

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

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Case No. 145 of 2011

In the matter of

Complaint filed by Shri Anandrao Sidu Dabane, against MSEDCL, under Section 142, of the EA, 2003 and Regulation 22 of the MERC(CGRF&EO)Regulations, 2006, alleging the non-compliance of the Order dated 4.5.2011, passed by CGRF, Kolhapur Zone, in the matter of refund of cost of infrastructure and excessive charges collected.

Shri V. P. Raja, Chairman

Shri Vijay L. Sonavane, Member

Shri Anandrao Sidu Dabane

At Post- Kasegaon, Tal- Walwa, Dist.-Sangli

...Complainant

V/s

1. Executive Engineer(O) & Nodal Officer,
Maharashtra State Electricity Distribution Company Limited
O & M Circle Office, Vishrambaug, Sangli, Dist.- Sangli, Pin- 416 416

2. Executive Engineer(O & M),
Maharashtra State Electricity Distribution Company Limited,
O & M Division Office, Takari Road, Islampur, Tal-Walwa,
Dist.- Sangli, Pin- 415 409.

...Opponents

Present during the hearings:

For the Complainant: Shri S.A.Dabane and Shri S.S Sheth

For the Opponents: Ms Yasmin and Shri N.R.Gandhale,
Executive Engineer

ORDER

Date: January 11, 2012

Shri Anandrao Sidu Dabane, the Complainant, filed a complaint before the Commission on 4.10.2011, against Maharashtra State Electricity Distribution Company Limited (“MSEDCL”), the Opponent under Section 142 of Electricity Act, 2003 (“EA 2003”), alleging the non-compliance of an Order dated 4.10.2011 passed by the Consumer Grievance Redressal Forum (“CGRF”), Kolhapur Zone, in the matter of refund of cost of infrastructure and excessive charges collected.

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

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- a) प्रतिवादी क्र.२ यानी गेले दोन बिलातून मुददल परतावा देणे चालू केलेले आहे.तरी मा. कोल्हापुर मंच यांचे आदेशप्रमाणे व्याजही देणे चालू करावे असा आदेश मिळावा ही विनंती.
- b) ही याचीका दाखल करावा लागली, यासाठी झालेल्या खर्चा पोटी मा. आयोग निष्चीत करेल ती रक्कम प्रतिवादी यानी वादी याना देण्याचा आदेश व्हावा ही विनंती.
- c) इतर न्यायाचे आदेश वादी यांचे वतीने व्हावेत ही विनंती.
- d) जरूर भासल्यास याचिकेत योग्य ती दुरुस्तीस परवानगी असावी ही विनंती.

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3. The brief facts of the matter submitted by the Complainant are as under:

- a) The Complainant is having an industrial unit situated at village Kasegaon, Tal- Walwa, Dist- Sangli, within the area of supply of the Opponent. The Opponent

vide its sanction Letter No. SE/SC/DDF/83/08-09 dated 24.6.2008 released 18 HP connection to the Complainant's industrial premises at Gat No. 2737.

- b) The Circle Office had sanctioned an estimate under Dedicated Distribution Facility (DDF) Scheme for the cost of Rs. 2,47,720/-. Subsequently, the Complainant paid the necessary demand notice charges of Rs. 18,135/- vide receipt No. 6191282 dated 8.7.2011.
- c) The Complainant erected the infrastructure of LT, HT Line, Transformer etc., through licensed electrical contractor at his own cost and subsequently the connection was released on 8.8. 2008, having Consumer No. 2840701434.
- d) It was submitted that the Opponent had not provided the electricity supply as per its Circular No. CE/DIST/D-III/Circular/22197 dated 20.5.2008, and as per the **“Guidelines for releasing new connections and augmentation”** and MERC Order dated 16.2.2008 in Case No. 56 of 2007.
- e) The Opponent in its Circular regarding **“Guidelines for releasing new connections and augmentation”** had clarified that the power supply for loads more than 500 KVA would be released under DDF scheme. Otherwise for loads less than 500 KVA, the Opponent should refund the cost of infrastructure incurred by the consumer through the energy bills.
- f) Further it was alleged that the Opponent had not provided the electricity supply as per Regulation 2.1(g) of MERC (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005.
- g) Furthermore the Commission by an Order dated 16.2.2008 in Case No. 56 of 2007 had clarified the meaning of DDF. The relevant para of the Order reads as under:

*“(g) **“Dedicated distribution facilities”** means such facilities, not including a service line, forming part of the distribution system of the Distribution Licensee which are clearly and solely dedicated to the supply of electricity to a single consumer or a group of consumers on the same premises or contiguous premises;”*

It is clear from this defined term that mere extension or tapping of the existing line (LT or HT) cannot be treated as Dedicated Distribution Facility.

h) Therefore, aggrieved by the Opponents inaction, the Complainant approached the IGR Cell at Circle Office, Sangli, on 24.8.2010. The IGR Cell asked the Executive Engineer, O&M Division, Islampur, Dist- Sangli, vide letter No. 10857 dated 1.10.2010(Complaint No. 437) to refund the DDF amount as per the Commission's Orders and DDF Circulars.

i) The IGR Cell had not mentioned in its letter the exact amount to be refunded. Hence, the Complainant filed a grievance before the CGRF, Kolhapur Zone, on 14.10.2010. In response to which the CGRF passed an Order dated 4.5.2011, issuing directions upon the Opponent, the extract of which is set out hereunder:

“MSEDCL, Islampur, is directed to refund the amount of Rs.1,61,600/- with interest at the rate of 12% from 8.8.2008 through regular bills till the amount is adjusted.”

j) The Opponent had started refunding infrastructure charges through bill of July 2011 but have not started refunding interest at the rate of 12% as per the directions in the CGRF Order.

k) Thereafter the Opponent had filed a Writ Petition, regarding refund of interest before the Hon'ble Bombay High Court. However till date, the Hon'ble High Bombay Court has not admitted the aforesaid Writ Petition.

l) The refund of infrastructure cost along with interest is being paid to one of the consumer i.e. M/s. Surya Biofuel, Peth, Tal- Walwa, even though the Petition regarding refund of interest payable filed by the Opponent is pending before the Hon'ble Bombay High Court.

m) The aforesaid Order of the CGRF has not been complied with by the Opponent. Therefore on being aggrieved by the non-compliance of the CGRF's Order by the Opponent, the Complainant filed the present complaint before the Commission.

4. The hearing in the matter was held on 1.12.2011. The Commission's office received an Affidavit dated 1.12.2011 submitted by the Opponent, stating the details as given hereunder:

a) It has already started refunding infrastructure charges Rs.1,61,602.18/- through the bills since July 2011.

- b) It has also started refunding interest of Rs. 58176/- for the period of 8.8.2008 to July, 2011 at the rate of 12% through the energy bills since September, 2011.
- c) The Opponent has complied with the aforesaid CGRF's directions.
5. The Complainant did not dispute and admitted the contents of the above affidavit, in the hearing. In the result, we are of the considered view that nothing survives in the Complaint. Accordingly, Case no 145 of 2011 stands disposed of. No order as to costs.

Sd/-

(Vijay L. Sonavane)
Member

Sd/-

(V. P. Raja)
Chairman