

Case No.: 12/2018  
Date of Grievance: 17 /07/2018  
Date of Order: 13/11/2018

M/s. Spentex Industries Ltd.,  
P.No. D-48, MIDC, Baramati,  
Dist. Pune.

**Applicant**  
(Herein after Referred to as consumer)

**Versus**

Executive Engineer (Nodal Officer)  
M.S.E.D.C.L., Circle,  
Baramati,

**Opponent**  
(Herein after referred to as Licensee)

**Quorum**

|                  |                   |
|------------------|-------------------|
| Chairperson      | Mr. B. D. Gaikwad |
| Member           | Mr. S. K. Jadhav  |
| Member Secretary | Mr. M. A. Lawate  |

**Appearance:-**

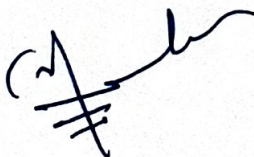
For Consumer: - 1-Mr. R. G. Mukundwar (Representative of M/s. Spentex Industries Ltd)

For Respondent: - 1- Mr. Keshav Kalumali, Executive Engineer, Circle office, Baramati.  
2- Mr. Sanjay Wagmare, Executive Engineer, Testing Division, Baramati.

**ORDER**

**(Date:-13/11/2018)**

- 1- The Complainant above named has filed present Grievance under regulation 6.4 of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations 2006, Hereinafter referred to as Regulation 2006.
- 2- The consumer is HT-I Industrial consumer having consumer No. 186849041700. The sanctioned load is 5226 KW and connected load is also 5226 KW and contract demand is 3600 KVA. The consumer has installed SEM and KIOSK cubicle metering on




22/05/2015 and filed an application for open access permission in the month of June 2015 to avail open access from 1<sup>st</sup> July 2015.

- 3- However in the month of June 2015 before intended switch from 1<sup>st</sup> July 2015, it was observed that maximum demand recorded was 3607 KVA on 21/06/2015 in D Zone. The maximum demand utilization recorded through MD controllers installed in the plant was of 3550 KVA. The consumer immediately informed said fact to superintending Engineer (BRC) vide letter dated 23/06/2015.
- 4- The consumer again submitted letter dated 01/07/2015 to SE (BRC) Stating that consumer has applied for open access w.e.f. 01/07/2015 and consumer was not on open access for entire month of June 2015. It is therefore requested by consumer that it should be billed for maximum demand utilization in KVA based on applicable 30 minutes cycle period and not on 15 minutes cycle period as applicable for open access. According to consumer even for the month of May 2015 maximum demand utilization in KVA was wrongly charged based on 15 minutes cycle instead of applicable 30 minutes recording cycle. The consumer has therefore requested for giving due credit in the bills for the month of May 2015.
- 5- As there was no response from the officials of MSEDCL, the consumer again sent mail to SE(BRC) on 5<sup>th</sup> July 2015 mentioning conditions of supply based on MERC Electricity supply code and other conditions of supply regulations 2005 which deals with maximum demand. The consumer has requested that the bill for the month of June 2015 should be billed for maximum demand utilization based on 30 minutes cycle recording only. However consumer has received electricity bill for the month of June 2015 charging maximum demand utilization recorded based on 15 minutes cycle reading instead of 30 minutes reading cycle the consumer has informed said fact to SE (BRC) vide email dated 09<sup>th</sup> July 2015 and copy of the same was sent to CE commercial. The consumer did not receive any reply from MSEDCL.
- 6- The consumer again sent a letter dated 13.7.2015 to CE commercial giving all the details and requested that the consumer should be billed for the month of May 2015 and June 2015 based on 30 minutes cycle period instead of 15 minutes cycle period. The consumer has also sent Email dated 14/7/2015 to CE commercial requesting to rectify the bills wrongly issued.



- 7- The consumer again submitted letter dated 25/1/2016 to director operations MSEDCL and requested for giving credits. in the subsequent bills in respect of excess recovery made on account of mistaken calculation of maximum demand charges and loss load factor incentive amount. However, the consumer received letter dated 7<sup>th</sup> June 2016 from CE commercial rejecting the request of consumer and also stating that MSEDCL reserves the right to measure the maximum demand for any shorter period than 30 minutes period of maximum use, subject to conformity with supply code and considerable load fluctuations in operation. According to consumer reasons given in the said letter to disallow load factor incentive are entirely unjustified. The consumer again submitted letter dated 08/06/2017 mentioning various correspondences exchanged between the parties and again requested for refund of disallowed load factor incentive for the month of May 2015 and June 2015.
- 8- According to consumer said amount of load factor incentive comes to Rs. 18,55575/- and it is legally eligible for the same. The said legal claim is wrongly denied till this date. The consumer also claims interest on the said amount as per S. 62(6) of Electricity Act 2003. The consumer also prays for compensation on account of failure to comply standard of performance (SOP) as per regulations. According to consumer it is entitled for compensation of Rs. 100/- per week from 31 July 2015 for the delay in refunding load factor incentive amount of May 2015 and June 2015. It also prays for appropriate action against concern erring officers.
- 9- The opponent MSEDCL has refused the claim by submitting it's written statement. It is submitted that the electric supply of the consumer is permanently disconnected for arrears. It is an admitted fact that the consumer has submitted an application dated 17.4.2015 showing willingness to install special Energy Meter (SEM) and cubical metering (CM) and intended to avail electric supply on open Access. The work of installation of SEM and ABT meters was done as per rules and regulations and installation was inspected by Electrical Inspector as per rules. On installation of SEM in the month of May 2015 it was found that maximum demand recorded in SEM was 3607 KVA on 21/06/2015 in D zone. The SEM was installed by the consumer himself for availing open Access and it was aware that it will be billed for maximum demand utilization in KVA based on applicable 15 minutes cycle period and not 30 minutes cycle period. This fact was brought to the notice of consumer vide letter dated



14/05/2015 issued by EE testing division Pune. The consumer is bound to accept billing features of SEM as per Regulations.

- 10- The consumer have exceeded maximum demand and it is deprived of the benefit of load factor incentives as per MERC tariff order in case no. 19/2012 dated 16.08.2012 which is then prevailing tariff order. The CE commercial Mumbai has also informed consumer that the billing methodology adopted is correct and request for revision in the bills cannot be considered. It is further contended that as per MERC order present consumer is not entitled for load factor incentive. It is also contended that present Grievance is not maintainable as it does not fall within the definition of grievance The percent Grievance is also not submitted within the period of limitation and same is time barred under 6.6 of regulation 2006. The consumer is also not entitled for any interest u/s 62 of Electricity Act 2003. The complainant is also not entitled for any compensation as prayed. There is no undue and intentional delay on the part of IGRC in passing the order. The opponent MSEDCL therefore prays for dismissal of the Grievance with cost.
- 11- The consumer has submitted grievance before IGRC on 15/02/2018 and it was heard on 10.04.2018 but no order was passed till 25/07/2018. The consumer therefore has submitted grievance before this forum on 06/07/2018.
- 12- We have heard representatives of both parties at length and also perused documents on record. In view of rival contentions of the parties, following points arise for our consideration and we have recorded our findings thereon for the reasons stated herein after.

#### **POINTS**

- |  |                       |
|--|-----------------------|
| I) Whether the complainant is entitled for the reliefs claimed | - No.                 |
| II) Whether Grievance is within the period of limitation       | - No.                 |
| III) What order?   | - As per final order? |

#### **FINDINGS**

#### **REASONS**

- 13- **POINT No:-** 1) We have perused documents Annexure A to L produced with the grievance. Those documents are mainly the correspondence between the parties. The claim of the consumer is that it should be billed for maximum demand utilization in KVA based on 30 minutes cycle and not on 15 minutes cycle. No doubt consumer has written several letters to the officials of MSEDCL and has raised said claim.





- 14- The letter dated 3.6.2016 sent by chief Engineer (commercial) Mumbai to SE Baramati circle clearly indicates bill of M/s Spentex Industries Ltd for the period 22/05/2015 to 31/07/2015 is correct and consumers request for revision of bill cannot be considered. There is no reason to discard said letter issued by chief engineer (commercial) Mumbai
- 15- The MERC order dated 16/08/2012 in case No. 19/2012 indicates that the load factor rebate will be available only if consumers has no arrears with MSEDCL and payment is made within seven days from the date of the bill. However, this incentive will be applicable to consumers where payment of arrears in installments has been granted by MSEDCL and the same is being made as scheduled. MSEDCL has to take commercial decision on the issue how to determine the time frame for which the payments should have been made as scheduled, in order to be eligible for the load factor incentive.
- 16- It is submitted on behalf on MSEDCL that the consumer is in arrears of bills Rs.1.72 (one crore and seventy two lakhs) and electric connection is permanently disconnected (P.D.). It is also submitted that the consumer by installing SEM and other metering equipment is bound to be billed as per the specification of said meter. The consumer was well aware with the fact that it will be billed for maximum demand utilization in KVA based on applicable 15 minutes cycle period and not 30 minutes cycle period. The MSEDCL has also produced letter of EE testing Division, Pune and also the test report dated 14.5.2015. There is nothing on record to show that consumer is entitled for load factor incentive, interest & SOP as prayed. We therefore answer above point I in the negative.
- 17- **POINT No:- 2** The MSEDCL has also submitted that the Grievance is time barred as per Regulation No. 6.6 of MERC (CGRF and E.O.) Regulations 2006 which reads as under

*"6.6. The Forum shall not admit any grievance unless it is filed within two (2) years from the date on which the cause of action has arisen."*

It is submitted that the consumer is claiming refund of LFI for the month of May 2015 and June 2015, The record indicates that consumer has submitted grievance before IGRC Baramati Dist. Pune on 3.2.2018 which is certainly beyond the period of limitation. On the other hand it is submitted on behalf of consumer that the consumer has submitted several request letters and Emails and copies of correspondence are on record Annexure A to L. The letter dated 3.6.2016 issued by CE (Commercial) Mumbai





indicates that LFI is denied or rejected. The consumer did not submit his grievance within the period of two years from the date of cause of action. Now the question is whether the period of limitation will be extended merely because consumer has requested for LFI to the official of MSEDCL by sending several letters. In our opinion, the period of limitation cannot be extended or delay cannot be condoned as there is no provision of delay condonation in the said regulations. No doubt, the interpretation of regulation No. 6.6 of said regulations 2006 shall be consumer friendly and in favor of consumer. The object of regulations is to protect interest of consumers, but there is no any provision for condonation of delay. In our opinion, we cannot pass any order against Regulation No. 6.6 of the said Regulations 2006. We have also instructed representative of consumer to satisfy us on the point of limitation, and time was granted for the same. The representative did not submit any argument on the point of limitation though sufficient time was granted. We therefore declined to grant any relief to present consumer even on the ground that the grievance is out of the period of limitation. We accordingly answer above point No. II in the negative and pass following order.

**ORDER**

1- Grievance is rejected.

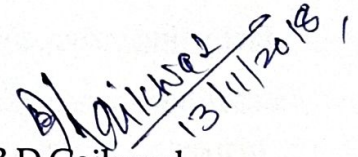
2- No order as to cost.



M. A. Lawate  
Member/Secretary  
CGRE, BMTZ, BARAMATI



S.K. Jadhav  
Member  
CGRE, BMTZ, BARAMATI



B.D. Gaikwad  
Chairperson  
CGRE, BMTZ, BARAMATI

- Note:-** 1) This representation could not be decided within the period of two months as MSEDCL and Consumer have requested for adjournments.  
2) The Consumer if not satisfied may file representation against this order before the Hon'ble Ombudsman within 60 days from date of this order at the following address.

**Office of the Ombudsman,**  
Maharashtra Electricity Regulatory Commission,  
606/608, Keshav Building, BandraKurla Complex,  
Bandra (East), Mumabi-51.