

**Before the**  
**MAHARASHTRA ELECTRICITY REGULATORY COMMISSION**  
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**Case No. 128 of 2011**

**In the matter of**  
**Petition of Akot Taluka Grahak Panchayat under Section 129 of the Electricity Act, 2003 and under Regulation 22 of the Supply Code and Regulation 26 of the MERC (CGRF & EO) Regulations, 2006 seeking Order and practice directions for respondents in the interest of existing and new prospective electricity consumers.**

**Shri V.P. Raja, Chairman**  
**Shri Vijay L. Sonavane, Member**

Akot Taluka Grahak Panchayat,  
Jaistambh Chowk, Jawahar Road,  
Akot. Dist. Akola – 444 101.  
Maharashtra.

..... Petitioner

Vs.

The Managing Director, MSEDCL, Through  
The Chief Engineer,  
Maharashtra State Electricity Distribution Company Ltd.,  
Amravati Zone, Vidyut Bhavan,  
Ratanlal Plots, Akola – 444 101.

- Respondent No. 1

The Superintending Engineer,  
Maharashtra State Electricity Distribution Company Ltd.,  
O & M Circle, Vidyut Bhavan,  
Ratanlal Plots, Akola, Maharashtra.

- Respondent No. 2

The Superintending Engineer,  
Maharashtra State Electricity Distribution Company Ltd.,  
O & M Circle, Vidyut Bhavan,  
Shivaji Nagar, Amravati.

- Respondent No. 3

The Superintending Engineer,  
Maharashtra State Electricity Distribution Company Ltd.,  
O & M Circle, Arni Road,  
Yavatmal, Maharashtra.

- Respondent No. 4

The Superintending Engineer  
Maharashtra State Electricity Distribution Company Ltd.,  
O & M Circle, Vidyut Bhavan,  
Chikli Road, Buldhana.

-Respondent No. 5

The Superintending Engineer,  
Maharashtra State Electricity Distribution Company Ltd.,  
Vidyut Bhavan, Civil Lines,  
Washim, Dist. Washim.

-Respondent No. 6

**Present during the hearings:**

Counsel / Representative for the Petitioner:

Shri Ashish Chandarana (Rep.)

Counsel / Representative for the Respondent:

Shri. Sunil Upadhye, Junior Law Officer,  
MSEDCL (Rep.)

**ORDER**

**Date: 05 January 2012**

Akot Taluka Grahak Panchayat filed a Petition before the Commission on 6 September 2011, under Section 129 of the Electricity Act, 2003 and under Regulation 22 of the Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations 2005 and Regulation 26 of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006, seeking Order and practice directions for MSEDCL in the interest of existing and new prospective electricity consumers.

2. The prayers in the petition are as follows:

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1. *Direct Respondent to issue very clear guidelines (approved by commission) to their field engineers in compliance of regulation 10.5 of supply code in the order to ensure early connection to consumers who owned the premises having past arrears. Guidelines should also address the issue of premises in which premise is sold to more than one year buyer by sub dividing or plotting land.*

2. *Direct Respondent to collect security deposit as per provisions of supply code at the time of commencement of service only and also by calculating estimated consumption based on the parameters mentioned in supply code by releasing circular (vetted by commission ) to all field officers.*
3. *Direct Respondent to scrutinize all consumers whose connections are released after 20 JAN 2005 i.e after enactment of supply code and further direct to pay unpaid interest from the date of receipt of security deposit in all cases where interest is not paid from the date of receipt of security deposit.*
4. *Direct Respondent to point the address of IGRC,CGRF on energy bill read with regulation 15.2.4 u and read with regulation 9 of MERC regulation 2006 along with details of officials appointed rendering assistance to consumer.*
5. *Direct Respondent to display information of IGRC and CGRF on accessible notice board at all collection center, fault centers and all officers of RESPONDENT where consumers usually visits and Also direct RESPONDENT no. 1 to appoint one officer to Render Reasonable Assistance to consumer read with regulation 9 of MERC Regulations 2006.*
6. *Direct Respondent to comply with regulation 20(i) of supply code by providing copy of supply code, term and conditions of supply and approved schedule of charges in Marathi language at the time of acceptance of application of electricity connection in hard format.*
7. *Direct Respondent to examine the issues raised through this petition for other region of Maharashtra also in addition to AMRAVATI Zone.*
8. *Any other order which Hon'ble commission may find necessary to protect the interest the large number of affected consumers in Maharashtra state AMRAVATI Zone of respondent. ”*

3. It has been averred in the Petition, as follows:

- i. Through this Petition, the Petitioner is raising issues pertaining to non-implementation of Regulations of Supply Code, 2005 and MERC CGRF Regulations, 2006 in Amravati Zone of MSEDCL and thereby seeking suitable practice directions to the Respondent under Regulation 22 of Supply Code, 2005 and Regulation 26 of MERC CGRF Regulations, 2006.
- ii. In Amravati Zone, even after a period of 6 years from the date of enactment of Supply Code read with Section 50 of the Electricity Act, 2003, the provision pertaining to recovery of arrears of past owner from new owner of premises is not yet streamlined. MSEDCL is still seeking complete arrears from the new

owners of premises though Regulation 10.5 of Supply Code does not permit to do so. The said Regulation restricts the liability of the new owner for arrears of the last six months only.

- iii. While calculating Security Deposit to be collected from new consumers, no parameters as specified in Regulation 11.3 of Supply Code are taken into consideration while issuing quotations to these consumers. Irrespective of tariff category Industrial, Commercial, Residential or Agricultural or irrespective of consumption pattern and load shedding protocol, Security Deposit is collected @ 1000/- per HP, which results in much excess Security Deposit lying with MSEDCL.
- iv. Further, as per Regulation 11.12 of Supply Code, interest on Security Deposit should be paid from the date of payment of deposit till the date of refund of deposit. Security Deposit is collected at the time of submission of application for new a connection whereas interest is paid from the date of release of connection. In Amravati zone, there are a large number of paid pending applications from agricultural category. The applicants have paid all the required charges along with Security Deposit, but connection to them is being released two-three years later. Only after release of a connection, MSEDCL starts paying interest on Security Deposit and hence consumers are not getting the interest for the period between the date of payment and the date of release of connection.
- v. Regulation 15.2.4 (u) of Supply Code mandates the Distribution Licensee to print the address and contacts details of Forum constituted in accordance with Grievance Redressal Regulation i.e. IGRC and CGRF on electricity bills. However, in Amravati Zone, incomplete address and that, too, only of CGRF is printed on electricity bills.
- vi. Regulation 20 of Supply Code pertains to consumer awareness. By means of Regulation 20 (i) of Supply Code, it is mandatory for MSEDCL to provide a copy of Supply Code, a copy of terms and conditions of Supply and approved schedule of charges to all consumers at the time of acceptance of their application for new connections. However, MSEDCL never provides these documents to any consumer and only because of this fact, even after a period of six year; Supply Code Regulations are not effectively implemented. It is further submitted that Electricity Consumers Right Statement approved by the Commission and governed by the Electricity Act, 2003 is never made available

to public through cash collection centers and other available means except the internet.

vii. Regulation 9 of MERC CGRF Regulations, 2006 pertains to public awareness of IGRC and Forum. Compliance of this Regulation is very important in order to ensure increase in public awareness regarding grievance redressal mechanism provided in Section 42(5) of the Electricity Act 2003. As per the said Regulations it is the duty of the distribution licensee to appoint an Officer within 100 days from notification of said Regulations to render reasonable assistance to consumers willing to avail remedy of grievance redressal under Section 42(5) of the Electricity Act 2003 and provide contacts details of such Officer on energy bill. This facility is not provided in Amravati Zone.

viii. Therefore, the Petitioner is praying for issuance of practice directions to MSEDCL for complying with the above mentioned Regulations made by the Commission.

4. The Commission, vide Notice dated 15 September 2011, fixed a hearing in the matter on 4 October 2011 and directed the Petitioner to serve a copy of the Petition on the Respondents and Authorized Consumer Representatives.

5. The hearing in the matter was held on 4 October 2011. During the hearing, the Petitioner reiterated the submissions made in the Petition in brief and prayed that directions be issued to MSEDCL for implementation of various provisions of Supply Code Regulations. During the hearing, MSEDCL submitted that the provisions of Supply Code Regulations are being followed and the cases submitted by the Petitioner are exceptional.

6. During the hearing, the Commission observed that for implementation of various Regulations in letter and spirit, it is most essential that field officers of MSEDCL must understand various provisions stipulated in these Regulations. Therefore, the Commission directed MSEDCL to arrange training program for its Officers and Staff in Amravati Zone at each Circle level on 'Supply Code Regulations 2005', 'Standard of Performance Regulations 2005' and 'CGRF Regulations 2006'. It was also directed that along with other experts on these Regulations, the Petitioner may also be invited in these training programs to address the participants. With these directives, the Commission scheduled the next hearing in the matter on 24 November 2011.

7. Accordingly, during the hearing held on 24 November 2011, MSEDCL informed the Commission that as directed by the Commission during previous hearing, training programs were conducted for its Staff in each Circle of Amravati Zone during which the Petitioner

has also addressed to the participants. During the hearing, the Petitioner reiterated the request of issuing practice directions for implementation of various provisions of the Regulations notified by the Commission.

8. Having heard the parties and after considering all the documents available on record, the Commission is of the view that once Regulations are notified in exercise of powers vested under the Electricity Act, 2003, it becomes mandatory for all the stakeholders to implement the same in letter and spirit. Therefore, the Commission is of the considered view that directions as prayed for by the Petitioner asking the Respondents individually to implement the Regulations are not required to be issued. In case the Petitioner has a specific Grievance regarding non-compliance of the Regulations, the Petitioner may initiate appropriate proceedings including before the forum setup under MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006, as may be advised.

9. The Commission is of the considered view that for effective implementation of the Electricity Act 2003 and the Regulations notified there under, field staff should be aware of the mandate cast on them by the statute and such awareness can be created only through continuous training. Therefore, the Commission directs MSEDCL to provide continuous training to all its Field Officers and Staff on the Electricity Act, 2003 and the Regulations made thereunder so that they can discharge their duties as mandated under the Act and the Regulations.

With above observations and directives, Case No. 128 of 2011 hereby stands disposed of.

Sd/-

(Vijay L. Sonavane)  
Member

Sd/-

(V. P. Raja)  
Chairman