

**Before the**  
**MAHARASHTRA ELECTRICITY REGULATORY COMMISSION**  
World Trade Centre, Centre No.1, 13<sup>th</sup> Floor, Cuffe Parade, Mumbai 400005.  
Tel. 022 22163964/65/69 Fax 22163976  
Email: [mercindia@mercindia.org.in](mailto:mercindia@mercindia.org.in)  
Website: [www.mercindia.org.in](http://www.mercindia.org.in)

**Case No. 68 of 2009**

**In the matter of**  
**Complaint filed by Shri Surendra Bharamu Magdum alleging non-compliance of**  
**Order dated 14.07.2008 passed by the CGRF Kolhapur Zone**

**Shri. V.P. Raja, Chairman**  
**Shri S. B. Kulkarni, Member**  
**Shri V. L. Sonavane, Member**

Shri Surendra Bharamu Magdum

..... Complainant

V/s

1. Maharashtra State Electricity Distribution Co. Ltd., Satara

2. Maharashtra State Electricity Transmission Company Ltd.

.....Opponents

**ORDER**

**21<sup>st</sup> December, 2009**

Shri Surendra Bharamu Magdum filed a Complaint on 14.09.2009 against Maharashtra State Electricity Distribution Company Ltd. (hereinafter referred to as "MSEDCL") and Maharashtra State Electricity Transmission Company Ltd. (hereinafter referred to as "MSETCL") under Section 142 of the Electricity Act, 2003 (hereinafter referred to as "EA 2003") alleging non-compliance of the Order dated 14.07.2008 passed by the CGRF, Kolhapur Zone in Consumer Grievance No. 150 of 2008.

2. The prayers of the Complainant are as follows:

१) मा. कोल्हापूर मंचाचा आदेश क्र. ग्राहक तक्रार क्र. १५०/२००८ पत्र क्र. १६६ दिनांक १४-०७-२००८ चे पालन प्रतिवादी यांनी दिनांक १३-०७-२००९ पर्यंत करणे हे प्रतिवादी यांना बंधनकारक होते, हे जाहीर होऊन मिळावे.



(It may be declared that it was mandatory for Opponents to comply with the Order vide letter No. 166 dated 14.07.2008 of CGRF, Kolhapur in Consumer Complaint No. 150 of 2008 within one year.)

२) प्रतिवादी यांनी कृती मानके विनियमांचा भंग केला आहे, ग्राहक गा-हाणे निवारण मंच व विद्युत लोकपाल विनियम, २००५ चा भंग केला आहे, हे जाहीर होऊन मिळावे. विद्युत अधिनियम २००३ चे कलम १४२ नुसार प्रतिवादी यांचेवर दंडात्मक कारवाई व्हावी, ही विनंती.

(It may be declared that the Opponents have violated MERC (Conduct of Business) Regulation and MERC (CGRF & Ombudsman) Regulations, 2005. It is requested to take punitive action against Opponents u/s 142 of EA, 2003.)

३) वादी यांना झालेल्या मानसिक, शारिरिक, आर्थिक, सामाजिक, कौटुंबिक त्रासापोटी प्रतिवादी यांनी रु. ५०,०००/ (रु. पन्नास हजार मात्र) भरपाई पोटी द्यावेत, असा आदेश मिळावा ही विनंती.

(It is requested to direct Opponents to pay Rs. 50,000/- (Rupees Fifty Thousand only) for mental, physical, economic, social and financial harassments suffered by the petitioner.)

4) मा. मंच यांनी आदेश दिला आहे की, १) वितरण कंपनी व पारिषण कंपनीतील मंडल कार्यालय ते परिमंडळ कार्यालयापर्यंत सर्व संबंधित वरिष्ठांनी एकत्र बसून वितरण कंपनीने सादर केलेला प्रस्ताव क्र. ईई/एसटीआर/टी १४/०७-०८/०९३९ दिनांक ११-०२-२००८ किंवा इतर अन्य मार्गांनी कमीत कमी खर्चात आदेशाच्या तारखेपासून एक वर्षाच्या आतअखंडीत वीज पुरवठ्याची योजना कार्यान्वित करावी. प्रतिवादी यांनी मा. कोल्हापूर मंचाच्या या आदेशाचे पालन न केल्याने, आता सदर कृती प्रतिवादी यांनी स्वखर्चाने करावी असा आदेश मा. आयोगाने द्यावा ही विनंती. आणि सदर कृती मा. आयोग देईल त्या कालावधीत प्रतिवादी यांनी पूर्ण करावी असा आदेश मिळावा, ही विनंती.

(The Hon'ble CGRF has directed that, all related senior officials from Circle Office to Zonal Office of MSEDCL and MSETCL should have a joint meeting to implement the scheme for uninterrupted power supply on the proposal No. EE/STR/T-14/07-08/0939 dated 11.02.2008 presented by MSEDCL or by any other way in less expenses within one year from the date of Order. It is requested to direct the Opponents to take said action at their own cost, as the Opponents have not complied with the Order of CGRF, Kolhapur. The time-limit of the execution of work is to be declared by the Commission)"

3. The facts as stated in the Complaint are as follows:

- a) The Petitioner, is a LT (Industrial) consumer of MSEDCL and is an owner of a factory under powerloom industry. The Complainant along with 5 other LT industrial consumers were fed by 11kV Feeder. Since 1983, there were five three-phase and one single-phase connections, where one consumer had a 13 HP electrical load while 4 other industrial consumers had 19 HP electrical load and 6 kW for lighting purpose.
- b) This electrical load is supplied through 110/33/22 kV Atit Sub-station by 11kV Umbraj Feeder.

- c) According to the Petitioner, there were no disputes from 1983 upto 30<sup>th</sup> November 2003, as the bills were based on HP Tariff. Subsequently, the Licensee started billing based on Metering Tariff in place of HP Tariff, but the benefits as per Government Circular for 'Powerloom Sanjivani Scheme' were not given by the Opponents. This deficiency was brought to the notice of Opponent No. 1 (MSEDCL) by the Petitioner. As a result of this dispute, the Complainant failed to pay the bill, since it was not receiving the benefits of the government scheme. Subsequently, the Complainant and the other related industrial consumers' supply was disconnected permanently on 28.06.2006.
- d) The Complainant being aggrieved, on the point of non-availability of benefit of the government's Powerloom Sanjivani Scheme, filed his grievance before the CGRF, Kolhapur (Consumer Grievance No. 149 of 2008) on which Order dated 8<sup>th</sup> Sept.'08 was passed by CGRF, Kolhapur. After settling the bills, the consumers were given new three-phase connections. In the representation before the CGRF, MSEDCL had stated that, it would be possible to give supply on an independent industrial feeder if the consumers are ready and willing to bear the expenses.
- e) On 22.04.2009, new three-phase connections of 19HP each were given to 5 consumers. But, the 11 kV feeder from which the supply was given was covered under single phasing scheme and feeder separation was not done.
- f) The Petitioner, so as to avoid the interruptions / problems in production in their power loom activity due to load shedding, and not getting much of three-phase power supply, had applied for uninterrupted power supply through Express Feeder from 110kV Atit Substation. The Complainant was ready to bear the cost of construction as well as to pay for Supervision charges of MSEDCL as well as MSETCL, based on their estimation of costs, and has given an Undertaking on Rs.100/- Stamp paper to this effect on 30-01-2008.
- g) Due to the requirement of 11kV new feeder, starting from Atit Substation which belongs to MSETCL and who has to provide a place for a new 11kV bay for this purpose, the issue remained unresolved for a long time. Due to delays in final response from the Opponent, the Complainant being aggrieved, filed his grievance before the CGRF, Kolhapur (No. 150 of 2008).
- h) The Order dated 14<sup>th</sup> July, 2008 by CGRF, Kolhapur states as follows:

*"All concerned Senior officers from the Circle office to Zonal offices of MSEDCL and MSETCL should sit together and implement a scheme so as to enable the provision for uninterrupted power supply (to the Consumer) within one year of this order, as per proposal no. EE/STR/T-14/07-08/0939 dated 11-02-2008 or by any other scheme.*

*This order should be complied with and compliance report should be furnished to the Forum as per MERC(CGRF & EO) Regulations, 2006, Section 8.7.*

*Appeal against this order can be made to Electricity Ombudsman within 60 days of this order.”*

- i) In view of the last part of the CGRF Order, becoming apprehensive that after expiry of 60 day period, the Complainant would not be able to approach the Electricity Ombudsman in case of failure of the Opponents in complying with the CGRF order, the Complainant made a representation to the Electricity Ombudsman on 15<sup>th</sup> Sept. 2008, who rejected the representation on the basis of the same being on insufficient grounds, also suggesting that the Complainant could always appeal under Regulation 22 of the MERC (CGRF & EO) Regulations, 2006 whereby the Complainant can approach the Commission for non-compliance of CGRF Order.
  - j) The Complainant submits that, although the CGRF in Order dated 14.07.2008 had ordered to provide express feeder connection within one year with minimum expenditure, MSEDCL and MSETCL did not take the appropriate actions except asking the Complainant to pay Rs.34,700/- to MSETCL towards the Supervision charges, vide their letter dated 13-07-2009, which was received by him on 16.07.2009, after expiry of one year period from the date of the CGRF order.  
  
The Complainant states that both MSEDCL and MSETCL are responsible for procedural delays for not providing the Complainant with the uninterrupted electricity connection.
  - k) The Complainant thus states that, being aggrieved by the stand taken by MSEDCL and MSETCL in not following the directions of the CGRF's Order dated 14.07.2008, the Complainant has approached the Commission for invoking Section 142 of EA 2003 and under Regulation 22 of MERC (CGRF & EO) Regulations, 2006.
4. The Commission vide its letter dated 12.10.2009, asked MSEDCL and MSETCL to inform the Commission about the steps taken to comply with the aforesaid Order passed by CGRF, Kolhapur. MSEDCL vide its letter dated 29.10.2009 submitted *inter alia* that among other correspondence in the matter, while the Supervision Charges of Rs.4,390/- payable by the Complainant to MSEDCL for construction of the 11kV line were conveyed to the Complainant vide MSEDCL letter dated 11.11.2008, the final estimate from MSETCL for the 11kV bay was available on 10.07.2009, and the same was communicated to Shri Surendra Bharamu Magdum on the same date, by which the Complainant was asked to pay Supervision Charges of Rs.34,700/- to MSETCL for 11 kV separate bay at Atit Substation. But, there has not been any response from Shri Surendra Magdum till date about the payment of supervision charges for 11 kV line construction as well as separate bay construction. MSEDCL has submitted that it had several correspondences (with MSETCL) for getting the output of sanctioned estimate, which was finally available only on 10.07.2007 and thereafter communicated to the Complainant on the same date. Thus, MSEDCL has taken the follow up action and did whatever could be done to materialise the directives of the CGRF, Kolhapur, for arranging the dedicated 11 kV Bay at 110 kV Atit Sub-station.

5. The Commission vide Notice dated November 24, 2009 fixed the hearing in the matter on 04.12.2009.
6. The matter was heard by the Commission on 04<sup>th</sup> Dec. 2009. Shri Surendra B. Magdum -the Petitioner, Shri C. V. Patil, Ex. Engr., MSETCL, Karad, and Shri S. K. Patil, Ex. Engr., MSEDCL, Satara, alongwith others, attended the hearing.
7. The Complainant submits with reference to MSEDCL's letter dated 10<sup>th</sup> July 2009 to the Complainant about the Supervision Charges, that the Opponents have not complied with the Order of CGRE, Kolhapur. He, therefore, requests the Commission to take action against the Opponents as per his Petition.
8. The Opponents submitted that the Complainant in this matter, has yet to pay the Supervision charges of Rs. 4,390/- to MSEDCL and Rs.34,700/- to MSETCL as conveyed to him by letters dated 11.11.2008 and 10.07.2009. It was submitted by the Opponents that after receiving the said payments, further work can be initiated by MSETCL and MSEDCL. The work on their part for commissioning of the system, will take about 3 months' time.
9. Having heard the parties, the Commission is of the view that if the Complainant is interested in pursuing the independent 11kV Feeder to his industry, he is expected to work out the detailed plans for execution of the entire project, including the material procurement as well as installation, and, also make payments to MSEDCL and MSETCL for their Supervision Charges, as already conveyed by MSEDCL to him. The Commission directs the Complainant to accomplish the same as early as possible, and has granted the Complainant one month's time for presenting detailed plans. Also, the Opponents are directed to keep a track of the project work.

With the above, the present case stands disposed of.

Sd/-  
(V. L. Sonavane)  
Member

Sd/-  
(S. B. Kulkarni)  
Member

Sd/-  
(V. P. Raja)  
Chairman



(Sanjay Sethi)  
Secretary, MERC