

Before the  
**MAHARASHTRA ELECTRICITY REGULATORY COMMISSION**  
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**Case No. 30 of 2012**

**In the matter of**  
**Complaint filed by Aayudh Tools, Aurangabad, against MSEDCL and GTL Ltd.,**  
**under Section 142 of the EA, 2003, alleging non-compliance of the Order dated**  
**23.01.2012, passed by the Electricity Ombudsman(Nagpur).**

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

Aayudh Tools,  
Plot No. E - 70/15, MIDC, Walunj, Aurangabad - 431136 ...Complainant

V/s

1. Maharashtra State Electricity Distribution Company Limited,  
Through the Superintending Engineer, Urban Circle, Aurangabad.  
and
2. GTL Limited,  
Cannaught Place, Cidco, Aurangabad. ...Opponents

**Present during the hearings:**

For the Complainant: Shri Digambar U. Nikam - Representative  
For the Opponent No.1: Shri R.M. Jaiswal - Representative  
For the Opponent No.2: Shri Sangram Sahasrabudhe - Advocate

**ORDER**

**Date: 15 June, 2012**

Aayudh Tools, Aurangabad, filed a complaint, on 27.03.2012, against Maharashtra State Electricity Distribution Company Limited (“MSEDCL”) - the Opponent No.1, and GTL Ltd., Franchisee of MSEDCL - the Opponent No.2, under Section 142 of the Electricity Act, 2003 (“EA 2003”), alleging non-compliance of the Order dated 23.01.2012, passed by the Electricity Ombudsman (Nagpur).

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

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1. Respondents may be directed to comply with Hon’ble Ombudsman’s order dt. 23.1.12

- 2 Respondents may be directed to pay Rs.50000/- towards non-compliance of order as per provision in sec. 142 of E.I.Act 2003.
3. Respondent may be directed to pay Rs.10000/- towards loss of business due to delay in releasing additional load.
4. Any other relief as deemed fit by the Hon'ble Commission."

3. The Complainant's submissions are as under:

- a) The Complainant has an industrial unit situated in the MIDC area (at plot no. E-70/15) Walunj, Aurangabad, within the area of supply of Opponent No.1.
- b) Since January 2007 the Complainant was having 11kV HT electricity supply from the Opponent No.1, with Contract Demand of 70kVA and connected load of 125kW. The Opponent No.1 had, then, accorded sanction and permission was granted to carry out work under 1.3% normative charges, with materials like 11kV cubicle, cable, etc., procured by the Complainant. The underground HT connection was released to the Complainant on 12.01.2007 (Consumer No. 490019043130).
- c) The Complainant, on 18.06.2011, submitted to the Opponent No.2, appointed Franchisee of the Opponent No.1, an application for enhancement of Contract Demand and Connected Load to 150kVA and 335kW, respectively.
- d) The Opponent No.2 accorded the sanction for additional load, but as per the Complainant, demanded excess and unjustified charges which were not as per the Schedule of Charges, approved by MERC in Case No. 70 of 2005.
- e) The Complainant submitted that following charges were demanded by Opponent No.2, vide its load sanction letter dated 05.07.2011:-
 

Service Connection Charges-	Rs.1,75,000/-
Security Deposit-	Rs.1,94,877/-
Testing Charges-	Rs. 2,000/-
Cost of Agreement Forms-	Rs. 220/-
Processing Charges-	<u>Rs. 1,000/-</u>
Total =	Rs.3,73,097/-
- f) The Complainant requested both the Opponents to issue revised Demand Letter as per rates approved by the Commission. Since both the Opponents, however, did not take cognizance of the Complainant's request, the Complainant filed a grievance before CGRF, Aurangabad Zone, on 16.09.2011.
- g) CGRF, Aurangabad Zone, vide its Order dated 18.10.2011 partly allowed the grievance, as brought out below:
  - i. *Pay order Regarding (i) Service Connection Charges of Rs.1,75,000/-, (ii) Security Deposit of Rs.1,94,877/-, (iii) Costs of Agreement forms Rs.220/- and (iv) Processing charges of Rs.1,000/- issued by GTL Ltd. for additional load is hereby confirmed. The grievance of Complainant on these heads of payments is hereby dismissed.*
  - ii. *The grievance regarding testing charges of Rs.2000/- is hereby allowed, and modified.*
  - iii. *The GTL Ltd. shall levy testing charge @Rs.200/- only, instead of Rs. 2,000/- and accordingly revised pay order be issued at earliest possible.*
- h) Aggrieved by the CGRF's Order, the Complainant filed a representation before the Electricity Ombudsman (Nagpur) on 15.11.2011 (No.17/2011).
- i) The Ombudsman observed that the demands made by Opponent No.2, in its load sanction letter dated 05.07.2011, were not in accordance with the MERC order dated 08.09.2006 (Case No. 70 of 2005) and also MSEDCL's Commercial Circular No.43 dated 27.09.2006 issued in pursuance of the said MERC Order.

The Ombudsman, finding it justified that the consumer needed to pay only the 1.3% normative charge (i.e. Rs.2235/-) in place of Service Connection Charge (Rs.1,75,000/- as demanded by the Opponent No.2), and the testing charges to be as per CGRF's Order, then passed its Order dated 23.01.2012, as below:

- a) *The load sanction order dated 05.07.2011 is quashed.*
  - b) *Respondent No. 2 is directed to issue load sanction order afresh as per the findings recorded - - - - within a period of one week from the date of receipt of this order.*
4. Submitting that the aforesaid Ombudsman's Order has not been complied with by the Opponent No.2, the Complainant filed the present complaint before the Commission. Deficiencies in the application were removed on 28.03.2012.
  5. The Commission vide Notice dated 03.04.2012, scheduled a hearing in the matter, on 26.04.2012. During the hearing held on 26.04.2012 the Complainant reiterated its submission and nothing new was added.
  6. The Opponent No.2 submitted that it had filed a Writ Petition (No. 1807 of 2012) before the Hon'ble High Court, Aurangabad Bench, against the Order of the Ombudsman (Nagpur) and the said Petition was disposed by the Hon'ble High Court on 20.04.2012. It was further submitted that the Complainant had even filed a Caveat Petition before Hon'ble High Court in anticipation of the WP, and, has come before the Commission by hiding the fact that the WP was going on and that the Complainant has been represented in it.
  7. It was also submitted by the Opponent No.2, that the Hon'ble High Court by its Order dated 20.04.2012 has quashed the said Order of Electricity Ombudsman (Nagpur), and remitted the matter to the Electricity Ombudsman (Nagpur), for fresh adjudication by taking into consideration '*whether the Respondent No.1 (i.e. Aayudh Tools before the Hon'ble High Court) has an independent right to carry out the work by itself or it is the prerogative of the MSEDCL to allow the Respondent No.1 to carryout the work - - - -*'. Both the parties were directed by the Hon'ble High Court to appear before the Ombudsman on 30.04.2012.
  8. The Opponents have subsequently submitted copy of the Order dated 20.04.2012, passed by the Hon'ble High Court, Aurangabad Bench. From Para 7 of the said Order, the following is extracted: "*- - - 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. The parties shall appear before the learned Ombudsman on 30.04.2012. The learned Ombudsman, shall thereafter decide the said representation expeditiously, - - -*".

With above Order of the Hon'ble High Court, nothing survives in the matter before the Commission.

Case No. 30 of 2012 stands dismissed. No order as to costs.

Sd/-  
(Vijay L. Sonavane)  
Member

Sd/-  
(V. P. Raja)  
Chairman