

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

---

**Case No. CGRF(NZ)/83/2019**

Applicant : M/s.MAK POWER & CONTROL Pvt.Ltd.,  
C-74, MIDC, Hingna Road,  
Nagpur-440028

V/s

Non-applicant : Nodal Officer,  
The Executive Engineer,  
Butibori Dn., M.S.E.D.C.L.,  
Butibori.

---

Applicant represented by : Shri Suhas Khandekar  
Non-applicant represented by : 1) Shri Sanjay Vitankar, Addl.  
Exe.Engr., MSEDCL, Butibori Dn.

---

Coram : 1) Shri Arvind Jayram Rohee,  
Chairperson.  
2) Mrs. V.N.Parihar,  
Member Secretary  
3) Mrs. Asmita Avinash Prabhune,  
Member(CPO)

---

**ORDER PASSED ON 27.11.2019**

1. The Applicant through his representative Shri Suhas Khandekar approached this Forum under Para 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations 2006.

2. On 13.11.2019 when the matter is called for final hearing the Applicant's representative Shri Suhas Khandekar is present. Non-applicant is represented by Shri Sanjay Vitankar, Addl. Executive Engineer, MSEDCL. We have carefully perused the case record & also heard both the parties.

3. According to the applicant, it is a LT consumer of MSEDCL, and meter stands in the name of M/s Dandekar Electricals Pvt. Ltd., but applicant is the actual occupier. The electricity meter installed in its premises does not display the RKVAH (Lead) or RKVAH (Lag) readings. Due to this, applicant was neither able to verify the readings as indicated by MSEDCL in their electricity bill, nor able to monitor and control the consumption of RKVAH. Hence applicant submitted a letter to the Addl.Executive Engineer, MIDC I, on 19.3.2019, requesting for a corrective action. However, no action was taken in the matter.

4. Therefore applicant approached IGR Cell on 29.5.2019 for following reliefs such as Providing them with a meter which continuously displays both RKVAH lag and lead in addition to the other standard parameters and till replacement is done, treat their power factor as unity, with effect from September 2018, when the new tariff came into effect and grant them incentive accordingly. The excess amount paid by applicant on account of PF is also sought to be refunded to them in their forthcoming bill.

5. He further contended that during the hearing at IGRC, it was contended by the Addl.EE, MSEDCL, MIDC 1 that the meter had no facility to continuously display the KVARH Lag & Lead readings, but it can be seen by only pressing a knob provided on the meter. However, it is pointed out that the said knob is in a sealed cover and hence, it was inaccessible to them. The order was issued by IGR Cell on 5.7.2019, directing the Addl.Executive Engineer, MSEDCL, MIDC 1 to change the

meter at the earliest, but no relief is granted as regards the other prayers and even the meter is not changed till date.

6. The applicant, therefore, approached this forum seeking the following reliefs:-

- a) Non-applicant may be directed to provide them with a meter which continuously display both RKVAH lag and lead in addition to the other standard parameters.
- b) Till the replacement of meter is carried out, their Power Factor should be treated as unity, with effect from September 2018, when the new tariff came into effect and incentive should be worked out to accordingly.
- c) The excess amount on account of PF should be reimbursed to them in the forthcoming bill, along with interest at standard bank rates as per section 62(6) of the Electricity Act.

7. Non-applicant in its para-wise reply stated that, the Grievance Application regarding the non displaying the RKVAH (lag/lead) is from M/s. Mak Power And Control Pvt. Ltd., whereas the monthly energy bill generated is in the name of M/s Dandekar. Hence the complaint filed is untenable.

8. It is further submitted that the RKVAH (lag/lead) parameters are recorded by the old Secure Make meter and can be monitored through Push button or through MRI report available at their MIDC-1 Sub Divn. office & after getting regular monthly energy bill. However after receipt of the complaint AE MIDC-Hingna-1 D/C personally visited the spot twice

and shown the meter reading with RKVAH (Lag/Lead) by push button to the consumer and convinced the consumer for non availability of meter and will be replaced immediately on availability. As such during the period from May-2019 to end of August-2019 due to unavailability of meters applicant's meter was not replaced. Meters are released from their Head Office as per paid pending list and replacement list.

9. Further they submitted that, the old Secure Make Meter with Sr.No.MSP06854 is replaced on 27.9.2019 with new Genus Make Sr.No. 5814064 which display continuously all the parameters desired by applicant. However they reiterated that the power factor can be easily controlled by controlling RKVAH (lag/lead) parameters reflected on monthly energy bills or by collecting MRI report from this office. As such it is incorrect to treat PF as unity since new tariff came into effect. They also submitted that as PF is already controlled, there is no excess amount paid by consumer till the meter is replaced. Hence applicant is not entitled to any refund and requested the forum to dismiss the Grievance Petition.

10. Forum heard the arguments of both the parties and perused the documents on record and issues are –

A) When applicant is M/s. Mak Power And Control Pvt. Ltd. and the monthly energy bill generated in the name of M/s Dandekar which is different, whether the Grievance Application filed is untenable ? ---No

B) Due to non-replacement of meter whether applicant suffered power factor penalty and thus entitled for any refund? No

**11. Issue (A)** As per copy of Memorandum and Article of Association of M/s Mak Power and Control Pvt.Ltd, filed on record during hearing on 13.11.2019 by applicant ,it is evident that company is changed from Dandekar Pvt.ltd. to MAK Power & Controls Pvt.Ltd. However, energy bills are still issued in the name of Dandekar Pvt.ltd., since change in name of actual user is not reported. It is agreed during the hearing by applicant's representative that they will change their name accordingly by submitting necessary application and Non-applicant agreed to change the name as per rules and regulations after completion of necessary formalities by the applicant. Hence present Grievance Application is maintainable.

**12. Issue (B)**. As per statement of Power factor incentive/Penalty filed by applicant during hearing and perusal of electricity Bills, it is seen that due to low power factor, penalty is paid by applicant since October 2018 to Aug 2019 barring the month March 2019. When penalty was imposed in the month of Oct 2018, applicant should have taken corrective measures in subsequent months. But it is seen for full 5 months there is no action on part of applicant. Secondly, it is true that daily access of reading due to sealing arrangement was not available and hence PF could not be monitored on daily basis, but PF is not monitored even on monthly basis also. It is seen from NA's submission that Meters with daily monitoring facility were not available with them but they were ready to provide MRI facility to applicant, but applicant did not avail it. So from this it can safely be concluded that applicant cannot put up the blame about their inability to monitor PF squarely on the non-applicant.

13. In view of the above observations, we held that the applicant is not entitled for the reimbursement of excess amount on account of PF penalty along with interest. As there is no substance in the grievance application, the application deserves to be dismissed. It is accordingly dismissed, without granting any relief to the applicant, however no order as to costs.

**(Mrs. Asmita A. Prabhune)**  
MEMBER(CPO)

**(Mrs. V.N.Parihar)**  
MEMBER SECRETARY

**(Arvind J. Rohee)**  
CHAIRPERSON