayed for cost amounting Rs, 10000/- from MSEDCL for not adhering



and deviating from their own circulars resulting in unwarranted hardship and expenditure to applicant. The entire attitude of NA official is without application of mind and resultantly consumer is required to suffer on account of unlawful act of applicant.

- 14) The intensity gets multifold when non applicant disobeys the verdict of Hon'ble Supreme Court which is unpardonable. Hence in the interest of justice, grating cost of Rs. 5000/- to each applicant will meet the end of justice. I am not inclined to penalized MSEDCL which is ultimately unnecessary burden on consumer but I feel that it is necessary to conduct an enquiry into the deliberate negligence of concerned officer should be made so as to fix the burden of cost and additional interest due to delay and same could be recovered from errant officer if found guilty after due enquiry

In view of the above observations both the cases deserves to be allowed.

In result, I pass the following order & Order if IFRC needs to be quashed and set aside as vague.

Hence this order.

### **ORDER**

- 1) NA MSEDCL is directed to refund below mentioned amounts in respective case no(s) along with interest on entire amount from the date of connection till the date of refund along with interest as per section 62 (6) of EA 2003 read with aptel appeal No 47 of 20011 @ PLR of SBI through energy bill in next billing cycle
  - a) Case No 39 of 2018: Rs. 519480.00 ( Rukmini Industries)
  - b) Case No 42 of 2018 Rs. 393550.00 ( Jyoti Oil Mill)
- 2) NA is directed to pay cost Rs. 5000/- to each applicant
- 3) IGRC order is quashed and set aside.
- 4) The compliance of this order shall be done within 30 days from the date of order.

**Naresh Bansod  
Member (CPO)**

8. Reasoning and finding of majority view of the Chairperson and the Member Secretary of the Forum.

According to the Regulation 6.6 of the said Regulation **“Forum shall not admit any grievance unless it is filed within 2 years from the date on which the cause of action has arisen”**. In this case load was sanctioned

and demand was issued to these applicants in the year 2009 to 2015. Therefore cause of action arose in these cases in the year 2009 to 2015. Therefore it was necessary for the applicant to file grievance application before 2 years i.e. before 2011-2017. But present cases are filed on 19.04.2018 and 20.04.2018 i.e. after almost 3-7 years of expiry of period of limitation and therefore those are hopelessly barred by limitation.

9. Applicant tried to convince this Forum on the ground that he filed Grievance application of M/s. Rukmini Industries, Hinganghat before I.G.R.C. on 29.1.2018 and M/s Jyoti Oil Mill, Hinganghat on dt.14.02.2018. So the present grievance applications are within limitation. However, we do not agree with this argument of the applicant. The date of filing application before I.G.R.C. is not relevant. It is immaterial when anybody file grievance application before I.G.R.C. The relevant date of calculation of limitation is the date of cause of action within the meaning of regulation 6.6. Cause of action arose in year 2009 to 2015. Therefore limitation starts from the date of cause of action i.e. year 2009 to 2015. Therefore we find no force in the contention of the applicant that merely because he filed grievance applications on 29.01.2018 and 14.02.2018 before I.G.R.C. any special concession can be given to him.

10. It is noteworthy that date of filing of application before I.G.R.C. specially in time barred cases is irrelevant because if the matter is time barred, according to regulation 6.6, with fraudulent intention, to bring time barred case within limitation any consumer may knock the door of I.G.R.C. at belated stage and may claim to calculate the period of limitation from the date of filing

the application before I.G.R.C. but this is not a legal concept. It is misconception and misinterpretation of the relevant provisions laid down under regulation 6.6 of the said regulations. Therefore grievance application filed by the applicant at belated stage before I.G.R.C. on 29.01.2018 and 14.02.2018 will not help the applicant to bring the time barred cases within limitation.

11. Representative of applicant relied on the Hon'ble High Court ruling as mention in his application. We have carefully perused all the rulings cited by the applicant. However, facts of the present cases are totally different and distinguishable. Therefore authorities relied on by the applicant are not applicable to the cases in hand.

12. Therefore we hold that grievance applications are barred by limitation according to regulation 6.6 of MERC (CGRF & EO) Regulation 2006.

13. So far as merit of the cases are concerned, the grievance in both the cases before forum are more or less identical. The applicants prayed for direction to MSEDCL to refund infrastructure amount along with interest at the bank rate (PLR of SBI) section 62(6) of EA 2003 as decided by the APTEL in appeal no. 47 of 2011.

Applicant said the refund with interest etc. is relating to above Non DDF consumers. On perusal of record it is observed that, in case no. 39,42, the applicants applied for new industrial connections. Accordingly estimates were sanctioned under Non-DDF scheme in the year 2007-2008 in respect of M/s. Jyoti Oil Mill, Hinganghat. As per 1.3% Supervision ORC charges in the year 2005 to

2006 in respect of M/s. Rukmani Industries Hinganghat. On the basis of these estimates, demand was given for load sanction by non-applicant in the year 2008 to M/s. Jyoti Oil Mill, Hinganghat and in the year 2009 to M/s. Rukhmani Industries. Applicant had submitted ground for huge delay in filing the grievance as dismissal of MSEDCL's Civil Appeal No.4305 /2007 on 10.11.2016 by Hon'ble Supreme Court and narrated chronology of events such as

a) MERC passed order on 08.09.2006 regarding first schedule of charges order under regulation 18 of supply code 2005 rejecting demand of MSEDCL to allow them to recover infrastructure cost from prospective consumers in case no.70 of 2005.

b) MSEDCL challenged Hon. Commission's order dtd. 8.9.2006. vide appeal no. 22 of 2007 filed before Hon. APTEL. APTEL on 14.05.2007 rejected MSEDCL appeal against MERC's order dt 08.09.2006.

After referring the appeal no. 22 of 2007 filed before Hon. APTEL, what were the issues challenged by MSEDCL against Hon. Commission's order dtd. 8.9.2006, becomes clear after referring the point which is reproduced below from order dtd. 14.5.2007,

*"This appeal filed by the Maharashtra State Electricity Distribution Company Ltd. (for short 'MSEDCL') is directed against the order passed on 08.09.2006 by the respondent, The Maharashtra Electricity Regulatory Commission (hereinafter called as 'the Commission' or 'MERC') whereby the 'Commission' did not approve the proposed "Schedule of Charges" including 'Service Line Charges' submitted to the Commission in compliance to Regulation No. 18 of MERC (Electricity Supply Code and other Conditions of Supply) Regulations, 2005 (hereinafter to be called as 'Regulations 2005'). The aforesaid Service Line*

*Charges (for brevity to be called as 'SLC') as claimed by the appellant is on the basis of normative expenditure to be incurred on the infrastructure which are required to be created for bringing the distribution network closer to the Consumer premises."*

This appeal was dismissed by the order as follow,

*"In view of the above, it is clear that the "Service Line Charges" as proposed by the appellant are being allowed to be recovered through tariff. If the aforesaid proposal on "Service Line Charges" made by the appellant is accepted it will amount to doubling of the recovery of the expenses from the consumers. The appeal is accordingly dismissed."*

c) MERC passed an order in case no.82/2006 directing MSEDCL to refund infrastructure cost collected under ORC/SLC head till 30.04.2017 and prohibited from further collecting amount which are not covered in schedule of charges or not defined in supply code 2005.

d) MSEDCL filed Civil Appeal / petition no. 20340 of 2007 before Hon'ble Supreme Court against the Hon. Appellate Tribunal order dt.14.05.2007 in appeal no. 22 of 2007 challenging the Hon. Commission's order dtd. 8.9.2006. The matter was pending with Hon. Supreme Court.

e) Supreme Court rejected MSEDCL Civil Appeal No.4305 /2007 on 10.11.2016 .

In view of the above, it is clear that the "Service Line Charges" as proposed by the MSEDCL are not being allowed to recover from consumer under the head ORC or SLC .Accordingly MSEDCL had issued circulars no.25079 dt.12.10.2017 and 31793 dt.29.12.2017 and 5039 dt 07.03.2018,in pursuance of the Hon'ble supreme court decision and issued instructions to refund the SLC, ORC charges and meter cost recovered from all consumers as per MERC's directives issued in order dt.17.05.2007 and 21.08.2007 of case

no.82/2006 alongwith interest during the period 20.01.2005 to 30.04.2007

14. Now question is what do we mean by SLC?. For which we rely on MERC order dt.8th Sept 2006 passed in case no.70 of 2005 in the matter of approval of MSEDCL Schedule of Charges on page no 24 wherein it is stated that,

*“From the schedule of charges proposed by MSEDCL, it is observed that Service Line Charges basically covers the cost of infrastructure between the delivery points on the Transmission lines and Distribution mains. Whereas service connection is interpreted as a link between Licensee’s nearest distribution points(i.e. distribution main) to the point of supply at consumer’s premises, which also includes other accessories i.e. any apparatus connected to any such line for the purpose of carrying electricity and SCC covers cost involved in providing service connection from distribution mains.”*

The instant Applicants filed their application for new connection at LT / HT supply. There was no infrastructure available near the vicinity of the premises where load was demanded. Hence the extension of infrastructure was needed *from distribution mains*. An estimate for giving supply was framed which involved the work of erection of HT OH line , laying of 11 KV UG cable for providing service connection link between the Licensee’s nearest distribution points(i.e. distribution main) to the point of supply at consumer’s premise. As such as per regulation 3.3.2 of Supply code state commission authorizes the distribution Licensee to recover all expenses reasonably incurred in laying down service line from distribution mains to applicant’s premises from the applicant. Thus applicant was required to pay the entire cost of Service connection line from the distribution main to his premises .

Secondly Regulation 3.3.8 of Supply Code Regulation provides that Distribution Licensee may permit an applicant to carry out works through a Licensed Electrical Contractor. The Licensee in that case is not entitled to recover

expenses relating to such portion of works so carried out by the applicant. The Licensee shall be entitled to recover only the supervision charges not exceeding 15% of the cost of labour. As such it is seen that the instant applicant has executed the estimated work by paying 1.3% supervision charges. The consent letter for such execution was given. It is clearly mentioned in this consent letter that applicant is ready to carry out the required infrastructure work at his own cost along with 1.3% supervision charges to Licensee. The consent is not given conditionally. MSEDCL has not given any consent for refund of cost of work carried out by the applicant. It is noteworthy that there was no compulsion by MSEDCL to the applicant to give such consent. On the contrary the consent was given voluntary and free consent as per will and wishes of the applicant. Therefore it has binding force on the applicant.

15. Therefore, this forum is of considered opinion that, the applicant has been misleading Forum by interpreting the SCC as SLC and the said charges borne by him are covered under the Head of SCC and not SLC, which Hon'ble MERC has allowed the MSEDCL to recover the same from consumer. As the decision of the Hon'ble Supreme Court is regarding SLC charges, therefore it has no relevance in the instant matter.

16. It is also seen that non-applicant has already committed to grant refund in this regard which need to be verified in light of above analysis.

17. For these reason, we hold that grievance applications deserves to be dismissed. Hence we proceed to pass following order, by majority.

**ORDER**

1. The grievance applications are dismissed.

Sd/-  
**(N.V.Bansod)**  
MEMBER

Sd/-  
**(Mrs.V.N.Parihar)**  
MEMBER SECRETARY

Sd/-  
**(Vishnu S. Bute)**  
Chairman