



Consumer Grievance Redressal Forum, Kalyan Zone  
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**No. K/E/1426/1677 of 2017-18**

Date of registration : 13/07/2018

Date of order : 29/08/2018

Total days : 47

**IN THE MATTER OF GRIEVANCE NO. K/E/1426/1677 OF 2017-18 OF M/S VIRAJ PROFILE LTD., UNIT-V, SURVEY NO.114, AT MAHAGAON, BOISER (R) DIST-THANE, PIN CODE-401 506 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING REFUND OF SDO.**

M/s Viraj Profile Ltd.,  
Unit-V, Survey No.114,  
At Mahagaon, Boiser (R),  
Dist-Thane, Pin Code-401 506  
(Consumer No. 003019031500) . . . (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution  
Company Limited  
Through it's Nodal Officer/Addl.EE.  
Palghar Circle, Palghar . . . (Hereinafter referred as Licensee)

Appearance : For Licensee - 1) Shri.R.B.Waman, ALO, Vasai Circle  
2) Shri.Tushar Bhagit, AE, Palghar Circle

For Consumer - Shri.Ashok Parandivar (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 Regulations 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 Viraj Profile Ltd., having consumer no. 003019031500. Grievance is that consumer a stainless steel manufacturing unit at consumer address at Boisar, Palghar with open access capacity of 4500 KVA and MSEDCL contract demand of 500 KVA. The consumer vide letter dt.14/09/2016 applied for reduction of open access from 4500 KVA to 3000 KVA while enhancement of MSEDCL contract demand from 500 to 2000 KVA. The Superintending Engineer, O & M Circle Palghar vide letter no.0958 dt.21/10/2016 approved enhancement in contract demand from 500 KVA to 2000 KVA. However effect of such enhancement was not reflected in November-2016 energy bill of the consumer.

3) Consumer therefore approached Chief Engineer (Commercial), MSEDCL, Head Office, Mumbai for implementation of enhancement in MSEDCL contract demand with effect from November-2016. The Chief Engineer (Commercial) MSEDCL, Head Office, Mumbai approved reduction in open access capacity from 4500 KVA to 3000 KVA along with enhancement in MSEDCL contract demand from 500 KVA to 2000 KVA but with effect from billing month of May-2017 and not from Nov-2016 as prayed. Upon continuous follow up it was informed that superintending Engineer, O & M Division, Palghar is not the competent Authority to approve the same as such the said approval given was not valid.

4) Consumer further submits that as per Maharashtra Electricity Regulatory Commission (Standard of performance Distribution Licensee period of giving supply out determination of compensation) Regulation 2014 it has been prescribed that the Distribution Licensee shall on application by owner or occupier of any premises give supply of electricity to such premises within one (1) month after the receipt of the completed application and payment of charges for requiring such supply, if the supply an applicant is to be given from an existing network of the Distribution Licensee. Enhancement in contract demand interalia means requisition of new power supply and is therefore governed by the said mandatory provision.

5) Consumer therefore prays that the order no.1255 dt.28/06/2018 of IGRC be struck off, direct Licensee to follow SOP Regulation and sanction reduction in open access and enhancement in contact demand as requested w.e.f. Nov-2016 and revise the monthly bills accordingly.

6) Distribution Licensee in reply raises two points. One is regarding jurisdiction of this forum to entertain the grievance and secondly the jurisdiction of the Superintending Engineer to sanction reduction in open access and enhancement of contract demand. Distribution Licensee relies on Reg.32 of MERC Distribution open access Regulation 2016 and Regulation 4.1., 5.1 & 6.8 of the supply code Regulations.

7) We have heard both sides. So far as the first point raised with regards to jurisdiction of the forum, Distribution Licensee relies on Regulation 32 of MERC Distribution open Access Regulation 2016 which runs as under :-

**32. Disputes**

***Save as otherwise provided, any dispute under these Regulations shall be adjudicated upon by the Commission.***

We have gone through above provisions. As we see the said provision says that all disputes under these regulations shall be adjudicated upon upon by the commission. Distribution Licensee has however failed to show that the present dispute falls under the said Regulation of open access. As against this as we find the dispute relate to SOP violation in not granting reduction of open access and enhancement of contract demand and also there is billing dispute raised, for both of which there is remedy provided as the dispute falls within the definition of grievance as per Regulation 2 of MERC (CGRF & Ombudsman) Regulation 2006. When there is remedy provided as above section 32 would not apply as has been mentioned in the section itself.

8) Coming to the second point the consumer has applied to superintending Engineer, O & M, Palghar Circle for reduction of OA & Enhancement of contract demand which the superintending Engineer admittedly granted. Distribution Licensee can not now be heard to say that Superintending Engineer had no power. It was incumbent upon the Superintending Engineer to forward the papers to Chief Engineer if at all Chief Engineer was empowered. There are several circulars and regulations which entitle the consumer to present such an application to the lowest office of the Distribution Licensee and duty cast upon the Distribution Licensee official to forward the same to appropriate authorized officer.

9) In the above view of the matter there is absolutely no merit in both the point raised by Distribution Licensee.

Hence the order.

**ORDER**

- 1) Grievance application of Consumer is allowed
- 2) Distribution Licensee to implement the order of reduction of OA and enhancement of contract demand with effect from billing month of Nov-2016 and refund the excess recovered along as per rate of RBI rate of interest.
- 3) SOP be calculated from after one month of the application of the consumer to April-2017 and Distribution Licensee to pay the same to consumer.

- 4) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date : 29/08/2018

(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.*