

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005.
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Case No. 31 of 2012

In the matter of
Complaint filed by Birla Perucchini Ltd., Aurangabad, against MSEDCL and GTL Ltd., under Section 142 of EA, 2003, alleging non-compliance of the Order dated 18 February, 2012, passed by CGRF, Aurangabad Zone.

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

Birla Perucchini Ltd.,
Plot No. B-15/3/2, MIDC Walunj, Aurangabad

...Complainant

V/s

1. Maharashtra State Electricity Distribution Company Limited.
Through The Superintending Engineer, Urban Circle, Aurangabad.

and

2. GTL Limited,
Vitthalchi Daya, 1st Floor, Above YZ Ford Car Showroom,
Cannaught Place, CIDCO, Aurangabad - 431 003

....Opponents

Present during the hearings:

For the Complainant:	Shri D. U. Korde -Representative
For the Opponent No.1:	Shri R.M. Jaiswal, Nodal Officer
For the Opponent No.2:	Shri Sangam Sahasrabudhe- Advocate
	Shri D.W. Ashtikar- Representative
	Shri K. D. Borde – Advocate

ORDER

Date: 15 June, 2012

Birla Perucchini Ltd., filed a complaint before the Commission on 26 March, 2012, against Maharashtra State Electricity Distribution Company Limited (“MSEDCL”) and GTL Ltd.-franchisee of MSEDCL, Aurangabad, under Section 142 of Electricity Act, 2003

("EA 2003"), for non-compliance of the Order dated 18 February, 2012 passed by the Consumer Grievance Redressal Forum ("CGRF"), Aurangabad Zone. Deficiencies in the application were removed on 28 March, 2012.

2. The prayers made by the Complainant, are as under:

“

1. *The Respondents may be directed to issue revise sanction and to refund the excess amount paid towards service connection charges and 33kv CTS.*
2. *The Respondents may be directed to pay compensation of Rs. one lac for non compliance of Hon'ble C.G.R.F. Aurangabad order dt.18.02.2012.*
3. *The Respondents may be directed to pay Rs.10000/- towards cost of this petition and Rs.5000/- towards amount spend on travelling and other misc. expenses.”*

3. The Complainant's submissions are as under:

- a) The Complainant has an industrial unit, situated at plot No. B-15/3/2, MIDC, Waluj, Aurangabad, within the area of supply by MSEDCL, the Opponent No.1. The Complainant has taken 33kV HT connection for his factory in the year 1998.
- b) The Complainant, on 24 May, 2011, submitted to Opponent No.2, a franchisee of Opponent No.1, an application for enhancement of Contract Demand from 2000kVA to 3750kVA.
- c) The Opponent No.2 accorded the sanction for additional load vide its Load Sanction Order dated 04 July, 2011, but as per the Complainant, the demands made by the Opponent No.2 towards the Service Connection Charge and for 33kV CTs were in excess of the Schedule of Charges, approved by MERC in Case No. 70 of 2005 (as submitted, the new 75/5Amp CTs were already procured by the Complainant). Therefore, the Complainant requested the Opponent to issue revised demand letter as per rates approved by the Commission.
- d) Since the Opponent No.2 did not take any cognizance of the Complainant's request, the Complainant filed a grievance before the CGRF, Aurangabad Zone, on 20 December, 2011.
- e) The CGRF, Aurangabad Zone, disposed of the Complaint by its Order dated 18 February, 2012.
- f) The CGRF, Aurangabad Zone, in its Order dated 18 February, 2012 had taken into consideration an Order passed by the Electricity Ombudsman (Nagpur), in the case of Aayudh Tools Vs MSEDCL and GTL Ltd., where the Ombudsman by quashing the service connection charges, had asked the Opponent No.2 to issue a fresh sanction Order as per findings of the Ombudsman, and, the Opponent No.2 had filed a Writ Petition challenging the Ombudsman's Order. The Order of CGRF, Aurangabad Zone, dated 18 February 2012, is reproduced below:

“

1. *The grievance of the complainant/consumer is hereby allowed as follows:*
2. *The load sanction order dated 4.7.2011 issued by the respondent No.2 GTL Ltd. is hereby quashed with respect to Sr. No.(a) service connection charges amounting to Rs.1,95,000/-*
3. *The respondent No.2 M/s GTL Ltd. shall issue load sanction order afresh regarding service connection charges, as per order & findings recorded by the Hon'ble Electricity Ombudsman, Nagpur in Representation No.17/2011 M/s Aayudh Tools V/s S.E. MSEDCL(U) Aurangabad & M/s GTL Ltd., Aurangabad on 23.1.2012, with fresh period of validity within a period of two weeks from the date of receipt of this order.*
4. *In case of any change in the said order of Electricity Ombudsman, in writ petition preferred by M/s GTL Ltd. the respondent No.2 shall follow order of Hon'ble High Court in this case also, without making any reference thereto.”*

4. The Complainant filed the present Complaint before the Commission, submitting that the aforesaid CGRF's Order had not been complied with.
5. The Commission vide Notice dated 11 April, 2012, scheduled a hearing in the matter, on 02 May, 2012. During the hearing held on 02 May, 2012 the Complainant reiterated its submission and nothing new was added.
6. During the hearing, both the Opponents made their written submissions vide their letters dated 02 May, 2012, which are summarized below:
 - a) The Complainant has not delivered to the Opponents until that date, copy of the Petition, for giving detailed reply.
 - b) The Opponent No.2 had filed a Writ Petition (9337/2012) before the Hon'ble High Court, Aurangabad Bench, challenging the Order dated 18 February, 2012 passed by the CGRF, Aurangabad Zone.

Opponent No.2, referred to an Order passed by the Electricity Ombudsman against which the Opponent No.2 had filed a Writ Petition (No.1807/2012) before the Hon'ble High Court, Aurangabad Bench, [Representation No.17/2012 between Aayudh Tools and the two Respondents herein - *ref. para3(e) above*]. Opponent No.2 submitted that the CGRF's in its Order of 18 February, 2012 clearly asked both the parties to follow the Order of the Hon'ble High Court in Writ Petition No. 1807/2012 preferred by Opponent No.2 and in the said WP, the Hon'ble High Court has quashed and set aside the order of Ombudsman in Representation No. 17/2012 - - -.

7. Para 7 of the Order dated 20 April, 2012 passed by the Hon'ble High Court, Aurangabad Bench, on Writ Petition No.1807/2012, states that “ - - - *the impugned*

order is quashed and set aside and the parties are relegated before the Electricity Ombudsman, Nagpur, who shall decide the said representation No. 17/2011, afresh after hearing the parties - - -".

8. The impugned Order dated 18 February, 2012 passed by CGRF, Aurangabad Zone, in the matter presently before the Commission clearly holds [*ref. sub-para 4 of para 3(e) above*] that in case of any change in the Order of the Electricity Ombudsman in the matter of Aayudh Tools V/s the Respondents No.1 and 2, as per the Writ Petition before the Hon'ble High Court, the Respondent No.2 shall follow the Order of the Hon'ble High Court. Now, therefore, in view of the Order dated 20 April 2012 passed by the Hon'ble High Court, nothing survives in the present Complaint before the Commission.

With above, the Case No. 31 of 2012 stands dismissed. No order as to costs.

Sd/-
(Vijay L. Sonavane)
Member

Sd/-
(V. P. Raja)
Chairman