

Before the  
**MAHARASHTRA ELECTRICITY REGULATORY COMMISSION**  
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**Case No. 19 of 2006**

In the matter of  
Petition filed by Shri. Sambhaji Mohanrao Shitole regarding levy by Reliance Energy Limited (REL) of charges towards service line contribution.

Dr. Pramod Deo, Chairman  
Shri A. Velayutham, Member  
Shri S. B. Kulkarni, Member

**ORDER**

**Dated: 8<sup>th</sup> November, 2006**

Shri. Sambhaji Mohanrao Shitole filed a Petition before the Commission on 22<sup>nd</sup> June 2006. Briefly, as regards the facts, the Petitioner had applied on 8<sup>th</sup> February 2005 to Reliance Energy Limited, the distribution licensee for the concerned area of supply, for a new connection to receive electricity supply. On making such an application, the Petitioner was served with an 'Electricity Service Estimate' dated 8<sup>th</sup> February 2005 for an amount of Rs. 1475/- towards "Service Line Contribution" and Rs. 120/- towards "Security Deposit" totaling to Rs. 1595/-. The Petitioner contends that hitherto, an applicant for supply in an area where the service cables were already laid by the Respondents was required to pay Rs. 6/- towards connection charges and Rs. 120/- towards security deposit, totaling to Rs. 126/-. These charges were levied in exercise of the powers of the licensee under the "*Bombay Suburban Electric License, 1926 Conditions of Supply and Miscellaneous Charges*" which were approved by the Government of Maharashtra ("GOM") under Resolution No. LBT.1663/104083-Elec.I dated 12<sup>th</sup> October 1965 and 9<sup>th</sup> November, 1965. The last amendment to the said *Conditions of Supply and Miscellaneous Charges* were also approved by the GOM vide Order No. BSES/1097/PRA.KRA6706/Urja-4 dated 12<sup>th</sup> May 1998. It is the contention of the Petitioner that the Respondents have since 1<sup>st</sup> October 2004 been demanding from applicants for supply charges towards service connection amounting to Rs. 1475/-. The Petitioner has contended that the said charges of Rs. 1475/- towards tapping a service connection to the supply mains for new installation is not in accordance with the said "*Conditions of Supply and Miscellaneous Charges*" as has been approved by the GOM as aforesaid. The "*Conditions of Supply and Miscellaneous Charges*" stipulates a charge of Rs. 6/- as connection fee for every new installation to the supply mains. The Petitioner has explained that clause 4 read with Part II of the "*Conditions of Supply and Miscellaneous Charges*" stipulates that the Licensee shall lay free of charge a service line upto a length of 30.5 metres from its nearest distributing main outside the limits of the property in respect of which the requisition is made. Any length in excess of 30.5 metres as defined above and the whole of the service line



within the limits of the property in respect of which the requisition is made shall be paid for by the applicant. Therefore, the Respondents are entitled to recover charges for laying service line beyond a distance of 30.5 metres from the distributing mains, at actual cost. The Petitioner is a resident of Annabhau Sathe Nagar, Mankhurd. In the said area the Respondents have already collected service line expenses from various applicants. Petitioner has submitted that, illustratively, the Respondents have collected Rs. 4,299/- from each of three applicants, viz., Shri. Y.B. Mahapure, Shri. N.C. Pakule and Shri. G.N. Basuante, towards service line expenses. These charges have been paid prior to the Petitioner making a requisition for supply. It is the contention of the Petitioner that, therefore, by reason of earlier applicants having borne the cost of service line network, the Petitioner is liable to pay connection fee only towards tapping the already existing service lines. As per the Petitioner, approximately two feet long electric line/wire is required for connecting to the electric meter of the Petitioner that would be installed. The Petitioner has also submitted that the Respondents are not entitled to levy charges for laying service lines twice – once from the first applicants and thereafter again from subsequent applicants.

2. The Petitioner has submitted that typically the procedure that is adopted by the Respondents is that the first applicant in an area bears the necessary costs towards laying of service connection network and subsequent applicants bear the connection fee of Rs. 6/- as per the existing “*Conditions of Supply and Miscellaneous Charges*”. In view thereof, the Petitioner had expected to deposit an amount of Rs. 126/-, being Rs. 120/- towards “Security Deposit” and Rs. 6/- towards “Connection Fee”. However, Respondents have demanded Rs. 1475/- instead of Rs. 6/- towards service line contribution. It is the contention of the Petitioner that Rs. 1475/- does not represent the “actual cost” of the service line and is arrived at by the Respondents by making an average of the total cost of laying down service line network in the area with the total number of prospective consumers in that area. The Respondent is obligated to obtain the approval of the Commission before levying the said charges of Rs. 1475/- in accordance with Regulation 18.4 of the Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005 (“Electricity Supply Code”) as the same is not contemplated in the “*Conditions of Supply and Miscellaneous Charges*” which are saved under the said Regulation 18.4. The Petitioner has submitted that, the Respondents have, without seeking approval of the Commission, unilaterally amended the charges that are expressly provided in its “*Conditions of Supply and Miscellaneous Charges*”.

3. The Petitioner submits that he had taken up this issue of the demand of an amount of Rs. 1475/- informally with the Respondents but was told that every applicant for supply requires to pay the average of cost incurred by Respondents towards building service connection network. These costs are payable as “Service Line Contribution”. Thereafter, in accordance with the provisions of clause 6(d) of the said “*Conditions of Supply and Miscellaneous Charges*”, the Petitioner filed a complaint with the Electrical Inspector, Santacruz Inspection Division, I.E.&L. Dept. regarding the demand of the Respondents of service line contribution of Rs. 1475/- and which is not stipulated by its “*Conditions of Supply and Miscellaneous Charges*”. The Electrical Inspector passed an order whereunder the Respondents were directed to seek prior approval of the Commission before demanding such charges of Rs. 1475/- and which did not have the approval of the Commission when it was so demanded. It was also stated in the said order that, therefore, it is not permissible to levy such charges as per new policy of the Respondents. The order also stated that the Respondents are entitled to demand charges for Service Lines as per the GOM



approved “*Conditions of Supply and Miscellaneous Charges*” until specific approval of the Commission is sought on the new charge of Rs. 1475/-. The Petitioner submits that the Respondents, however, neither revised their demand nor filed any appeal from the order of the Electrical Inspector. On being aggrieved, the Petitioner approached the Consumer Grievance Redressal Forum (“CGRF”) established by the Respondents to seek redressal of his grievance as aforesaid. The CGRF declined to accept and go into the merits of the grievance filed by the Petitioner in terms of its Minutes of Meeting dated 27<sup>th</sup> May 2005 on the basis that the Petitioner, being an applicant for supply and not a consumer (within the meaning of the Electricity Act, 2003 “EA 2003”) did not have the right to approach the CGRF. Being aggrieved from the said decision of the CGRF, the Petitioner preferred an appeal/ representation before the Electricity Ombudsman. The Electricity Ombudsman, while setting aside the aforesaid observation of the CGRF on the ground that an applicant for supply is entitled to seek redressal of grievance from CGRF also held by his order dated 7<sup>th</sup> October 2005 (Rep. No. 20 of 2005) that reasonableness or otherwise of charges for providing electricity is not a subject matter to be deliberated before the CGRF and/or the Electricity Ombudsman until the charges have been statutorily fixed.

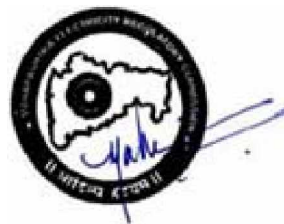
4. The Petitioner has submitted that, in view of the grievance of the Petitioner as regards the fixation of or reasonableness of the cost of service line having not been redressed by the Electricity Ombudsman in terms of the aforesaid order dated 7<sup>th</sup> October 2005, it is the Commission which has the jurisdiction to decide such an issue under the present Petition. The Petitioner has made the following prayers:

- (i) action under Section 142 and Section 146 of the EA, 2003 may be taken against the Respondents;
- (ii) the existing charge of Rs. 126/- be made applicable;
- (iii) the action of the Respondents of charging Rs. 1475/- be set aside with immediate effect.

5. The Respondents filed their Reply on 26<sup>th</sup> September 2006, contending therein that Part II of its existing “*Conditions of Supply and Miscellaneous Charges*” entitle them to levy Charges for Service Lines as under:

*“Charges for Service Lines: Service line upto a distance of 30.5 metres from the distributing main, but not on the property for which a requisition for the supply of energy is received shall be laid free of charge. The charges for the rest of the service line shall be recovered at the actual cost plus fifteen per centum to cover supervision charges...”*

The Respondents have contended that an applicant is bound to pay the aforesaid charges to entitle him/ her to receive a connection. As regards the Petitioner who is a resident of Annabhau Sathe Nagar, Mankhurd, the Respondents have put up a network of service lines in the said area on the basis of anticipated demand, i.e., by assessing the number of connections that would be required by prospective consumers in the area. The charge recoverable from applicants for service line connection is arrived at on the basis of total cost incurred for setting up the network and thereafter averaging the same with the total number of applicants/ consumers, which works out to Rs. 1475/- per connection. The Respondents are charging the said Rs. 1475/- to applicants since October 2004. Levying of Rs. 1475/- to each and every applicant ensures a uniform charge as opposed to the earlier practice of the first applicant paying a huge amount approximately to the

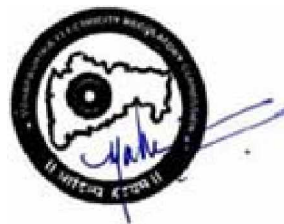


tune of Rs. 50,000/- for service line expenses and thereafter subsequent applicants paying a connection fee of Rs. 6/-. However, for Annabhau Sathe Nagar, Mankhurd, where the Petitioner resides, no previous applicant has paid the full cost of the service line network and it is the Respondents who have laid the network in advance for which it is entitled to recover its total investment by levying Rs. 1475/- to each applicant towards its service line contribution, for installation of connection. Elaborating further, the Respondents have stated that it becomes difficult for any one of the slum residents to deposit such large amount towards service line expenses at the time of making a requisition for supply and there are instances where slum lords, etc., pay the expenses and later claim ownership of the service cables and restrain other applicants from obtaining electricity connection. With a view to eliminate such illegal franchisees, the Respondents have adopted a uniform payment structure of an average of the total cost towards laying of complete initial infrastructure for electricity connection as Service Line Contribution of Rs. 1475/- per connection. The Respondents have provided under affidavit the basis of arriving at Rs. 1475/- as the Service Line Contribution by dividing Rs. 3,70,872/- i.e., the total cost of network with 251, i.e., the total number of applicants in the area to arrive at Rs. 1475/- i.e., the average of the total cost of the network payable by each applicant seeking connection to receive electricity supply.

6. The Petitioner filed a Rejoinder on 18<sup>th</sup> October 2006, wherein it has been contended that the Respondents have already collected charges towards laying service line network in Annabhau Sathe Nagar, Govandi, Mankhurd from various applicants. The Petitioner has contended that the basis of arriving at the figure of Rs. 1475/- as submitted by the Respondents, is erroneous as the total number of applicants for the said network is 721 (owing to the presence of 721 hutments) and not 251 as submitted by the Respondents. It has been contended that, although, only three receipts have been produced before the Commission belonging to consumers who had made payments of the amount of Rs. 4,299/- towards the laying of service line cables, amounts aggregating to approximately Rs.15,00,000/- have been collected by the Respondents upto the month of October 2004.

7. An admissibility hearing was held in the matter on 18<sup>th</sup> October, 2006. The Petitioner advanced contentions as regards the meaning and interpretation of the term "actual cost" as provided in Part II of the "*Conditions of Supply and Miscellaneous Charges*" of the Respondents. The cost towards affixing a service line from feeder pillar to the meter of the consumer is not a general cost. It varies from case to case depending upon the distance of the premises of a particular consumer and the location of the nearest feeder pillar. Further, the laying of service connection lines is different from laying of a dedicated distribution network. The recovery of costs towards service connection has thus to be made by the Respondents on "actual" basis, and not on average basis. One is bound to pay for the "actual cost" towards service line in the same manner as would be applicable for paying for actual energy consumption.

8. During the hearing, on the Commission enquiring whether, in view of the submissions made, penal action was being sought to be initiated by the Petitioner against the Respondents, the Petitioner has submitted that he is not pressing for any prayers made for initiating penal action against the Respondents under Section 142 and/or Section 146 of EA, 2003. As per the Petitioner, he has approached the Commission, firstly for an amicable solution, and secondly, for a direction to the Respondents to levy legally approved costs towards providing electricity connection and not to levy costs that are not approved as required under statute. The Petitioner is only praying for



electricity connection at proper costs. The Petitioner relied upon certain case laws [*Haryana Ice Factory Vs. Delhi Municipal Corporation* AIR 1986 Del 78; *Rajasthan Electricity Board Vs. Bajarang Lal* AIR 1987 Raj 164- SB; (c) *Bihar Electricity Board Vs. Parmeshwar* AIR 1966 SC 2214], while advancing further contentions as under:

- (i) The existing “*Conditions of Supply and Miscellaneous Charges*” of the Respondents having been made by reason of statutory power necessarily have the force of Law and are not in the nature of administrative instructions in respect of the relationship of the licensee and its consumers. It also subserves the purpose of regulating the relationship with persons who are or intend to become consumers. Therefore, the existing “*BSES Limited Conditions of Supply and Miscellaneous Charges*” as approved by the GOM is not only a mere formality and necessarily has the force of law. The model conditions of supply as provided under Annexure VI (Rule 27) of the Indian Electricity Rules, 1956, and made by the Central Electricity Board in exercise of the power under Section 37 of the Indian Electricity Act, 1910 has been made in exercise of delegated legislative powers under the Indian Electricity Act, 1910. Once, the “*Conditions of Supply and Miscellaneous Charges*” have been approved by the GOM, the same has to be strictly observed and any deviation from the same should be made only with prior approval as required under statute.
- (ii) In accordance with Section 185(2)(c) of the EA 2003, the Indian Electricity Rules, 1956 made under Section 37 of the Indian Electricity Act, 1910 shall continue to be in force till regulations under Section 53 of EA, 2003 are notified. Therefore, in effect, the “*BSES Limited, Conditions of Supply and Miscellaneous Charges*” as approved by the GOM has statutory binding effect as to the relationship of the licensee and consumers / applicants for supply. Therefore, the Commission would need to adjudicate the case of the Petitioner in light of the said existing conditions of supply.

9. The Petitioner has contended that the demand of the Respondents of Rs. 1475/- towards service line connection only to people residing in Anna Bhau Sathe Nagar is discriminatory in nature as the Respondents do not demand such an amount from applicants residing in other areas or other section of consumers such as apartment dwellers, bungalow owners, industrial estates and other financially strong consumers. It was submitted that a large number of grievances on this account are pending before the Electricity Ombudsman. It is the financially weaker section such as chawl residents, hutment dwellers, etc., who have been subjected to this new demand. Article 14 of the Constitution of India ensures all citizens equality before the law, unless any reasonable classification or implementation has been permitted.

10. It has been contended by the Petitioner that the definition of “electric line” under Section 2(20) and “electrical plant” under Section 2(22) of the EA, 2003 does not include a service line. Therefore, recovery of charges towards laying of service line does not fall within the ambit of Section 46 of EA, 2003. Under Regulation 3.3.3 of the Electricity Supply Code, the Respondents are entitled to recover all expenses reasonably incurred where the provision of supply to an applicant entails works of installation of dedicated distribution facilities. The term “dedicated distribution facilities” as defined in Regulation 2.1(g) of the Electricity Supply Code



does not include a “service line”. The CGRF ought not to have rejected the admission of the Petitioner’s grievance as according to Section 2(61) of EA 2003, a “service-line” means any electric supply line through which electricity is, or is intended to be, supplied. The words “intended to be” clearly contemplates applicants for supply. Therefore, the Petitioner, who is an applicant for supply, is entitled to have his grievance redressed before the CGRF. It has been contended that, on a conjoint reading of Regulations 3.3.2, 18.1 and 18.4 of the Electricity Supply Code it would be clear that the Respondents were supposed to demand service connection charges as per their existing “*Conditions of Supply and Miscellaneous Charges*” upto the date of submission thereof for approval of the Commission which had to be within one month from the date of notification of the Electricity Supply Code, i.e., 20<sup>th</sup> January 2005. Therefore, the Respondents ought to have demanded service connection charges from the Petitioner either as per their existing “*Conditions of Supply and Miscellaneous Charges*” or demand service connection charges with the approval of the Commission. Thus, both procedural law and substantive law were required to be followed by the Respondents while demanding service connection charges on actual basis. It has further been contended that the entitlement of the Respondents under Regulation 3.3.2 of the Electricity Supply Code to “recover all expenses reasonably incurred” does not permit them to demand the cost of the transformer from consumers.

11. The Petitioner has contended that the consumer should not be held at ransom for the failure of the licensee to combat “illegal franchisees” or theft of electricity. The consumer should not bear the brunt of such a failure of the licensee. It has been contended that, in the garb of such instances as cited by the Respondents, actually unapproved policies are being implemented arbitrarily by Respondents to cover up “high commercial losses” due to theft of electricity which the Respondents are otherwise not able to detect or get redressed as per proper legal procedures in order to save legal expenses. Dishonest consumers should be brought to book by the procedure established by law, particularly under Section 135 of EA 2003, and not by holding applicants for supply/ other consumers to ransom.

12. As regards the submissions made by the Petitioner that there are 721 prospective applicants in Annabhau Sathe Nagar and not 251, the Respondents have refuted the same and submitted that the figure of 251 represents the number of expected/ prospective consumers out of the 721 hutment-dwellers in the said area that has been considered based on an analysis of anticipated demand and on an assessment of number of connections that would be required by prospective consumers in that area.

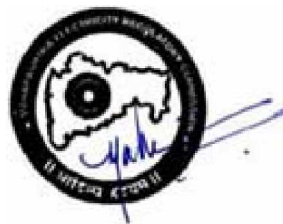
13. Having heard the parties at length and after considering the material placed on record, the Commission is of the view as under:

- (a) The Respondents have contended that the Petitioner has already exhausted his remedy under the provisions of the EA, 2003 by filing his grievance before the CGRF and thereafter, has filed a representation/ appeal before the Electricity Ombudsman and that therefore, the Petitioner was not entitled to file the present Petition before the Commission raising the same issues as raised by him before the authorities as aforesaid. The contentions of the Respondents cannot be sustained as neither the Petitioner has filed an appeal before the Commission from the order passed by the Electricity Ombudsman nor have the issues which have been raised under the present Petition been decided by the Electricity Ombudsman. The Electricity Ombudsman has held that “reasonableness or



otherwise of charges for providing electricity charges is not a subject matter to be deliberated before the Forum and/or the Ombudsman until the charges have been statutorily fixed ...”. The Petitioner has, therefore, filed the present Petition before the Commission to seek compliance by the Respondents of Regulation 18.4 of the Electricity Supply Code. The Petitioner is not barred from submitting before the jurisdiction of the Commission to seek relief in terms of prayers made in his Petition. The scope of Section 46 of EA, 2003 entitles the Petitioner to seek adjudication on the issue of levy of charge and recovery of expenses by the Respondents. As such, the aforesaid contentions of the Respondents on the maintainability of the Petition are dismissed.

- (b) The “*Conditions of Supply and Miscellaneous Charges*” existing at that time stipulates that the Licensee shall lay free of charge a service line upto a length of 30.5 metres from its nearest distributing main outside the limits of the property in respect of which the requisition is made. The Respondents have submitted in their reply that they have put up a network of service lines in Annabhau Sathe Nagar, Mankhurd, i.e., the area where the Petitioner resides. It has been submitted that the network of service lines has been put up on the basis of anticipated demand, i.e., by assessing the number of connections that would be required by its prospective consumers in the said area. The charge recoverable from the prospective consumers in the said area is arrived at on the basis of averaging total cost incurred which works out to Rs.1500/- per connection. The Respondents state that the amount of Rs. 1500/- is being charged by them since October 2004. It has also been submitted by the Respondents that the aforesaid procedure has been followed as the same is equitable and does not discriminate between consumers. As per the Respondents, the above referred charges paid by the consumers are reasonable. The Respondents have denied that the cost which is recovered by them for the service cable is already paid by the earlier applicants in the said area. The issues that arise before the Commission are as under:
- (i) What is the length of service line laid free of charge in Annabhau Sathe Nagar, Mankhurd? For how many applicants have the Respondents laid free of charge service lines upto a length of 30.5 metres from its nearest distributing main outside the limits of the property in respect of which the requisition is made? Has this been taken into account while the Respondents have submitted the total figure of investment made for laying down the service line network?
  - (ii) Have the Respondents demanded from the Petitioner the charges for the length in excess of 30.5 metres of the service line and the whole of the service line within the limits of the property in respect of which the requisition is made?
  - (iii) Does the ‘Electricity Service Estimate’ dated 8<sup>th</sup> February 2005, as raised by the Respondents, reflect the “actual cost” for the rest of the service line beyond a distance of 30.5 metres?
  - (iv) Are charges for the service line laid on the basis of any formula deducing the average payment for the actual full cost of laying down service lines in a



specific area, in conformity with the “*Conditions of Supply and Miscellaneous Charges*” as has been approved by the GOM as aforesaid? If not, were the Respondents not under a statutory obligation to seek approval of the Commission for such deviation? Have the Respondents sought such an approval?

- (v) If the charges for service line laid on the basis of any formula deducing the average payment for the actual full cost of laying down service lines in a specific area are not in conformity with the “*Conditions of Supply and Miscellaneous Charges*”, were not the Respondents, atleast, required to give a prior communication to applicant consumers?
- (vi) Have the Respondents sought the Commission’s approval prior to incurring expenditure of Rs. 3,70,872/- towards laying down the service line network?

(c) Issues (i) to (iii) above can be answered in the negative, for reasons as under:

(i) Neither in their reply nor during the admissibility hearing the Respondents have clarified as to whether and as to how much have the Respondents laid free of charge service line upto a length of 30.5 metres for each applicant consumer in Annabhau Sathe Nagar, Mankhurd.

(ii) In view of (i) above, it cannot be ascertained whether the Respondents have demanded from the Petitioner charges for the length in excess of 30.5 metres of the service line and the whole of the service line within the limits of the property in respect of which the requisition is made.

(iii) The Respondents have admitted that the ‘Electricity Service Estimate’ dated 8<sup>th</sup> February 2005 does not reflect the “actual cost” for the rest of the service line beyond a distance of 30.5 metres as the charges demanded are on the basis of a formula deducing the average payment for the actual full cost of laying down service lines in the area.

(d) As regards issues (iv) and (v) above, the Respondents have neither obtained approval of the Commission for demanding charges which are not expressly sanctioned under the “*Conditions of Supply and Miscellaneous Charges*” as has been approved by the GOM as aforesaid nor have given any prior communication to applicant consumers regarding the same.

(e) As regards issue (vi), capital expenditure by distribution licencees are either subject to prior submission to the Commission for approval or subject to prior prudence check by the Commission, depending upon the amounts involved. Incurring expenditure of Rs. 3,70,872/- towards laying down the service line network in Annabhau Sathe Nagar, Mankhurd and charging consumers in that area based on an average of the total costs involved while not adopting the same approach for other consumers and thereby discriminating between consumers, required an approval of the Commission which the Respondents have not obtained.



- (f) Section 46 of the EA, 2003 entitles the Commission to, by regulations, authorize a distribution licensee to charge from a person requiring a supply of electricity in pursuance of Section 43, any expenses reasonably incurred in providing any electric line or electrical plant used for the purpose of giving that supply. These expenses include the laying of service line, which is an electric supply line through which electricity is, or is intended to be, supplied - (a) to a single consumer either from a distributing main or immediately from the distribution licensee's premises; or (b) from a distributing main to a group of consumers on the same premises or on contiguous premises supplied from the same point of the distributing main. The Commission has notified the Electricity Supply Code in the Official Gazette which has come into force on 20<sup>th</sup> January, 2005. In terms of Regulation 3 of the Electricity Supply Code, the Commission has authorized Distribution Licensees to recover such expenses as may be reasonably incurred in providing electric line or electrical plant used for the purpose of giving supply based on the rates contained in the schedule of charges approved by the Commission under Regulation 18. Regulation 18 deals with schedule of charges of distribution licensees. Regulation 18.1 stipulates that schedule of charges shall require an approval of the Commission on submission thereof by the distribution licensee within the period mentioned therein. The licensee is also required to submit the schedule of charges along with its application made from time to time for determination of tariff. As per Regulation 18.4, the existing schedule of charges of the distribution licensee shall continue to be in force until such time as the schedule of charges is approved by the Commission. Regulation 18.4 reads as under:

*“18.4 The existing schedule of charges of the Distribution Licensee shall continue to be in force until such time as the schedule of charges submitted by the Distribution Licensee under Regulation 18.1 is approved by the Commission.”*

- (g) In view of the answers to the issues above, the Commission is of the view that the 'Electricity Service Estimate' dated 8<sup>th</sup> February 2005, as raised by the Respondents, do not reflect the "actual cost" for the rest of the service line beyond a distance of 30.5 metres. Charges for the service line laid on the basis of any formula deducing the average payment for the actual full cost of laying down service lines in a specific area, are not contemplated under the existing "Conditions of Supply and Miscellaneous Charges" as has been approved by the GOM which are saved under the said Regulation 18.4. In view thereof, the 'Electricity Service Estimate' dated 8<sup>th</sup> February, 2005 is hereby set aside and the Respondents are directed to charge from the Petitioner for service lines in accordance with Part II of the existing "Conditions of Supply and Miscellaneous Charges". The actual cost of the service line should be arrived at depending on the load to be catered, size and cost of cable, and should not be discriminatory in nature amongst consumer categories but may differentiate according to the load applied for.
- (h) The Commission has vide its Order dated 2<sup>nd</sup> November, 2006 in Case No. 25 of 2006, approved the schedule of charges of the Respondents which had been submitted by them on 15<sup>th</sup> March, 2005. However, the Petitioner has applied for connection on 8<sup>th</sup> February, 2005 and on the same day, the Respondents had provided its Electricity Service Estimate. Therefore, the schedule of charges as approved under Order dated 2<sup>nd</sup> November, 2006 in Case No. 25 of 2006 shall not have application to the case of the Petitioner as the approved schedule of charges do not have retrospective effect.



With the above observations, the Commission disposes of the present Petition.

Sd/-  
(S.B. Kulkarni)  
Member

Sd/-  
(A. Velayutham)  
Member

Sd/-  
(Dr Pramod Deo)  
Chairman



(Malini Shankar)  
Secretary, MERC