

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

**Case No. CGRF/AZ/ARC/681/2018/21
Registration No. 2018060033**

Date of Admission : 12.06.2018
Date of Decision : 28.08.2018

M/s. Flexible Abrasives Pvt. Ltd., : COMPLAINANT
Plot No. B-30/2, MIDC, Shendra,
Aurangabad 431 007.
(Consumer No. 490539043790)

VERSUS

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

Complainant Representative : Shri H.A. Kapadia
Respondent : Shri. Y.B. Nikam,
EE(Admin), Rural 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. Flexible Abrasives Pvt. Ltd., Plot No. B-30/2, MIDC, Shendra, Aurangabad is a consumer of Mahavitaran having Consumer No. 490539043790. The applicant has filed a complaint against the respondent, the Executive Engineer i.e. Nodal Officer, MSEDCL, Rural Circle, Aurangabad under Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulation 2006 in Annexure (A) on 12.06.2018.

BRIEF HISTORY & FACTS RELATING TO THE GRIEVANCE:

2) The applicant has filed the complaint raising following contentions:-
That, the complainant is authorized signatory of above named industrial unit situated at Plot No. B-32/2 MIDC, Shendra, Aurangabad. The consumer number allotted by Respondent is 490539043790.

3) Respondent is authorized officer of Maharashtra Electricity Distribution Company Ltd. which is working as Distribution Licensee as per provision of Electricity Act 2003. The complainant is sourcing electricity for his industrial unit from Respondent and therefore is consumer as per provision of Electricity Act 2003.

4) The complainant is engaged in manufacturing of coated abrasives products at his unit situated at MIDC Shendra, Aurangabad. MSEDCL has released 11kv HT connection with contract demand and connected load of 180 KVA and 243 Kw in the year Oct.2011.

5) The complainant, in view of expansion, submitted application for sanction of additional load in the office of Respondent on 30.01.2017. Respondent, after visiting the site, accorded its sanction vide letter dt. 26.11.2017.

6) It is submitted that Respondent through its sanction letter dt. 26.11.2017 asked the complainant to procure 11kv metering cubicle of following specification.

CTs : 10/5A , class 0.5 S, Burden : 10 VA

PTs : 11000/110V, Class 0.5 , Burden : 50 VA

7) It is submitted that, on receipt of said specification of 11kv metering cubicle, the complainant has submitted application on 31.01.2017 and brought to notice of concerned officer that there is no need to replace the metering cubicle as the present CTS installed in metering cubicle are of ratio 10/5 A. However Respondent, vide its letter No. SE/ARC/HT-Billing/2836 dt. 18.06.2017 conveyed that as per new specification confirmed by MSEDCL Testing Division, the class of accuracy of CTS are upgraded from 0.5 to 0.5 S .

8) It is submitted that the Respondent through the above said letter asked the complaint to procure & install the new metering cubicle as per new specification.

9) The complainant therefore was left with no option but to purchase new 11kv metering cubicle to meet his additional load requirement.

That, after procurement of new 11kv metering cubicle as per new specification and on completion of other required formalities, Respondent released additional load vide letter dt. 04.12.2017.

10) That, as per terms and conditions mentioned in Para 7 of the sanction letter dt. 26.11.2017, the complainant has submitted letter on 03.03.2018 for refund of amount spent towards purchase of 11kv metering cubicle.

That, the Superintending Engineer, vide his letter dt. 15.03.2018 refuse to refund the said amount. The complainant therefore filed his grievance before IGRC of Respondent Company on 21.03.2018 and requested to refund the cost of metering cubicle. It is submitted that IGRC, vide its order 03.05.2018 dismissed the grievance.

MERC Regulations & MSEDCL Circular :

11) That, the order dt. 08.09.2006 passed by Hon'ble Commission in case No. 70/2006) and MSEDCL circular No. 43 dt. 27/09/2006 which clearly states that, the cost of metering cubicle, if provided by consumer is required to be refunded to respective consumers.

That Respondent through its sanction letter (Para 7. Metering) has already agreed to adjust cost of metering cubicle in post energy bills.

12) It is submitted that, orders for such refund of such cost are "passed by Hon'ble Ombudsman & other judicial authorities."

13) It is prayed that,

1. The order passed by IGRC may be quashed.
2. Respondents may be directed to refund Rs. 3000/ paid towards testing of meter and cost of 11kv metering cubicle with interest at the rate of 9% from period December 2017 till actual date of refund.

14) That, the respondent has submitted its reply as follows.

That, the M/s. Flexible Abrasive Pvt. Ltd., Shendra MIDC is an existing HT consumer under Rural Circle, Aurangabad. The consumer has requested for additional load of 20 kva on dtd. 31.01.2017.

But due to old technical specification of CT-PT, the same were replaced vide Commercial Circular 291 dtd 29.06.2017 of MSEDCL,

That, as per MERC Case No. 70 of 2005, in its order dtd. 08.09.2016, it is clearly specified that meter for new connection should be provided by the licensee and the cost of meter & meter box shall be borne by the licensee except where a consumer elects to purchase the meter from licensee. This is as per CEA Regulation 6 (2) (a) of CEA Reg 2006 of dtd. 17th March 2006.

That, in this case it is a load extension as requested by consumer.

That, the testing charges approved shall be applicable only in case the consumer request licensee to test meter as mentioned in supply code regulation 14.4 & expenditure towards first testing prior to release of new connection.

That, the consumer has already received refund of metering cubical cost, testing charges & excess service connection charges at the time of release of new connection.

Hence the complaint may be dismissed.

15) In the rejoinder the complainant has raised following contentions :

That the old metering cubicle having CT ratio of 10/5 Amp. was suitable to match their additional contract demand of 20 KVA (Total 200 KVA) and there was no necessity to change the old metering cubicle. The complainant was compelled to purchase new metering cubicle only to meet out new specifications on the basis of suggestion made by Executive Engineer Testing Division.

16) The complainant further wish to bring to kind notice that Respondent, while releasing sanction letter dt. 28.11.17 has already agreed to refund the cost of new metering cubicle.

17) It is submitted that, the said notification dt. 17.03.2006 is applicable for interstate transmission and metering and not to consumers of Distribution Licensee.

18) We have gone through the pleadings & documents submitted by both the parties, heard Shri H.A. Kapadia, Consumer Representative & Shri Y.B. Nikam, Nodal Officer, Rural Circle, Aurangabad for Respondent.

Following points arise for our determination, and we have recorded our findings there on for the reasons to follow :

Sr. No.	POINTS	FINDINGS
1)	Whether the complainant is entitle for refund of cost of 11 KV metering cubicle ?	Yes
2)	Whether the complainant is entitle for refund of Rs. 3000/- paid towards testing of meter?	No
3)	Whether the complainant is entitle for interest the rate of 9% p.a. on meter cubicle cost from December 2017?	No
4)	What order & Cost ?	As per final order

REASONS

19) **Point No. 1 to 2 :-** They being interrelated, hence discussed together.

Admittedly, Complainants Company situated at MIDC Shendra, Aurangabad. The respondent has already released 11 KV HT connection with contract demand & connected load 180 KVA & 243 KW respectively in October 2011. That, on its expansion, the complainant company had submitted application for additional load dtd. 21.11.2017 & it was sanctioned by due procedure vide letter dated 26.11.2017 (Page No. 9). The sanctioned connected load is existing 243 KV (+) Fresh 60 KW = Total 303 KW and maximum demand is existing 180 KVA (+) Fresh 20 KVA = Total 200 KVA. Though, it was enhancement of load, however, in view of Commercial Circular No. 291 dtd. 29.06.2017 (Page Nos. 30 to 36) the following specification is laid down by MERC.

Particulars		Approved specifications		
		Ratio	Class	Burden VA
HT Consumer up to 1000 KVA with compact cubicle	CT	Commensurate with Contract Demand, (Single Core, Single Ratio (... /5A)	0.5 S	10
	PT	$KV / \sqrt{3}/110/ \sqrt{3}$	0.5	50
	HT TOD Meter	$(... /5A) 11KV / \sqrt{3}/110/ \sqrt{3}$	0.5 S	

20) In view of above specification, the Respondent in its letter dtd. 18.06.2017 (Page No. 13) communicated to the complainant that "As per standard CT should be 0.5 S class & PT should be of 50 VA burden. Your existing ratio 0.5 class & PTS are of 100 VA Burden. Hence both are required to be changed. Accordingly, you are requested to please arrange the CT/PT for load enhancement of your industry". Accordingly, in the sanction letter dtd. 26.11.2017 para 7 (d) – term incorporated is 7(d). "The CT should be of the ratio 10/5 Amp, Class 0.55, Burden 10 VA & PT of the ratio 11000/110 V, Class 0.5 S & Burden 50VA.

21) Considering the term incorporated in both the aforesaid letters, the complainant was left with no other alternative, but to replace the new meter cubicle in place of old. Admittedly, it was accordingly purchased by the complainant on 07.01.2018, tax invoice is produced at (Page No. 16)

22) It is argued by Nodal Officer Shri Nikam for the Respondent, the cost of meter cubicle & testing fees was refunded to the complainant at the time of new connection. That, it being now case of enhancement of load, so the complainant is not entitle for refund as claimed.

23) We are in disagreement with the submissions of Nodal Officer for the reason that in the sanction letter dtd. 26.11.2017 (Page No. 11) the Respondent under their signature has specifically agreed for the following terms : -

“7) *METERING*

b) The HT TOD Meter and metering equipment for new / fresh HT connection will be as per MSEDCL’s standards in accordance with the specification laid down as per the list of makes & models approved by MSEDCL. In case, if the consumer is in hurry, he can procure the metering equipments from the approved vendor of MSEDCL, test it at MSEDCL lab and install at site. The approved cost of the metering equipments produced by consumer will be adjusted in to the post energy bill as per MSEDCL’s standards”.

24) The MERC approved schedule charges in case No. 70/2005 & those are circulated in Circular No. 43 & 34307, Commercial Circular prescribes that,

5.1 – The Company shall not recover any cost towards meter & meter base, except where the consumer opts to purchase meter from MSEDCL & in the case of lost & burnt meter the company is permitted to recover cost as per Annexure-3. About testing charges & general chares – 7 misc. & general charges.

a) Installation testing fee .:

“The field officers are directed not to charge any amount for first inspection & testing of consumers installation at the time of giving new connection. For all the subsequent test & inspection of consumer’s installation, the company shall recover charges indicated in annexure-4.

25) Considering the spirit of above circular together with the agreed term by the Respondent in the sanction letter dtd. 26.11.2017, para 7(b) & directions in the letter dtd. 18.06.2017, we are inclined to refund metering cubicle cost accordingly Point No. 1 in favour of the complainant. Regarding testing fees, Hon’ble MERC allowed to recover charges indicates in annexure-4 and exempted

in new connection only. This is load enhancement case, hence we answer Point No. 2 in negative.

26) **Point No. 3** :- Considering the fact that as per agreed firm quotation clause 7 (b) of the sanction letter dtd. 26.11.2017, the refund amount requires to be adjusted in energy bills. Further, there is no deliberate act on the part of Respondent for delaying the payment of refund amount. So, it is not just & proper to impose interest on these amounts. Accordingly, we answer point No. 3 in the negative.

27) Considering the aforesaid discussion, rejection of complainant claim by IGRC is found unwarranted, illegal & requires to be set aside. As such, in answer to point No. 4, we proceed to pass following order.

ORDER

The petition is hereby partly allowed in following terms :-

- 1) Order dtd. 12.04.2018, passed IGRC in case No. IGRC/ARC/Gra/2017-18/ID No. 24/2018 is hereby set aside & quashed.
- 2) The respondent is hereby directed to refund metering cubicle cost to the complainant as per MERC Schedule of charges.
- 3) All the aforesaid amounts be adjusted in monthly energy bills with equal installments.
- 4) Prayer of refund of testing fee & interest stands rejected.
- 5) Parties to bear their own costs.
- 6) Respondent to report compliance within 30 days.

Sd/-
Shobha B. Varma
Chairperson

Sd/-
Laxman M. Kakade
Member / Secretary

Sd/
Vilaschandra S.Kabra
Member