

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,
Room N. 115-118
Dwarka, NASHIK 422011

No. / CGRF /Nashik/NUC/N.U.Dn.1/578/54/2016-17/

Date: 27/01/2017

(BY R.P.A.D.)

In the matter of

Recovery of HT check metering cost and Testing Charges

Date of Submission of the case : 08/12/2016

Date of Decision : 27/01/2017

To.

M/s. Perfect Circle Victor Ltd.,
Plot No..19 & 20 MIDC,,
Satpur , Nashik 422007
(Consumer No. 049069000150)

Complainant

1. Nodal Officer ,
Maharashtra State Electricity Distribution Com. Ltd.,
Urban Circle office, Shingada Talav,
Nashik
2. Executive Engineer (Urban -1)
Maharashtra State Electricity Distribution Com. Ltd.
Dwarka Circle Nashik .

Distribution Licensee
(Respondent)

DECISION

M/s. Perfect Circle Victor Ltd. (hereafter referred as the Complainant). Satpur Nashik is the HT consumer of the Maharashtra State Electricity Distribution Company Ltd. (hereafter referred as the Distribution Company). The Complainant has submitted grievance against MSEDCL for asking HT check metering cost and Testing Charges . 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 complainant has submitted a representation to the Consumer Grievance Redressal Forum in Schedule "A". The representation is registered at Serial No.204 of 2016 on 08 /12/2016.

The Forum in its meeting on 13/12/2016, decided to admit this case for hearing on 03/01/2016 at 11.30 am in the office of the forum . A notice dated 16/12/2016 to that effect was sent to the appelland 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 I Circle Office Nashik for submitting para-wise comments to the Forum on the grievance within 15 days under intimation to the consumer.

Shri R.S. Bhagat, I/C Executive Engineer , Shri. T.H. Nemade Dy. Engineer represented the Distribution Company during the hearing. Shri . S.C. Wagh and Shri Raosaheb Rakibe appeared on behalf of the consumer.

Consumers Representation in brief :

1. The complainant has applied for the load extension. MSEDCL has issued the technical sanction in which MSEDCL is proposing the check metering work which is requirement of MSEDCL & responsibility of MSEDCL.
2. The complainant has communicated this with MSEDCL but till date has not received the genuine reason from MSEDCL Due to which our connection work is held up. Hence herewith submitting the Complaint against MSEDCL to the Forum.
3. MSEDCL Proposal is as under :
 - a. Consumer should execute the HT check Meter Work with procuring the material as per MSEDCL Norms whose cost as per MSEDCL Estimate is Rs. 1,57,548. & As per Market Rate is @2.20 Lakhs.
 - b. The MSEDCL is proposing to pay the Testing Charges of Rs. 18000.00 + Service Tax 15% Rs. 2700.00 = 20700.00 for each set of metering means total Testing Charges for two set will be Rs. 41400.00.
4. MSEDCL Internal Grievance Cell has given decision that MSEDCL claim is correct as per the norms of 1.3% consent submitted by consumer with application.
5. The MSEDCL has made it mandatory to submit the 1.3% consent for all consumers with application only and MSEDCL doesn't accept any supply application without consent & on the basis of this consent MSEDCL insists consumer to execute the work without following the SOP.
6. Check Meter is the requirement of MSEDCL with not any SOP Guidelines Hence the complainant is not ready to spend the amount.
7. The Metering Equipments procured will be MSEDCL's property. Hence MSEDCL should not ask separate Testing charges from the customer.

Demands of the Consumer:

HT check metering cost and Testing Charges should not be asked to be paid by the consumer by the Distribution Company

Arguments from the Distribution Company.

The Distribution Company submitted a letter dated 02/01/2017 from the Nodal Officer, MSEDCL, Urban Circle Office Nashik and other relevant correspondence in this case. The representatives of the Distribution Company stated that:

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Action by IGRC :

1. Internal Grievance Redressal Cell Nashik Urban Circle conducted hearing on 22/11/2016 for the complaint submitted on 16/11/2016
2. After hearing both the parties IGRC gave decision as per letter dated 30/11/16 as under:
^1-3 % Normative Charges वरुखरु CT/PT वसुलवाक o check meter
cl fo. कडु कडुपक खडुगडुल वकडुकु. ; कुरु वकुकुयक [कडुल दडु उडुडु; क डु; डुकु डुकु. कस
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Observations by the Forum:

1. During the hearing the Forum asked the Distribution Company to submit before 10/01/2017 , the MSEDCL circular/MERC order regarding recovering cost of the check meter and the testing fees from the consumer . But the Distribution Company has not yet submitted any such circular/order.
2. 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."
3. 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
4. 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."
5. 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
6. 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.

7. 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 and testing at his cost is contrary to the orders of MERC.

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. Distribution Company should not ask the complainant to procure the check meter and testing done at his cost. If the cost is already incurred, the same should be reimbursed to the complainant in the ensuing bill.
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.

(Rajan S. Kulkarni)
Member

(Sandeep D.Darwade)
Member-Secretary
& Executive Engineer

(Suresh P.Wagh)
Chairman

Consumer Grievance Redressal Forum Nashik Zone

Copy for information and necessary action to:

- 1 Chief Engineer , Nashik Zone, Maharashtra State Electricity Distribution Company Ltd. , Vidyut Bhavan, Nashik Road 422101 (For Ex.Engr.(Admn)
- 2 Chief Engineer , Nashik Zone, Maharashtra State Electricity Distribution Company Ltd. , Vidyut Bhavan, Nashik Road 422101 (For P.R.O)
- 3 Superintending Engineer, Maharashtra State Electricity Distribution Company Ltd. , Urban Circle office, Nashik .