

**Before the**  
**MAHARASHTRA ELECTRICITY REGULATORY COMMISSION**  
**World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005**  
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**Case No. 30 of 2017**

**Date: 18 July, 2017**

**CORAM: Shri. Azeez M. Khan, Member**

**Shri. Deepak Lad, Member**

**In the matter of**

**Petition of M/s. Daulat Agro (India) Pvt. Ltd. against MSEDCL for non-compliance of the Commission's Order in Case No. 70 of 2006 dated 8.9.2006 regarding determination of schedule of charges for various services provided by MSEDCL.**

M/s. Daulat Agro (India) Pvt.Ltd.

.....Petitioner

V/s

Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL)

..... Respondent

**Appearance:**

For the Petitioner:

...Shri.B.R.Mantri (Rep.)

...Shri.J.H. Killedar (Rep.)

For the Respondent:

...Shri.J.S.Chavan (Rep.)

...Shri.B.D.Karad (Rep.)

**Daily Order**

1. Heard the Representatives of the Petitioner and Respondent.

2. Representative of the Petitioner stated as follows:

- a) He re-iterated the submissions as stated in the Petition. While sanctioning new HT connection of the Petitioner for Contract Demand of 950 kVA, MSEDCL informed that the connection can be released after augmentation of Power Transformer capacity from 3.15 MVA to 5 MVA and that the charges will have to be borne by the Petitioner or else it will have to wait for the connection till MSEDCL itself augments the capacity of Power Transformer.

- b) The Commission vide its Order dated 8 September, 2006 in Case No. 70 of 2005 ruled that it is the responsibility of the Distribution Licensee to develop the infrastructure. Only Dedicated Distribution Facility (DDF) shall be at the cost of consumer. The Petitioner has never consented for DDF. Also, the feasibility report submitted by Executive Engineer shows that the maximum capacity available was 400 Ampere, out of which 175 Ampere is in use. Hence MSEDCL could have released the connection without augmenting the capacity. Instead, MSEDCL has recovered the Power Transformer augmentation charges of Rs.27, 79,750/-. This act of MSEDCL charging for the augmentation of the Power Transformer capacity is in violation of the Commission Order dated 8 September, 2006 in Case No. 70 of 2005.
- c) MSEDCL also has demanded Service Connection Charges and meter cost in the sanction letter. Once MSEDCL has collected Service Connection Charges as per Schedule of Charges, then it is the duty of MSEDCL to provide the infrastructure upto the point of supply. In Case No. 82 of 2006, the Commission had directed MSEDCL not to collect any cost from consumer which is not defined under the Supply Code. The Commission vide its Order dated 8 September, 2006 in Case No. 70 of 2005 had directed MSEDCL not to recover any cost towards meter and meter box. In Case No. 79 of 2012, MSEDCL refunded the cost of meter along with interest to M/s. Kaygaon Paper Mills Ltd. Hence MSEDCL has violated the Commission's Order dated 8 September, 2006 in Case No. 70 of 2005. However, the Petitioner is pressing for refund of charges towards augmentation of Power Transformer capacity only.

3. Representative of MSEDCL stated as follows:

- a) The Petitioner has filed its Grievance in respect of excess collected charges for augmenting the capacity of Power Transformer before the Consumer Grievance Redressal Forum (CGRF), Nashik, which was rejected on 18 March, 2016. Thereafter, the Petitioner, aggrieved by the Order of CGRF, appealed before the Electricity Ombudsman (EO). In its Order dated 8 August, 2016, EO rejected the claim of the Petitioner. The Petitioner filed a Review before the EO which was also rejected. The Petitioner subsequently filed for review of the Review Order of EO, which was also rejected.
- b) Petition is not maintainable since it is seeking to challenge the EO Order. The provisions of EA, 2003 do not provide the Distribution Licensee and consumer the right to appeal against the EO Order

before the Commission. The Petitioner has alternate remedy by way of filing Writ Petition.

- c) In the amended Petition, the Petitioner has added the Managing Director (MD) of MSEDCL as Respondent No. 2 but it has nowhere in the Petition shown how and in what manner any non-compliance or violation of the Commission's Orders is attributable to MD. Hence, the Commission may impose costs on the Petitioner.
4. The Commission asked MSEDCL to clarify how the charges collected by MSEDCL while releasing the connection are not in violation of the Commission's Order dated 8 September, 2006 in Case No. 70 of 2005. Representative of MSEDCL replied that augmentation charges are collected as per Regulation 3.3.4 of MERC (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005.
5. The Commission asked the Representative of Petitioner about Regulation 3.3.4 of MERC (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005. Representative of the Petitioner replied that Regulation 3.3.4 got stood repealed after the Commission passed its Order dated 8 September, 2006 in Case No. 70 of 2005. Vide this Order, MSEDCL is obligated to develop infrastructure for its prospective consumers if there is no demand from them for DDF.
6. The Commission asked the Representative of Petitioner why it had approached the Commission (with amendment in the original Petition), as the EO has already decided the matter. Representative of the Petitioner replied that it has approached the Commission for violation of Order dated 8 September, 2006 in Case No. 70 of 2005. The Commission asked the Petitioner why if such is the case, the Petitioner did not approach the Commission at that point of time.

**The Case is reserved for Order.**

**Sd/-  
(Deepak Lad)  
Member**

**Sd/-  
(Azeez M. Khan)  
Member**