

# BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

(Appointed by the Maharashtra Electricity Regulatory Commission  
under Section 42(6) of the Electricity Act, 2003)

## REPRESENTATION NOS. 31, 32 and 33 OF 2022

In the matter of refund of infrastructure cost

1. M/s. Mahalakshmi Textiles and M/s. Renuka Textiles .....  
(Rep. 31 of 2022)
2. M/s. Suyog Packwell Industries .....  
(Rep.32 of 2022)
3. M/s. Ankur Packaging Industries .....  
(Rep.33 of 2022)

Appellants

V/s.

Maharashtra State Electricity Distribution Co. Ltd.

Ichalkaranji (MSEDCL)..... Rep.31 of 2022

Sangli (MSEDCL)..... Rep.32 and 33 of 2022

Appearances: -

Appellant : 1. Pratap Hogade, Representative  
2. Rajendra Ghankute

Respondent : 1. P. T. Rathi, Executive Engineer, Ichalkaranji  
2. N.D. Ahuja, Addl. Ex. Engineer  
3. Appaso Malhari Khandekar, Executive Engineer, Sangli  
4. Dhanpal Bhimrao Chiprikar, Addl. Ex. Engineer

**Coram: Vandana Krishna (Retd. IAS)**

Date of Hearing: 26<sup>th</sup> May 2022

Date of Order : 30<sup>th</sup> June 2022

## ORDER

These Representations are filed on 15<sup>th</sup> March 2022 under Regulation 19.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2020 (CGRF Regulations and EO Regulations 2020) against the orders dated 7<sup>th</sup> January 2022 passed by the Consumer Grievance Redressal Forum, MSEDCL, Kolhapur Zone (the Forum).



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2. The Forum, by its orders dated 7<sup>th</sup> January 2022 has rejected the grievance applications in Case No. 36, 40 and 41 of 2019-20 respectively.

3. The Appellants have filed these representations separately; however, the facts in all these representations are similar in nature, and common grounds are raised. Therefore, for the purpose of this order, these representations are clubbed together. The hearing was also held together on 26.05.2022. Their written submissions and the arguments are stated in brief as below: -

**4. Representation No. 31/2022 - Consumer No. (a) 250380142909 and (b) 250380142917 :**

(i) The Appellants are LT-V B II – Industrial Consumer of the Respondent MSEDCL Ichalkaranji at H.No. 3822/1, Gat No. 606 and 607 Dattanagar, Chandur Road, Kabnoor, Ichalkaranji, Dist. Kolhapur.


(ii) The Appellants had applied for New Connection of 55 HP and 51 HP respectively to the Executive Engineer, Ichalkaranji. He had issued sanction letter with estimate of work under Outright Contribution (Pvt) [ORC(P)]. The Appellants have paid supervision charges and completed all the concerned Infrastructure Works as per MSEDCL estimate and directions. The HT line with Distribution Transformer was charged and handed over the infrastructure to MSEDCL. Thereafter, the load was released in November 2006.


(iii) The details of the works done, and refund claimed along with the concerned sanctions, estimates and scope of work are given as below: -

Consumer No. & Type of Connection	Purpose	Estimate Sanction Amount (Rs.) and Date	Scope of Work	Date of Payment of Supervision Charges	Date of Release of Connection	Total Refundable Principle Amount
250380142909 & 250380142917 Industrial	New connection of 55 HP & 51 HP	Rs. 3,73,200/- dated 24.04.2006	11 KV HT Line: 0.28 KM, Distribution Transformer:100 KVA and Metering Works	12.06.2006	09.11.2006	Rs. 3,73,200/- only + Interest

Feeder Detail - The name of the feeder is 11 KV Chandur Feeder, which is emanating from 33/11 KV Kabnoor Substation.

(iv) The Appellants approached the Internal Grievance Redressal Cell (IGRC) on 23.08.2019 and the IGRC by its order dated 04.11.2019 has rejected the complaint. Thereafter, the

  
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Appellants approached the Forum on 10.12.2019 and the Forum, by its order dated 07.01.2022 has also rejected their grievances on the basis of limitation and assuming ORC(P) as DDF Connection. This denial of refund is totally wrong, illegal and against the orders of the Commission and Hon'ble Supreme Court and MSEDCL's own refund circulars.


**5. Representation 32/ 2022 - (Consumer No. 279950175057)**


- (i) The Appellant is LT-V B II – Industrial Consumer of the Respondent MSEDCL Sangli at Plot No. 13, Survey No. 195/196, Vasantdada Industrial Estate, Sangli.
- (ii) The Appellant had applied for load enhancement from 15 HP to 114 HP to the Executive Engineer, Sangli on 25.10.2005. He had issued sanction letter with estimate of work under ORC(P). The Appellant had paid supervision charges and completed all the concerned Infrastructure Works as per MSEDCL estimate and directions. The Distribution Transformer and LT line charged. and handed over the Infrastructure to MSEDCL Thereafter the load was released in February 2006.
- (iii) The details of the Works done, and refund claimed along with the concerned sanction, estimate and scope of work is given as below:

Consumer No. & Type of Connection	Purpose	Estimate Sanction Amount (Rs.) and Date	Scope of Work	Date of Payment of Supervision Charges	Date of Release of Connection	Total Refundable Principle Amount
279950175057 Industrial	Load enhancement from 15 HP to 114 HP	Rs. 1,90,400/- dated 09.12.2005	LT line, Distribution Transformer Centre 100 KVA & concerned works and Metering Works	13.12.2005	Feb-06	Rs. 1,53,650/- only + Interest

Feeder Detail - The name of the feeder is 11 KV Ankur Feeder, which is emanating from 33/11 KV S.I.E. Substation.

- (iv) The estimate and work done period is from 13.12.2005 up to February 2006. Hence these amounts are eligible for refund as per MSEDCL's own refund circulars.

  
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- (v) Compensation – The Appellant’s complaint is a complaint other than bills. Hence as per SoP Regulations 2014, Regulation No. 7.6, *"In other Cases the complaint shall be resolved during subsequent billing cycle."*
- (vi) The Appellant has filed complaint before IGRC on 27.09.2019. It was necessary and binding on MSEDCL to resolve it in subsequent billing cycle means up to the end of October 2019 or in the bills received in November 2019. But MSEDCL has failed to do so. Hence, the Appellant is eligible for SoP Compensation of Rs. 100 per Week or part thereof from 01.11.2019.
- (vii) In the circular dt. 29.12.2017 of MSEDCL, MSEDCL itself has stated that the refund period is 20.01.2005 to 20.05.2008. The expenditure is within the period 13.12.2005 to February 2006. Hence, the Appellant is fully eligible for the refund. The circular was issued by MSEDCL on 29.12.2017 and thereafter, had applied for refund in IGRC on 27.09.2019. The date of cause of action is on 29.12.2017 and has applied for refund in IGRC on 27.09.2019 and with the Forum on 16.12.2019 i.e., well within 2 years. Hence there is no issue of any limitation. The order of the Forum is totally wrong, illegal and it needs to be set aside.
- (viii) The Forum, in its order has blamed the consumer that he has produced false receipts. It is totally wrong. Actually, the Forum has erred in understanding the Case. Original date of connection with 15 HP load was 10.10.2005. Then the consumer has applied for load enhancement and received estimate on 13.12.2005. Then he has completed the works in February 2006. Hence the receipts produced before the Forum were dt. 26.12.2005, 19.12.2005, 07.01.2006 which are true and correct. But the Forum has passed unnecessary and wrong remarks on the consumer without proper scrutiny of the documents.

**6. Representation 33/ 2022 - (Consumer No.279950175324)**

- (i) The Appellant is LT-V B II – Industrial Consumer of the Respondent MSEDCL Sangli at Plot No. 14, Survey No. 195/196, Vasantdada Industrial Estate, Sangli Sub-Division,

  
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Madhavnagar, Division-Sangli Urban, Circle-Sangli. Now the Appellant is HT consumer from 12.04.2011.

- (ii) The Appellant had applied for New Connection of 137 HP to the Executive Engineer, Sangli on 21.10.2005. He had issued sanction letter with estimate of work under ORC(P). The Appellant has paid supervision charges and completed all the concerned Infrastructure Works as per MSEDCL estimate and directions. The asset was charged and handed over the Infrastructure to MSEDCL. Thereafter, the load was released on 02.02.2006.
- (iii) The details of the work done, and refund claimed along with the concerned sanction, estimate and scope of work is given as below:

Consumer No. & Type of Connection	Purpose	Estimate Sanction Amount (Rs.) and Date	Scope of Work	Date of Payment of Supervision Charges	Date of Release of Connection	Total Refundable Principle Amount
279950175324 Industrial	New Connection of 137 HP	Rs. 15,36,500/- dated 9.12.2005	11 KV HT line 0.17 KM, Distribution Transformer Centre 100 KVA & concerned works and Metering Works	13.12.2005	02.02.2006	Rs. 1,90,400/- only + Interest

- (iv) **Feeder Details:** The name of the feeder is 11 KV Ankur Feeder, which is emanating from 33/11 KV S.I.E. Substation.
- (v) **Other Consumers** - There are many other consumers getting power supply from the same 11 KV Feeder. There are many other HT and LT consumers on this 11 KV Feeder which can be clearly seen on the Single Line Diagram.
- (vi) **Metering Work:** The metering work was done by the Appellants and DTC Meter was also supplied by them. As per MERC Order regarding "Schedule of Charges" dated 08.09.2006 in Case No. 70/2005 and corresponding MSEDCL Circular No. 43 dated 27.09.2006, meters are to be installed by the licensee. Also, if the cost is recovered, it is to be refunded to the consumer as per MSEDCL's own circulars (Circulars No. 21560 dt.

  
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09.05.2017 and No. 34307 dt. 03.09.2007). However, the Respondent did not follow these these directive in present case.

(vii) **MERC Order dated 16.02.2008 in Case No. 56 of 2007** : HT Line 0.28 KM, DTC, concerned work and Metering work was done by the Appellants and many other consumers are getting supply from the same feeder. "Mere extension or tapping of the existing line (LT or HT) cannot be treated as DDF (Dedicated Distribution Facility)" is the Clarification given by the Commission, on the demand of MSEDCL itself.

(viii) **Work Non DDF and ORC**: It is clear from the definition of DDF in the Regulations and clarifications given by the Commission in the above-mentioned order, the feeder and the work done is clearly Non DDF and ORC. Hence, the Appellants are fully eligible for the refund of the above-mentioned amounts in the respective Representations alongwith interest thereon as per MSEDCL's own office estimates.

7. **MERC Order dated 17.05.2007 in Case No. 82 of 2006**: The Commission has given clear directions that MSEDCL must refund to all the consumers all overcharged amounts alongwith the interest thereon, that have been collected towards ORC, ORC-P or such other head-based charges which are not allowed in Supply Code Regulations 2005 and also SLC, Cost of Meter which are at variance from the Order of the Schedule of Charges dt. 08.09.2006.

*Para 4 end - "MSEDCL must refund to all consumers all over charged amounts that have been collected towards ORC or such other head-based charges, including cost of meter, at variance from the order dated September 8, 2006."*

*Para 5 end - "The Commission directed MSEDCL to refund to Devang Sanstha, and to all such consumers, all amounts collected towards ORC, CRA and cost of meter, together with interests."*

*Para 9 end - "While on the subject, the Commission directs that MSEDCL should not collect any monies under any charge-item which is not defined under the Supply Code and/or the Order dated September 8, 2006."*

8. **MERC Order dated 21.08.2007 in Case No. 82 of 2006** : The Commission has issued further Order dated 21.08.2007 in the same Case No. 82 of 2006, imposing penalty on MSEDCL due to non-

  
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compliance of the earlier order and again directed MSEDCL for compliance as per Order dated 17.05.2007.

9. **DDF Clarifications:** Again Case No. 56 of 2007 was filed by the same petitioner before the Commission for the compliance of the directions issued on 17.05.2017 in Case No. 82 of 2006. In this Case issues of ORC, DDF and Non DDF were fully discussed by the Hon'ble Commission. In this order, dated 16.02.2008, the Commission has clarified the concept and issued detailed clarification on "DDF" on request of MSEDCL itself.

*Para 9 - "The Commission observed that consumers should not be burdened with infrastructure costs which are the liability of MSEDCL. .... MSEDCL may seek the recovery of the same as an annual revenue requirement."*

*Para 12 - "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."*

*Para 12 - "Thus, in the distribution system, Dedicated Distribution Facility means a separate distribution feeder or line emanating from a transformer or a substation or a switching station laid exclusively for giving supply to a consumer or a group of consumers."*

*Para 12 - "Also Dedicated Distribution Facility cannot be shared in future by other consumers. Such facilities cannot be imposed on a consumer. If the consumer does not seek Dedicated Distribution Facility, the licensee has to develop its own infrastructure to give electric supply within the period stipulated in Section 43 of Electricity Act 2003 read with SoP Regulations."*

10. **Provisions of Section 62 (6) of the Electricity Act, 2003:** It is very clear from the directions of the Commission quoted in Para 9 of the order dated 21.08.2007 that *"The directions of the Commission to MSEDCL were to refund amounts that never belonged to them as they were collected illegally. It is well settled that interest shall also be leviable on such amounts"*. Also it is clear from the directions quoted in Para 8 above that *"Consumers should not be burdened with infrastructure costs which are the liability of MSEDCL"*.

Also, Section 62 (6) of the EA 2003 reads as below,

*Section 62(6) - "If any licensee or a generating company recovers a price or charge exceeding the tariff determined under this section, the excess amount shall be recoverable by the person who has paid such price or charge alongwith interest equivalent to the bank rate without prejudice to any other liability incurred by the licensee."*

  
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The directions of the Commission clearly states that *"the collection towards infrastructure cost is totally illegal and consumers should not be burdened with infrastructure costs."* Also, Section 62(6) clearly states that excess recovered amount must be refunded to the concerned person along with the interest thereon. Hence, the Appellants are clearly eligible to get the refund of infrastructure cost along with the interest thereon.


11. **MSEDCL Circular 20.05.2008:** After this order dt. 16.02.2008, MSEDCL has issued circular on 20.05.2008 as Guidelines for release of new connections on the basis of above-mentioned Commission orders. The circular itself clarifies that all the Non DDF connections are refundable.


12. **MSEDCL Circular 21.12.2009:** MSEDCL has issued further Circular bearing no. DIST/D-III/Refund/Circular No. 39206 on 21.12.2009 regarding refund of the infrastructure cost. It is pertinent to note here that it is clearly stated in the circular that the work may get executed under DDF and the refund will be by way of adjusting 50% of the monthly bill amount till clearance of the total expenditure.

13. **MSEDCL Civil Appeal in Supreme Court:** In the meanwhile, MSEDCL had impleaded this issue of refund in its Civil Appeal No. 4305/2007 (earlier stamp no. 20340/2007), in which Hon'ble Supreme Court had ordered "Stay on Refund" while hearing on 31.08.2007. Hence all the Refunds were stopped.

14. **Supreme Court Order 10.11.2016:** Finally the Civil Appeal filed by MSEDCL before the Hon'ble Supreme Court came for final hearing in the year 2016. The Hon'ble Supreme Court heard the matter, issued final order on dt. 10.11.2016 and dismissed the Civil Appeal in toto.

15. **MSEDCL Circular 12.10.2017:** After the order of the Hon'ble Supreme Court, It is binding on MSEDCL to implement concerned MERC orders in letter and spirit. MSEDCL issued circular for refund of SLC, ORC and meter cost after 11 months vide its circular No. CE/Dist/D-IV/MERC No. 25079 on 12.10.2017. In this circular dated 12.10.2017, MSEDCL has denied refund in DDF Cases. It is correct if the connection is really DDF as per its definition in Supply Code Regulations and as per detailed clarification given by the Commission in its order dated 16.02.2008 on demand of

  
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MSEDCL itself. But if the connection is actually Non DDF and it is named as DDF or ORC(P) by MSEDCL for its own convenience or in order to avoid any refund, then it is nothing but ORC and hence consumers are eligible to get the refund alongwith the interest thereon.


16. **MSEDCL Refund Period Circular dated 29.12.2017:** In its 1st refund circular dt.12.10.2017 MSEDCL has stated the refund period from 20.01.2005 (means the date of Supply Code Regulations) to 30.04.2007 (means the date mentioned in the Commission's Order dt. 17.05.2007). Thereafter MSEDCL has issued Amendment Circular on 29.12.2017 the copy of which is enclosed herewith. The refund period is revised from 20.01.2005 up to 20.05.2008 (means the date of MSEDCL Non DDF refundable circular). The Appellants' estimates and work done periods is about 06.06.2006 to 09.11.2006. Hence these amounts are eligible for refund as per MSEDCL's own refund circulars.

17. **Supply Code Regulations:** After Supply Code Regulations, till today, MSEDCL has sanctioned many Non DDF connections in the name of DDF or ORC (P) in order to avoid the repayment of the infrastructure cost incurred by the consumers. With the use of the words 'DDF' or ORC(P), MSEDCL used to impose the condition on the consumers that all the infrastructure work should be done by the concerned consumers at their own cost. Actually, using the phrase DDF or ORC(P) and imposing cost on consumers is totally illegal and against the orders of the Commission. Actually, such works are nothing but ORC. Actually, such act and such conditions of MSEDCL are against the Supply Code Regulations 2005. Regulation No. 19.1 reads as below:

*19.1 "Any terms and conditions of the Distribution Licensee, whether contained in the terms and conditions of supply and/or in any circular, order, notification or any other document or communication, which are inconsistent with these Regulations, shall be deemed to be invalid from the date on which these Regulations come into force."*

18. **Interest:** As per provisions of Section 62 (6) of the Electricity Act 2003, it is binding on the licensee to refund the excess recovered amount to the concerned person/consumer alongwith interest equivalent to the bank rate.

19. Actually, the Appellants' expenditure on all the concerned work is more than the estimate of MSEDCL. But logically and reasonably, they can claim the estimate amount only. Hence, on the

  
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basis of all above mentioned grounds, they are eligible to get the refund of all the above mentioned MSEDCL's own estimate amount of Rs.3,73,200/-, Rs.1,53,650/- and Rs.190,400/-along with interest at bank rate.

20. **Compensation** : Appellants' complaint is a grievance other than bills. Hence as per SoP Regulations 2014, Regulation No. 7.6, "*In other Cases the complaint shall be resolved during subsequent billing cycle.*" The complaints have been filed before IGRC on 23.08.2019. It was necessary and binding on MSEDCL to resolve it in subsequent billing cycle means up to the end of September 2019 or in the bills received in October 2019. But MSEDCL has failed to do so. Hence, the Appellants are eligible for SoP Compensation of Rs. 100/- per Week or part thereof from 01.10.2019.

21. **SLC, ORC and DDF/DDS all are Infrastructure Charges**: Observations of IGRC, in its order are totally wrong. IGRC noted in the order that the work is done under ORC(P) and MSEDCL has not recovered money, hence not refundable. In fact, SLC, ORC/ORC(P) and DDF/DDS all these 3 types of charges are the charges towards Infrastructure Cost. ORC was allowed up to 20.01.2005 i.e. up to the date of Supply Code Regulations. SLC was allowed up to 08.09.2006 i.e. up to the date of Schedule at charges. DDF is allowed from 20.01.2005, but in the Cases only where the connection is actually DDF as per Supply Code Regulations and as per MERC Clarificatory Order dt. 16.02.2008. In this Case the connection is totally Non DDF. Also, it is stated as ORC (P) means actually ORC. As per MERC Regulations and orders, in Case of all Non DDF connections, Infrastructure Costs cannot be recovered from the consumers. Hence, we are fully eligible for refund.

22. **ORC (P)**: The Forum has totally erred in assuming that "ORC(P) is DDF connection and hence it is non-refundable". Actually there was no scheme in existence in MSEDCL which was named as ORC(P). ORC is Out Right Contribution and ORC was the scheme in existence at that time. The Scheme was started in the year 1996 and it was stopped on 20.05.2008 i.e. from the date of new MSEDCL circular on the basis of MERC Order dt. 16.02.2008. ORC(P) is nothing but ORC. The difference is only in the pattern of cost recovery. In ORC, full amount was being recovered by MSEDCL from the consumer and the infrastructure work was being done by MSEDCL. In ORC(P), the cost was being imposed on the consumer and the consumer was bound to create the infrastructure

  
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as per MSEDCL estimate and directions. In both the Cases the infrastructure created by MSEDCL or consumer was the property of the MSEDCL and was being booked in its assets register. The infrastructure created by the Appellants was handed over to MSEDCL at the same time before connection. Hence these connections are nothing but ORC connections. Hence the infrastructure cost imposed on the Appellants is refundable with interest.

23. **Limitation:** The Forum has rejected the grievance only on the basis of limitation of two years and assuming ORC (P) as DDF. This observation is totally wrong and illegal. This SLC, ORC, DDF issue was before Hon'ble Supreme Court in Civil Appeal No. 4305/2007 filed by MSEDCL itself. Hon'ble Supreme Court has issued final order on 10.11.2016 and on that date the stay on refund is vacated. Thereafter MSEDCL HO itself has issued circulars for refund on dt. 12.10.2017, and thereafter on 07.11.2017 and on 29.12.2017. In the MSEDCL circular dt. 29.12.2017, MSEDCL itself has stated that the refund period is 20.01.2005 to 20.05.2008. The Appellants' expenditure is within the period June 2006 to November 2006. Hence, we are fully eligible for the refund. The circular was issued by MSEDCL on 29.12.2017 and thereafter had applied for refund in IGRC on 23.08.2019. The date of cause of action is 29.12.2017 and the Appellants have applied for refund in IGRC on 23.08.2019 and with the Forum on 10.12.2019 i.e. well within 2 years. Hence there is no issue of any limitation. Hence the order of the Forum is totally wrong, illegal and it needs to be set aside. Also it should be noted that MSEDCL has itself represented before various Courts that the judgement towards refund of ORC is pending before Hon'ble Supreme Court. Also, it should be noted that any excess or illegal recovery is against the provisions of S.62(6) and the licensee has no right to retain it with itself on any grounds. It must be refunded to the concerned person with interest. The licensee can recover these expenses through ARR as allowed by the Commission in its various orders.

**24. Limitation - Additional Submissions:**

(1) Schedule of charges is a part of Tariff -

Determination of Tariff is an absolute responsibility and authority of the Regulatory Commission as per the provisions of the Electricity Act 2003. Schedule of Charges is a part of Tariff to be determined by the Regulatory Commission as per

  
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the provisions of S.45, S.62, S.64 of the Act and as per provisions of Regulation No. 18 of Supply Code Regulations framed by the Commission.

(2) Tariff is a Continuous Process -

Hon'ble APTEL in its order in Appeal No. 197 of 2009 dated 11.03.2011 has clearly stated as below,

*"The tariff fixation is a continuous process and is to be adjusted from time to time. Any recovery or refund through ARR is not barred by Limitation."*

There are many evidences of such time to time adjusted and recovered or paid charges e.g. RLC refund, Mula Pravara refund, C/NC difference refund, SLC/RAC, Regulatory Assets refund/recovery etc.


(3) Illegal recovery must be refunded:

Metering cost recovery is illegal, hence refundable.

In the same manner, infrastructure cost recovery of Non DDF works in the name of ORC or ORC(P) is also illegal, hence refundable.

25. **Delay Condonation:** The Forum has issued order on 07.01.2022. The Appellants have received the order on 13.01.2022 but are not having any such proof. Submission of this representation may take few more days or 1 week after 07.03.2022. Hence request to the Electricity Ombudsman to please condone this delay.

26. Mr. Pratap Hogade, Representative appearing for the Appellants advanced common arguments on all these three representations being identical in nature. He further reiterated that Rep. No. 31 of 2022 is a power loom consumer of MSEDCL Ichalkaranji who had applied for a new connection, Rep. No. 32 of 2022 and 33 of 2022 are the multi-party consumers of MSEDCL Sangli who had applied for enhancement of load and new connection respectively. Their grievance is for refund of infrastructure expenses incurred on the estimates sanctioned by the Respondent on their applications. The estimates for the above-mentioned Representations are sanctioned in the year 2005-2006 and their payments are made in 2006. The consumers were asked by the licensee to carry out the work under the provisions of DDF/ ORC. There was stay of the Supreme Court regarding refund of expenditure. The Supreme Court finally dismissed the Appeal of MSEDCL on 10.11.2016. The Commission issued directions by letter dated 20.07.2017 to the Respondent regarding refund of

  
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amount recovered other than approved schedule of charges. The Respondent also issued Circular on 12.10.2017 and 29.12.2017. The Appellants thereafter applied for refund of amount incurred towards the infrastructure in all these Cases with the Forum on 10.12.2019, 20.12.2019 and 16.12.2019 respectively. The Forum rejected the grievances on the ground of limitation. As regards refund of infrastructure cost, he referred the Order dated 08.09.2006 in Case No. 70 of 2005 of the Commission and Circular No. 43 Case 27.09.2006 of the Respondent in which it is clarified that SLC and meter cost shall not be recovered from the consumers. He further argued that the Cases filed by the Appellants are well within limitation as far as Circulars dated 12.10.2017 and 29.12.2017 of the Respondent are concerned. The Appellants pray that the expenditure incurred by the Appellants in all these representations be ordered to be paid along with interest.


**27. Nature of relief sought from the Electricity Ombudsman :**

- (1) The connection should be declared as Non DDF or ORC connection given in the specified refund period on the basis of Supply Code Regulations, Concerned Orders of the Commission and Concerned MSEDCL Circulars.
- (2) The expenditure amount as per MSEDCL own estimates in the respective Representations should be refunded alongwith the interest thereon at bank rate from February 2006 up to the date of repayment, or alternatively all the total amount should be credited in the further bills.
- (3) SoP Compensation, for delay in Complaint Resolution, amount Rs. 100 per week from 01.11.2019 should be awarded.
- (4) Any other orders may be passed by the Hon'ble Ombudsman, in the interest of justice, as it may think fit and proper.

28. The Respondent MSEDCL, Ichalkaranji, filed its reply by email dated 01.04.2022 for Rep. No. 31 of 2022 stating in brief as below:

- (i) The Appellant has filed the present Representation on 16.03.2022, i.e., above the date prescribed in Regulation 17.2 of the CGRF & EO Regulation 2006, hence, it is not maintainable and liable for rejection.

  
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- (ii) The Respondent referred the “Regulation 6.6 of CGRF & EO Regulations 2006” ( which is now Regulation 7.8 of CGRF & EO Regulations 2020) in which it is quoted as below:

*“The Forum shall not admit any Grievance unless it is filed within two (2) years from the date on which the cause of action has arisen.”*

The Appellant has filed this Case on 10.12.2019 and the cause of action is happened on 12.06.2006. There are various Cases dismissed on this ground of limitation by the Electricity Ombudsman in Rep. No. 15 of 2021 - M/s. Alliance Hospital Pvt Ltd., and Rep. No. 16 of 2021- M/s.Tirupati Magarwargiya Co Ind Ltd., and in Rep. No. 17 of 2021 -M/s Ramayya Textiles. All these Representations were rightly dismissed.


- (iii) Also, further it is pertinent to note that the date of payment of Supervision Charges was 12.06.2006 in the present Case. The Commission by its order dated 08.09.2006 in Case No. 70 of 2005 has issued “Schedule of Charges” which is effective from 08.09.2006. In the present Case, the date of payment of Supervision Charges was 12.06.2006 which is prior to date of Schedule of Charges. This matter was discussed by Hon’ble Electricity Ombudsman in Rep. No 17 of 2021 in the matter of refund of infrastructure cost. The Hon’ble Ombudsman has findings on same ground and has ruled as below.

*“ 10.)Now let us examine as to whether the instant representations fit into the matrix of the period 08.09.2006 to 30.04.2007 which is considered by the Commission for refund with respect to their date of payment. This is envisaged in the Commission’s order dated 17.05.2007 in Case No. 82 of 2006.*

*11. Further, the Commission in its order Case 16.02.2008 in Case No. 56 of 2007 has specifically denied grant of relief as regards refund of the cost as stipulated under its order Case 17.05.2007 in Case No. 82 of 2006. In this order Case 17.05.2007 at para 9 (d), the Commission has said that “MSEDCL should submit a detailed compliance report under affidavit, with respect to refund of amounts collected from all consumers towards ORC, cost of Meter and ‘CRA’, together with interest, on and from September 8, 2006 (which was the date of enforcement of the Order dated September 8, 2006 in Case No. 70 of 2005) up to April 30, 2007;”*

*12. Therefore, it is clear that the amount collected by the MSEDCL during period 08.09.2006 to 30.04.2007 was the subject matter of dispute and which was subsequently ordered to be refunded post dismissal of C.A. No. 4305 of 2007 by the Hon’ble Supreme Court.*

*13. On conjoint reading of all the Orders of the Commission, the Judgment of the Hon’ble Supreme Court and more particularly, the Commission’s order Case 08.12.2014 in Case 105 of 2014, the refund to the eligible consumer needs to be done on the criteria of date of payment of those charges by the individual consumer and in this Case, by the Appellant. The Appellant in the*

  
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instant representation has paid the supervision charges on 04.07.2006 which is prior to 08.09.2006, the date being the date of issue of Schedule of Charges order in Case No. 70 of 2005.

14. The Appellant was at liberty to have agitated the matter before the grievance redressal mechanism at the time of payment or within two years therefrom before the Forum under CGRF Regulation 2006. However, it approached the Forum on 12.12.2019. It is very Page 15 and 16 of 2021 Ramayya Textiles interesting to note that the Appellant has paid the amount on 04.07.2006 which is prior to the date of Schedule of Charges order of the Commission. The entire legal Case is on Schedule of Charges order which is issued on 08.09.2006 and the Circulars and the Commission's directives are issued pursuant to the dismissal of CA No. 4305 of 2007.

15. If the Appellant is allowed to take advantage of the developments subsequent to Judgment in CA No. 4305 of 2007 then anyone who has done the work under DDF or Non DDF prior to 08.09.2006 will have to be given advantage of if such consumers file the applications. It will be a complete state of chaos.

16. Therefore, the Case does not stand scrutiny either on merit or on limitation prescribed under Regulation 6.6 of CGRF Regulations 2006. The Appellant appears to have filed the representation without properly appreciating the Judgment of the Hon'ble Supreme Court and the respective orders of the Commission in this context.

17. I therefore reject the representation which is disposed of accordingly.''


(iv) The Respondent referred the order in Representations No. 189 and 190 of 2018 in Dated of M/s. Bombay Rayon Fashions V/s MSEDCL in which the refund of infrastructure cost is rejected.

(v) The Hon'ble Bombay High Court has given augment regarding limitation ground in W. P. No. 6859 of 2017 and has ruled

*"If I accept the contention of the Consumer that the Cell can be approached anytime beyond 2 years or 5/10 years, it means that Regulation 6.4 will render Regulation 6.6 and Section 45(5) ineffective. By holding that the litigation journey must reach Stage 3 (Forum) within 2 years, would render a harmonious interpretation. This would avoid a conclusion that Regulation 6.4 is inconsistent with Regulation 6.6 and both these provisions can therefore coexist harmoniously"*

(vi) Further in MERC Case No. 5 of 2020 of M/s. Jaygangatara Magaswargiya Co-op. Ind. Ltd. and 12 Others V/s Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL), the Commission in para no.17 of its order has cited the Judgment of the Hon'ble Supreme Court in the Case of A.P. Power Coordination Committee V/s. LancoKondapalli Ltd. The ratio of the said judgment is applicable to the present Case also. The observation of Commission in para 17 reads as under

*"The Hon .Supreme in the Case A.P. Power Coordination Committee Vs. Lanco Kondapalli Ltd. while disposing of the Civil Appeal No, 6036 ,6061, 6138 of 2012, 9304 of 2013, and 6835 of 2015 dated 16 October, 2015 (2016) 3SCC 468,*

  
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*(Para 30), has held that a claim coming before the Commission cannot be entertained or allowed if it is barred by limitation prescribed for an ordinary suit before the Civil Court. The relevant extract of the Order is reproduced below :*

*In this context, it would be fair to infer that the special adjudicatory role envisaged under Section 86(1)(f) also appears to be for speedy resolution so that a vital developmental factor - electricity and its supply is not adversely affected by delay in adjudication of even ordinary civil disputes by the Civil Court. Evidently, in absence of any reason or justification the legislature did not contemplate to enable a creditor who has allowed the period of limitation to set in, to recover such delayed claims through the Commission. Hence we hold that a claim coming before the Commission cannot be entertained or allowed if it is barred by limitation prescribed for an ordinary suit before the civil court."*

From various citations, it is seen that the Appellant has approached the Forum beyond the time framework prescribed in Regulations, which is also upheld by various above said orders. Hence the Representation is not maintainable on limitation grounds and liable for dismissal.

Now the details of the Case are as below :

- (vii) It is pertinent to note that the Appellants, M/s Mahalaxmi Textile ( C.No. 250380142909, 55 HP Load )and M/s Renuka Textiles (C. No 250380142917, 51 HP load ) are in Multiparty group agreement and, there are 2 consumers in same premises under one roof and is sanctioned as Commercial Circular No. 6 dt 1.09.2005.
- (viii) The consumers are governed by, then prevailing commercial circular no 6 dt 01.09.2005. The connection is sanctioned vide no EE/ICH/ORC( P )/118/06-07 vide no 1140 and 1141dt 6.06.2006. The consumer accepted the sanction and had paid the charges for connection on 12.06.2006 abiding with the terms and conditions of sanction of the Commercial circular no 6 also mentioned in sanction letter. The date of connection of consumer is on 9.11.2006. They were 2 consumers under one shed and one roof. The consumer had paid 15 % labour charges, SD amount and ORC charges of Rs.82,500, and Rs76,500 respectively.
- (ix) As per MERC Condition of supply code Regulations ( 2005) Clause 3.3.8 The consumer had paid 15 % labour charges , SD amount and ORC charges of Rs. 82,500/-, and Rs.

  
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76,500/- respectively . However, Hon'ble Supreme court has directed in Appeal No. 4305/2005 to refund the collected amount of SLC, ORC, and Meter charges to consumer collected from 08.09.2006 to 30.04.2007, and accordingly MSEDCL has refunded the amount of Rs 86,883/- and Rs 80,564/- to M/s Mahalaxmi Textile ( Con. No. 250380142909, 55 HP Load ) and M/s Renuka Textiles( Con No. 250380142917, 51 HP load ) respectively.

- (x) It is stated that the Appellants are multiparty consumers situated in one shed and where two LT connections were given. Each multi party group consists of 1 or more consumers under one shed (one premises). It is further stated that consumers have to take High Tension power supply / LT above 67 HP / above 27 HP as the Case may be from the MSEDCL. However due to space constraint, MSEDCL, as special provision, allowed the LT power supply to "Multi Party Consumers" coming under one shed. It is submitted that Regulation 3.4.3 of MERC Regulation 2005 provides that *"Unless otherwise specified all HT and LT charges refer to 1 point of supply, and each separate establishment shall be given a separate point of supply"* Therefore as per said provision, each consumer is required to take separate supply; but for the convenience of power loom industry a special sanction has been given for the said consumers based on circular No.6 dated 01.09.2005. Therefore, the demand of consumers to refund the cost of infrastructure is liable to be dismissed.

In short, the consumer enjoyed the benefits under the multiparty scheme though they were aware that said facility given was against the Clause 3.4.3 of MERC Regulation 2005. Afterwards they have asked for refund of infrastructure cost against the principle of equity.

*The applicant is given 2 nos of LT connections as per provision of Commercial circular no 6 dt 01.09.2005 , and breach of the multiparty agreement , will attract the billing of this consumer on LT billing above 67 HP , and MSEDCL would have no option other than to recover the tariff difference billed to consumer since date of connection ,which may please be noted.*

- (xi) Also, further it is stated that the Consumer M/s Renuka Textiles , Pro. Sunil Balganda Patil Cons No 250380142917 is Permanently Disconnected on 27.7.2020 as per request of consumer .

  
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(xii) The consumer has done the work of 0.28 KM HT line and 100 KVA Distribution Transformer which is exclusively used by him and Dedicated to him. There is no other connection given from his Dedicated Transformer.

(xiii) MERC Conditions of Supply code Regulations, 2005 under Clause 3.3.8 read as

*“3.3.8 Where the Distribution Licensee permits an applicant to carry out works under this Regulation 3.3 through a Licensed Electrical Contractor, the Distribution Licensee shall not be entitled to recover expenses relating to such portion of works so carried out by the applicant: Provided however the Distribution Licensee shall be entitled to recover, from the applicant, charges for supervision undertaken by the Distribution Licensee, at such rate, as may be approved in the schedule of charges under Regulation 18, not exceeding 15 per cent of the cost of labour that would have been employed by the Distribution Licensee in carrying out such works.”*


*Clause 3.3.3 read as*


*“3.3.3 Where the provision of supply to an applicant entails works of installation of Dedicated distribution facilities, the Distribution Licensee shall be authorized to recover all expenses reasonably incurred on such works from the applicant, based on the schedule of charges approved by the Commission under Regulation 18”*

*Also further in Clause 3.3.5*

*“3.3.5 Where the Distribution Licensee has recovered the expenses referred to in Regulation 3.3.3 above at any time after the notification of these Regulations, the consumer shall be entitled to the depreciated value of such dedicated distribution facilities, upon termination of the agreement or permanent discontinuance of supply in accordance with these Regulations: Provided that where such facilities have been provided by the consumer, then such facilities may be retained by the consumer upon termination of the agreement or permanent discontinuance of supply in accordance with these Regulations”*

(xiv) Further MSEDCL in Case No. 5 of M/s. Jaygangatara Magaswargiya Co-op. Ind. Ltd and 12 Others V/s Maharashtra State Electricity Distribution Co. also relied on the decision of ‘Hon’ble Bombay High Court, Judicature at Nagpur in W.P. No 1588 of 2019 dated 8 January 2020 (MSEDCL V/s Electricity Ombudsman, Nagpur and M/s. Mahamaya Agro Industries Ltd). The reasoning and ratio of the said Case is squarely applicable to the present Case . The Hon’ble High Court has quashed the Order passed by the Electricity Ombudsman, Nagpur, in which the EO had directed MSEDCL to refund the cost of infrastructure of 0.4 km H.T. line to M/s Mahamaya Agro Industries Ltd.

  
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The relevant extract of the Hon'ble Bombay High Court, at Nagpur bench Order is reproduced below:

*“28 I have considered the contentions of the litigating sides on the merits of their claim as they insisted that I should deal with their entire submissions, notwithstanding the issue of limitation. I find that the conduct of the consumer of agreeing to the expenditure which the consumer has actually incurred for installing infrastructure facilities and the meter store room and then turn around after the entire laying of 11 KV line has been completed and after the consumer has enjoyed the electricity supply for its industrial purposes, is inappropriate.*

*29....*

*30. In view of the above, the first Petition No.1588/2019 filed by the company is allowed in terms of prayer Clause (1).The impugned order dated 17.10.2018 shall stand quashed and set aside to the extent of the challenge and the conclusions arrived at by the forum by its order dated 25.06.2018 are sustained.”*


Further Review Petition in this same regard in Case No. 201 of 2020 is also dismissed by Hon'ble Commission.

(xv) In view of the aforesaid facts it is kindly requested the present application is not having any merit factually as well as lawfully. Therefore, it may kindly be dismissed.

29. The Respondent MSEDCL Sangli filed its reply by email dated 25.04.2022 for Rep. No. 32 of 2022 stating in brief as below:

(i) The consumer has prayed to Hon Electricity Ombudsman as below-

- a. *Our connection should be declared as non DDF or ORC connection given in the specified refund period on the basis of supply code Regulation, concerned MERC orders and concerned MSEDCL circulars.*
- b. *The expenditure amount as per MSEDCL own estimate in total Rs-1,53,650/- should be refunded along with the interest thereon at bank rate from Feb-2006 up to the date of repayment or alternatively all the total amounts should be credited in the further bills.*
- c. *SoP compensation, for delay in complaint resolution amount Rs.100/- per week from 1<sup>st</sup> Nov 2019 should be awarded.*
- d. *Any other orders may be passed by the Hon Electricity Ombudsman, in the interest of justice, as it may think fit and proper.*

  
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- (ii) The date of supply to the Appellant is 10.10.2005. The Respondent referred the “Regulation 6.6 of CGRF & EO Regulations 2006” ( which is now Regulation 7.8 of CGRF & EO Regulations 2020) in which it is quoted as below:

*“The Forum shall not admit any Grievance unless it is filed within two (2) years from the date on which the cause of action has arisen.”*

- (iii) The Appellant has filed the Case with the Forum on 20.12.2019 and the cause of action is happened on 10.10.2005 i.e., the supply date. From above, it is seen that the consumer has approached the Forum beyond the time framework prescribed in Regulations, and the Forum has also dismissed as not maintainable on limitation grounds. Hence, the Representation is liable to be dismissed.


- (iv) Now the detail of the Case is as below :

1. The connection (No. 279950175057) of the Appellant on Plot No-13, Survey No-195/196, Vasantdada Industries Estate, Sangli, Dist-Sangli was released on 10.10.2005. After that he had applied for load extension from 15 HP to 114 HP and same was sanctioned, and quotation was issued on 13.12.2005. The estimate for load extension was sanctioned under ORC (P) scheme. 15% ORC supervision charges were demanded to pay in the quotation. No SLC or meter cost was demanded. The quotation was as below.

a. CRA-	4500/-
b. SLC-	NIL
c. Security Deposit-	74250/-
d. Metering-	NIL
e. Capacitor Testing-	100/-
f. Agreement Bond-	20/-
g. 15% ORC Supervision charges-	2070/-
Total quotation amount	80940/-


Date chart

Sr No	Particulars	Dates
1	Date of Estimate Sanction	09.12.2005
2	Date of Quotation issued	13.12.2005
3	Date of quotation paid	13.12.2005
4	Date of connection release	10.10.2005
5	Date of additional load release	February 2006

  
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2. From above, it is clearly seen that, no SLC or meter cost was demanded. From the electricity energy bill, it is clear that the date of supply is 10.10.2005. Further the load extension quotation issue date is 13.12.2005 and the Appellant has paid the quotation on 13.12.2005. The additional load was released in February 2006. The Appellant has not filed the complaint within two years from the date of supply or Load extension i.e., cause of action.
- (v) The Appellant is arguing that the cause of action is 12.10.2017. i. e. the date of MSEDCL Circular No. 25079 dated 12.10.2017. The circular states that, *“The SLC, ORC and meter charges recovered from all such new LT/HT consumers in the period 20.01.2005 to 30.04.2007 shall be refunded with interest as applicable after submission of original money receipt to respective MSEDCL offices.”* *“The SLC, ORC and meter charges shall not be refunded in the Cases where consumers have opted for DDF supply”*. Consumer has demanded total expenditure amount of MSEDCL estimate Rs.1,53,650/- along with interest from February 2006, but in the circular dated 12.10.2017 it is nowhere mentioned that, the cost of estimate or infrastructure expenditure amount has to be refunded.
- (vi) From above, it is clear that the date for cause of action is clearly February 2006. Hence it is proven that the Appellant has not filed his complaint within stipulated period of two years as per Regulation 6.6 of CGRF Regulation 2006, which is now 7.8 (CGRF Regulation 2020) so it is clear that, the complaint is barred by limitation.
- (vii) In the Circular No. 25079 dated 12.10.2017 it is clearly mentioned that, *“The SLC, ORC and meter charges shall not be refunded in the Cases where consumers have opted for DDF supply”*. The ORC (P) scheme is nothing but like DDF in nature, hence question of refund of infrastructure cost does not arise as per above circular. It is again to reiterate that, MSEDCL had not recovered any SLC, ORC and meter charges from the consumer. Only 15% ORC supervision charges are recovered which is nothing but like 1.3% DDF supervision charges.

  
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(viii) The Forum has already dismissed the Case on the ground of barred by limitation.

(ix) The Electricity Ombudsman has dismissed such type of similar Cases in Rep.No 15 of 2021, Rep. No. 16 of 2021 and Rep. No. 17 of 2021

(x) In view of the aforesaid facts, it is requested the present application is not having any merit factually as well as lawfully. Therefore, it may kindly be dismissed.

30. The Respondent MSEDCL Sangli filed its reply by email dated 25.04.2022 for Rep. No. 33 of 2022 which is stated in brief as below:

(i) The consumer has prayed to Hon Electricity Ombudsman as below-

a) *Our connection should be declared as non DDF or ORC connection given in the specified refund period on the basis of supply code Regulation, concerned MERC orders and concerned MSEDCL circulars.*


b) *The expenditure amount as per MSEDCL own estimate in total Rs-190400/- should be refunded to us along with the interest thereon at bank rate from Feb-2006 up to the date of repayment or alternatively all the total amount should be credited in our further bills.*

c) *SoP compensation, for delay in complaint resolution amount Rs-100/- per week from 1<sup>st</sup> Nov 2019 should be awarded.*

d) *Any other orders may be passed by the Hon Electricity Ombudsman, in the interest of justice, as it may think fit and proper.*

(ii) The date of supply to M/s Ankur Packaging is 02.02.2006. The Respondent referred the "Regulation 6.6 of CGRF & EO Regulations 2006" ( which is now Regulation 7.8 of CGRF & EO Regulations 2020) that the Forum shall not admit any Grievance unless it is filed within two (2) years from the date on which the cause of action has arisen.

(iii) The consumer has filed the Case on 20.12.2019 and the cause of action is created on 02.02.2006 i.e., the supply date.

  
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- (iv) From above, it is seen that the consumer has approached the Forum above time framework than prescribed in Regulations in force time to time. Hence the Case is not maintainable on limitation grounds also, hence liable for dismissal.

Now the details of the Case are as below:

1. It is to note that the connection of consumer M/s Ankur Packaging, Plot no-13, Vasantdada Industrial Estate, Sangli (con no 279950175324) was released on 02.02.2006. Consumer had applied for new industrial connection. Accordingly, the firm quotation was issued on 13.12.2005. Consumer had paid the quotation amount on 13.12.2005 vide r no-9004143. The estimate for new connection was sanctioned under ORC (P) scheme. 15% ORC supervision charges were demanded to pay in the quotation. No SLC or meter cost was demanded. The quotation was as below.


a) CRA-	4500/-
b) SLC-	NIL
c) Security Deposit-	102750/-
d) Metering-	NIL
e) Capacitor Testing-	100/-
f) Agreement Bond-	20/-
g) 15% ORC Supervision charges-	2570/-
Total quotation amount-	109940/-

Date chart

Sr No	Particulars	Dates
1	Date of Estimate Sanction	09.12.2005
2	Date of Quotation issued	13.12.2005
3	Date of quotation paid	13.12.2005
4	Date of connection release	02.02.2006

2. From above it is clearly seen that, no SLC or meter cost was demanded. From the electricity energy bill, it is clear that the date of supply is 02.02.2006. Consumer has paid the quotation on 13.12.2005. The connection was released on 02.02.2006. Consumer has not filed the complaint within two years from the date of supply i.e. cause of action.

- (v) Consumer is arguing that date of the cause of action is 12.10.2017. i. e. the date of MSEDCL, Circular No.25079 dated 12.10.2017. The circular states that, "The SLC, ORC and charges recovered from all such new LT/HT consumers in the period 20.01.2005 to

  
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30.04.2007 shall be refunded with interest as applicable after submission of original money receipt to respective MSEDCL offices.” “The SLC, ORC and meter charges shall not be refunded in the Cases where consumers have opted for DDF supply”. Consumer has demanded total expenditure amount of MSEDCL estimate Rs.1,90,400/-along with interest from February 2006, but in the circular dated 12.10.2017 it is nowhere mentioned that, the cost of estimate or infrastructure expenditure amount has to be refunded.

- (vi) From above it is clear that the date of cause of action is clearly 02.02.2006 i.e., the supply date. Hence it is proven that the consumer has not filed his complaint within stipulated period of TWO years as per CGRF Regulation Clause no-6.6 which is now 7.8 (CGRF Regulation 2020), so it is clear that, the complaint is barred by limitation.
- (vii) In the Circular No. 25079 dated 12.10.2017 it is clearly mentioned that, “The SLC, ORC and meter charges shall not be refunded in the Cases where consumers have opted for DDF supply”. The ORC (P) scheme is nothing but like DDF in nature, hence question of refund of infrastructure cost does not arise as per above circular. It is reiterated that, MSEDCL had not recovered any SLC, ORC and meter charges from the consumer. Only 15% ORC supervision charges are recovered which is nothing but like 1.3% DDF supervision charges.
- (viii) After work completion done by consumer, he signed an agreement on 12.01.2006 on Non Judicial stamp of Rs 100/-. Point no-05 In this agreement is “After completion of work a joint line inventory is done and confirmed that, the executed work is as per sanctioned estimate only and then the created infrastructure is hereby handed to the MSEDCL same will be MSEDCL’s property and consumer will not claim any right on the infrastructure handed over.” In this agreement, it is nowhere mentioned regarding refund of infrastructure expenditure.
- (ix) The Forum has already dismissed the Case on the ground of barred by limitation.

  
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- (x) Hon. Electricity Ombudsman has dismissed such type of similar Cases e.g., Case No. 15 of 2021, Case No. 16 of 2021 and Case No. 17 of 2021.
- (xi) In view of the aforesaid facts, it is submitted that the present application does not have any merit factually as well as lawfully. Therefore, it may kindly be dismissed.

31. The Respondent in all these Representations argued in line with their written submissions which is already stated in above paragraphs and hence not repeated. The dates of payments of supervision charges does not fall in the period matrix of 08.09.2006 to 30.04.2007. Therefore, there is no question of any refund as the Appellants in these estimates ought to have approached the grievance redressal mechanism at that point of time.

### **Analysis and Ruling**

32. Heard the parties. Perused the documents available on record. To decide the Cases, I perused various orders of the Commission, Judgments of the Tribunal and Courts concerning the issues in the Case. The details are given below:-

- (a) The Commission's order dated 08.09.2006 in **Case No. 70 of 2005** regarding Schedule of Charges: -

Relevant portion of the order applicable in the instant representation is reproduced below:

*"The Commission totally rejects MSEDCL proposal to recover Service Line Charges from the prospective consumers except in Cases of consumers requiring dedicated distribution facilities. As per the provision of the Act, developing infrastructure is the responsibility of the licensee. The Commission therefore directs that the cost towards infrastructure from delivery point of transmission system to distribution mains should be borne by MSEDCL. The recurring expenses related to the capital investment on infrastructure shall be considered during ARR determination [for detail ruling refer Section – III (6)]."*

- (b) ATE judgment dated 14.05.2007 in **Appeal No. 22 of 2007** filed by MSEDCL against the Commission order in Case No. 70/2005 Case 08.09.2006. The relevant portion of the order is reproduced as below: -

*"18. In view of the above, it is clear that the "Service Line Charges" as proposed by the appellant are being allowed to be recovered through tariff. If the aforesaid proposal on "Service Line Charges" made by the appellant is accepted it will amount to doubling of the recovery of the expenses from the consumers. The appeal is accordingly dismissed."*

- (c) The Commission's order dated **17.05.2007 in Case No. 82 of 2006**

  
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[In the matter of refund of monies collected by MSEDCL towards Outright Contribution Charges (ORC) and cost of meter while providing new connections against the Order dated September 8, 2006, in Case No. 70 of 2005 (Schedule of Charges Order)].

Operative part of order in Case No. 82 of 2006 is reproduced below: -

“9. Having considered the material.....

(a) .....

(b) .....

(c) .....

(d) MSEDCL should submit a detailed compliance report under affidavit, with respect to refund of amounts collected from all consumers towards ORC, cost of meter and ‘CRA’, together with interests, **on and from September 8, 2006 (which the date of enforcement of the Order dated September 8, 2006, in Case No. 70 of 2005) up to April 30, 2007;**

(e) MSEDCL should submit a detailed compliance report under affidavit, with respect to refund of the amount of Rs. 6500/- (collected under the head ‘CRA’) and the interest amount collected towards ORC, cost of meter and ‘CRA’ from Devang Sanstha.....

*The Commission observes with concern that primarily incidences of collection of amounts towards ORC, cost of meter and ‘CRA’ post the operation of the Order dated September 8, 2006 in Case No. 70 of 2005 and the issuance of the Commercial Circular No.43 on September 27, 2006, are demonstrative of severe anomalies in the functioning of MSEDCL. The said acts have been overtly mechanical on the part of errant and negligent officials who have not paid adherence to the revisions in the erstwhile schedule of charges which have been mandated under the Order dated September 8, 2006. The Commission further observes that the stand taken by MSEDCL that their field officers should gain clarity on the implementation procedure enunciated under the Order dated September 8, 2006 within two weeks from April 13, 2007, is misconceived. The Commercial Circular No. 43 issued by MSEDCL themselves on September 27, 2006 provides for enough clarity on the import of the said Order. On the issues raised in the complaint as to refund of the depreciated value of amounts spent on DDF, as per Regulation 3.3.3 of the Supply Code having not yet materialised in favour of various consumers, the Commission observes that the position of law is well settled under the Supply Code.*

*While on the subject, the Commission directs that MSEDCL should not collect any monies under any charge-item which is not defined under the Supply Code and/or the Order dated September 8, 2006. The Commission further observes that consumer representatives /organisations who/which are invited to attend hearings and/or make submissions, should ensure sufficient co-operation.*

*There shall be directions to MSEDCL in terms of the above. The Commission reiterates that appropriate action under Section 142 of the EA, 2003 may be considered by the Commission on the Managing Director, Director (Operations) and Chief Engineer (Commercial) of MSEDCL, should the directives issued to MSEDCL under this Order not be complied with.”*  
**(Emphasis added)**

(d) The Commission’s **order dated 21.08.2007 in Case No. 82 of 2006**

(In the matter of compliance by MSEDCL of directions issued under Order dated 17.05.2007.)

  
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Relevant portion of the order is reproduced below: -

“8. MSEDCL has submitted under affidavit that the amounts collected under the head CRA actually pertains to SCC (service connection charges) and is therefore not liable to be refunded. The Commission is of the finding that completely contradictory statements have been made by MSEDCL, which one hand during the hearing, as recorded in the order dated May 17, 2007, submitted before the Commission that CRA is a head-based charge akin to SLC (service line charges). In fact, on the Commission’s finding that collection of head-based charges in the nature of ‘CRA’ has been unlawful, Shri. K.B. Fakir, Electrical Engineer, MSEDCL-Beed Circle, undertook to refund amounts collected from Devang Sanstha, towards ORC, CRA, and cost of meter, together with interest. To this, the Commission had directed MSEDCL to refund to Devang Sanstha and to all such consumers, all amounts collected towards ORC, CRA and cost of meter, together with interest. The Commission is of the view that MSEDCL had all the time available if there was a need to seek a review of the Order dated May 17, 2007 on the contention that CRA is nothing but SCC. However, no such review application has been filed by MSEDCL. MSEDCL has not found it pertinent or necessary to seek a review but has gone ahead and concluded itself that compliance of the Commission’s direction to refund CRA amounts, is not required, as CRA pertains to SCC. This is based on MSEDCL’s interpretation which MSEDCL has not found necessary to check with the Commission by seeking a review. In view of the submissions of MSEDCL under its affidavit filed on May 28, 2007, the Commission holds that MSEDCL has contravened the directions of the Commission under the Order dated May 17, 2007 is therefore liable to be penalized under Section 142.

**11. MSEDCL shall submit to the Commission their statutory auditor’s certificate to the effect that the amounts collected illegally together with interest, as held at paragraph 9(d) and (e) of the Order dated May 17, 2007, have been refunded to the concerned consumers.”**

**(Emphasis added)**

- (e) Hon. Supreme Court judgment in **Civil Appeal No. 4305 of 2007 (DPR No. 20340 of 2007)** filed by MSEDCL against ATE judgment in Appeal No. 22 of 2007.

“Refund is stayed till the matter comes up for hearing on the date fixed i.e. 14<sup>th</sup> September, 2007”

The above interim stay was continued by the Supreme Court vide its order dated 14<sup>th</sup> September 2007 as follows:

“Until further order, interim order passed by this Court shall continue to operate.”

- (f) Commission’s order dated 16.02.2008 in **Case No. 56 of 2007**.

(In the matter of Compliance of directives issued to MSEDCL under Order dated May 17, 2007 passed in Case No. 82 of 2006).

Relevant portion of the order (56 of 2007) is reproduced below: -

“12. Having heard the parties and after considering the material placed on record, the Commission is of the view as under:

  
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(1) Since, MSEDCL do not have a clear conception of Dedicated Distribution Facility and the levy of ORC in the EA 2003 regime, it is necessary to provide guidance on the same and issue necessary directions as under:

(i) At many places prospective consumers with an intention to get better quality of supply seek Dedicated Distribution Facility, though distribution network is available in nearby vicinity and it is possible to give supply by extending the existing network. Such consumers seeking Dedicated Distribution Facility will have to pay the cost incurred in providing the Dedicated Distribution Facility. As per Regulation 2(g) of the Supply Code:

“(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. Such extension or tapping being part of the common network will be affected due to any fault or outages on the common network and cannot be considered as a facility solely or clearly dedicated for giving supply. Thus, in the distribution system, Dedicated Distribution Facility means a separate distribution feeder or line emanating from a transformer or a substation or a switching station laid exclusively for giving supply to a consumer or a group of consumers. The transformer or the substation can also form a part of Dedicated Distribution Facility if it is provided exclusively for giving supply to these consumers and no other consumer is fed from the said transformer/substation. Also, Dedicated Distribution Facility cannot be shared in future by other consumers. Such facilities cannot be imposed on a consumer. If the consumer does not seek Dedicated Distribution Facility, the licensee has to develop its own infrastructure to give electric supply within the period stipulated in Section 43 of the EA 2003 read with the Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005. In fact, the licensee should take advance action to develop the distribution network, based on the survey of growth pockets and demand projections so as to fulfil ‘Universal Service Obligation’ as per the spirit envisaged in the EA 2003 and the Regulations made thereunder.

It is also necessary to point out certain specific portions of the Supply Code Regulations dealing with Dedicated Distribution Facilities, as under:


“3.3.5 Where the Distribution Licensee has recovered the expenses referred to in Regulation 3.3.3 above at any time after the notification of these Regulations, the consumer shall be entitled to the depreciated value of such dedicated distribution facilities, upon termination of the agreement or permanent discontinuance of supply in accordance with these Regulations:

Provided that where such facilities have been provided by the consumer, then such facilities may be retained by the consumer upon termination of the agreement or permanent discontinuance of supply in accordance with these Regulations:

Provided however that where the discontinuance of supply is on account of the consumer’s failure to pay any sum under Section 56 of the Act, the Distribution Licensee, in addition to the rights available under that Section, shall be entitled to adjust such sums due from the depreciated value of facilities to which the consumer is entitled under this Regulation 3.3.5 or to retain facilities of such depreciated value as to cover such sums due from such consumer to the Distribution Licensee.”

(2) In view of the above, the Commission hereby directs that:

(i) MSEDCL should submit ‘Schedule of Charges’ proposing rates on normative

  
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basis, for providing Dedicated Distribution Facilities within two weeks from the date of this order, in accordance with the requirement of Regulation 3.3.3 of the Supply Code Regulations, which specifies as under:

3.3.3 Where the provision of supply to an applicant entails works of installation of Dedicated Distribution Facilities, the Distribution Licensee shall be authorized to recover all expenses reasonably incurred on such works from the applicant, based on the schedule of charges approved by the Commission under Regulation 18.

Therefore, the MSEDCL are directed to levy charges for Dedicated Distribution Facilities based on the schedule of charges approved by the Commission under Regulation 18. The MSEDCL shall take immediate action in this regard. There shall be direction to the MSEDCL in terms hereof.

(ii) Issue instructions to the field offices clarifying the meaning of the term Dedicated Distribution Facility and making it clear that the charges towards the same, as approved by the Commission, should be recovered only if the consumer precisely seeks such facilities.

(iii) Should immediately prepare and submit CAPEX schemes for network expansion required for catering prospective consumers based on load survey and demand projection.

The scheme should basically cover the equipment/material required to release anticipated new connections.

(3) With reference to the prayers of the Petitioners to direct refund of ORC and such other head based charges, the Commission is of the view that taking into account the submissions of the MSEDCL that there have been many instances where there has been an overlap between ORC and SLC (for Dedicated Distribution Facilities) though different nomenclatures may have been used, hair splitting will not be possible in the present petition in this regard. It will not be appropriate to direct refund under this Order as the Order dated August 31, 2007, passed by the Hon'ble Supreme Court in Appeal No. 20340 of 2007 is still in force as the term SLC which is subject matter of appeal has purportedly been charged by MSEDCL herein using the nomenclature of ORC in many Cases although they both are and pertain to SLC. In view of the admittedly overlapping nature of these charges with Service Line Charges which is sub-judice before the Hon'ble Supreme Court, the Commission declines to order refund as stipulated under its Order Case May 17, 2007. It is for the Petitioners to make suitable prayers and agitate in the said proceedings in Appeal No. 20340 of 2007 as the stay Order dated August 31, 2007 continues. This applies also in Case of the third prayer in the present petition.


(4) The issue raised by the Petitioners relating to refund of meter cost, has been raised by MSEDCL under its petition filed on December 19, 2007, seeking a review of the direction contained in the Order dated May 17, 2007 to refund the cost of meter, which stipulates as under:

“5. ....The refunding should be made by MSEDCL in a lumpsum and at one go, and not via adjustments in future energy bills.”

- (g) The Commission's order dated 01.09.2010 in Case No. 93 of 2008. (In the matter of Petition of Akhil Bhartiya Grahak Panchayat, Latur seeking directions against MSEDCL for non-compliance of the Electricity Supply Code Regulations and the Electricity Act, 2003).

“19. Having heard the Parties and after considering the material placed on record, the Commission is of the view as under:

iii. Regarding, 10,740 number of Cases where MSEDCL has recovered charges other than approved Schedule of Charges; the Commission is of the view that these are only indicative Cases found out on the sample checking basis. MSEDCL either has to scrutinise details of all the consumers released during the period of 9th September 2006 to 20th May 2008 for charges levied other than approved Schedule of

  
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*Charges or publicly appeal either through news papers or electricity bills, asking the consumers to contact MSEDCL if such charges are levied on them during above period. Thereafter, MSEDCL should adjust the extra charges collected by MSEDCL in the energy bills of the respective consumers. If any consumer has any grievance regarding excess charges levied by MSEDCL and its refund, they may file the same before the concerned Consumer Grievance and Redressal Forum established by MSEDCL under the provisions of Section 42(5) of the EA 2003 read with the “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2006”. This directive of refund of excesses recovered charges will not be applicable to the charges of which refund is stayed by Hon. Supreme Court in Civil Appeal No. 20340 of 2007.”*

(h) **The Commission’s order dated 08.12.2014 in Case No. 105 of 2014**

(In the matter of Petition of MRVGS for penal action against MSEDCL for breach of provisions of law in respect of new electricity connections to Agricultural consumers, and non-compliance of certain other directions).

The relevant portion is reproduced below: -

*“16. MSEDCL appears to have complied with the direction to ascertain if additional charges beyond the approved Schedule of Charges were recovered during the relevant period from consumers, or publicly appeal to affected consumers and refund the charges. **Any remaining consumers can also approach MSEDCL, and the CGRFs if they do not get a response.** However, MSEDCL should submit to the Commission, before the Technical Validation Session (TVS) in respect of its pending MYT Petition, the number of consumers identified, and additional charges refunded or pending for refund so far.*

*17. The Commission has noted MSEDCL’s submission regarding compliance of directions to review its Circulars and practices in the context of DDF, service connections, etc.*

*18. MSEDCL’s Reply in the present proceedings is silent on submission of a Schedule of Charges for DDF. While there may be complexities in such an exercise, the Commission directs MSEDCL to make its submission to the Commission on this matter before the TVS to be held on its pending MYT Petition, since the Schedule of Charges would also be addressed in those proceedings.*

*19. The Commission is of the view that, while there has been no breach of the provisions of law or the Commission’s Orders as contended in some matters, with regard to the remaining no useful purpose would be served by invoking Sections 142 and 146 of the EA, 2003 in view of the foregoing.”*  
*(Emphasis added)*

(i) **Supreme Court judgment dated 10.11.2016 in Civil Appeal No. 4305 of 2007** filed by MSEDCL. Relevant portion of the judgment is reproduced below: -

*“Ms. Rimali Batra, the learned counsel, appearing for the appellant has argued vehemently and has made all submissions, which could have been made. However, we are unable to agree with her submissions. The impugned judgement does not require any interference.*

*The Civil Appeal is dismissed. Pending application, if any, stands disposed of.”*

  
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- (j) **Letter No.3955 dated 20.07.2017 from the Commission addressed to MSEDCL** for compliance of Commission's directives regarding refund of amount recovered other than approved schedule of charges by the MSEDCL, after the Judgment dated 10.11.2016 of the Supreme Court dismissing Civil Appeal No. 4305 of 2007.

Relevant portion of the letter is quoted below:-

*"6. With dismissal of MSEDCL's Appeal, stay granted on refund of amount becomes non exist. Hence, MSEDCL needs to comply with the Commission's order dated 17 May, 2007 and 21 August, 2007 and refund the amount to the consumers.*

*7. In view of above, MSEDCL is required to submit compliance of the Commission's orders dated 17 May, 2007 and 21 August, 2007."*

33. From above referred orders, a few things emerge distinctly: -


- (i) Commission issued Schedule of Charges order dated 08.09.2006 in Case No. 70 of 2005. MRVGS filed a petition (Case No. 82 of 2006) with the Commission, as MSEDCL unauthorizedly collected monies under the head of ORC, cost of meter and CRA in violation of Schedule of Charges order. The direction of the Commission dated 17.05.2007 in this Case is as below: -


*"9 (d) MSEDCL should submit a detailed compliance report under affidavit, with respect to refund of amounts collected from all consumers towards ORC, cost of meter and 'CRA', together with interests, on and from September 8, 2006 (which the date of enforcement of the Order dated September 8, 2006 in Case No. 70 of 2005) up to April 30, 2007."*

It clearly means that the refund was limited to the period from 08.09.2006 to 30.04.2007.


- (ii) MSEDCL filed Appeal with the ATE being Appeal No. 22 of 2007 against Commission's order in Case No. 70 of 2005. ATE in its judgment dated 14.05.2007 upheld the order of the Commission. This was challenged by MSEDCL in Supreme Court in Civil Appeal No. 4305 of 2007.
- (iii) MRVGS filed a complaint through Case No. 82 of 2006 seeking refund of monies collected by MSEDCL towards ORC, cost of meter and CRA. Commission issued order on 21.08.2007 and imposed penalty on MSEDCL. Relevant portion being as below:-

*"11. MSEDCL shall submit to the Commission their statutory auditor's certificate to the effect that the amounts collected illegally together with interest, as held at paragraph 9(d) and (e) of the Order dated May 17, 2007, have been refunded to the concerned consumers." (Emphasis added)*

  
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- (iv) Supreme Court stayed the judgement of ATE by order dated 31.08.2007 thereby staying the refund, and further on 14.09.2007 the Supreme Court issued directions that until further orders, interim order issued by it shall continue to operate.
- (v) MRVGS filed petition with the Commission on 05.11.2007 through Case No. 56 of 2007 seeking compliance of directions issued by the Commission in its order dated 17.05.2007 in Case No. 82 of 2006. The Commission in this order said that it will not be appropriate to direct MSEDCL for refund in view of the pendency of Civil Appeal in the Supreme Court. It also clarified the issue of DDF. It means that no refund can be ordered for the Cases falling between 08.9.2006 to 30.04.2007, on account of stay granted by the Hon'ble Supreme Court.
- (vi) At this stage, in view of above development, MSEDCL issued Circulars on 09.05.2007 for refund of meter cost, and on 20.05.2008 regarding guidelines for releasing new connections and augmentation. In this Circular MSEDCL framed a policy for recovery of charges towards development of infrastructure.
- (vii) In the meantime, on 10.11.2016, the Supreme Court dismissed Civil Appeal No. 4305 of 2007 which was filed by MSEDCL against ATE Judgment. Therefore, the stay got automatically vacated and the Commission's order in Case No. 70 of 2005 dated 08.09.2006 became operative.
- (viii) The Commission then issued letter dated 20.07.2017 to MSEDCL for compliance of Commission's directives regarding implementation of its order dated 17.05.2007 and 21.08.2007 both in Case No. 82 of 2006.
- (ix) On close scrutiny of the legal travel of the Case, it is noted that the issue of SLC was taken up at ATE and then in Supreme Court by MSEDCL. The Commission has also accepted the reality that there has been an overlap between ORC and SLC. The Commission, in its order dated 17.05.2007 in Case No. 82 of 2006 **has stipulated period of refund for amount collected towards ORC, Cost of Meter and CRA from 08.09.2006 to 30.04.2007**. However, this refund could not take place because of specific order of the Commission dated 16.02.2008 in Case No. 56 of 2007 due to Civil Appeal No. 4305 of 2007 pending in Supreme Court and stay thereon.

  
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34. It is important to note that barring the consumers from whom the amount towards ORC, Cost of Meter and CRA was collected by MSEDCL during 08.09.2006 to 30.04.2007, the rest of the consumers, if any, who paid such amount, they had an option to adopt the grievance redressal mechanism under the Regulations of the Commission for redressal of their grievance with respect to refund. This is clear from para 19 of the Commission's order dated 01.09.2010 in Case No. 93 of 2008 which is quoted above at Para No. 21 (g). Moreover, the Commission, in its order dated 08.12.2014 in Case of 105 of 2014 has specifically said that it is satisfied with the action of MSEDCL in compliance of its order in Case No. 82 of 2006. The Commission in this order has specifically said that **"Any remaining consumers can also approach MSEDCL, and the CGRFs if they do not get a response."** The relevant paragraph of the Commission's order is captured at Para No. 21 (h) of this order.


35. Now let us examine whether the instant representations fit into the matrix of the period 08.09.2006 to 30.04.2007 which is considered by the Commission for refund with respect to their date of payment. This is envisaged in the Commission's order dated 17.05.2007 in Case No. 82 of 2006.

36. Further, the Commission in its order dated 16.02.2008 in Case No. 56 of 2007 has specifically denied grant of relief as regards refund of the cost as stipulated under its order dated 17.05.2007 in Case No. 82 of 2006. In this order dated 17.05.2007 at para 21 (d), the Commission has said that *"MSEDCL should submit a detailed compliance report under affidavit, with respect to refund of amounts collected from all consumers towards ORC, cost of Meter and 'CRA', together with interest, on and from September 8, 2006 (which was the date of enforcement of the Order dated September 8, 2006 in Case No. 70 of 2005) up to April 30, 2007;"*

37. Therefore, it is clear that **the amount collected by the MSEDCL during period 08.09.2006 to 30.04.2007 was the subject matter of dispute**, and which was subsequently ordered **to be refunded post dismissal of C.A. No. 4305 of 2007 by the Hon'ble Supreme Court.**

38. On conjoint reading of all the Orders of the Commission, the Judgment of the Hon'ble Supreme Court and more particularly, the Commission's order dated 08.12.2014 in Case 105 of 2014, the refund to the eligible consumer needs to be done on the criteria of date of payment of those charges by the individual consumer and in this Case, by the Appellants.

  
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39. The Appellants under these Representations have agitated the matter of refund of ORC, Metering Cost, etc. which they incurred / paid for work carried out by them. The details of estimates with sanctioned number, amount paid, etc. is as below:

Rep.No.	Consumer No. & Type of Connection	Purpose	Estimate Sanction Amount (Rs.) and Date	Scope of Work	Date of Payment of Supervision Charges	Date of Release of Connection	Total Refundable Principle Amount
31 of 2022	250380142909 & 250380142917 Industrial	New connection of 55 HP & 51 HP	Rs. 3,73,200/- dated 24.04.2006	11 KV HT Line: 0.28 KM, Distribution Transformer:100 KVA and Metering Works	12.06.2006	09.11.2006	Rs. 3,73,200/- only + Interest
32 of 2022	279950175057 Industrial	Load enhancement from 15 HP to 114 HP	Rs. 1,90,400/- dated 09.12.2005	LT line, Distribution Transformer Centre 100 KVA & concerned works and Metering Works	13.12.2005	Feb-06	Rs. 1,53,650/- only + Interest
33 of 2022	279950175324 Industrial	New Connection of 137 HP	Rs. 15,36,500/- dated 9.12.2005	11 KV HT line 0.17 KM, Distribution Transformer Centre 100 KVA & concerned works and Metering Works	13.12.2005	02.02.2006	Rs. 1,90,400/- only + Interest

40. In view of above, discussion wherein the various orders of the Commission, the Judgments of ATE and then the Hon'ble Supreme Court and subsequent developments, the works under the Estimates sanctioned under the respective Representations No. 31, 32 and 33 of 2022 do not fall in the bracket of the period **08.09.2006 to 30.04.2007** as contemplated under the orders of the Commission which has been explained hereinabove. The estimates are much earlier to the date of 08.09.2006, hence the Appellants do not qualify for the refund of infrastructure cost. The Appellant was at liberty to have agitated the matter before the grievance redressal mechanism at that point of time. Even if it had not chosen to agitate the matter at that point of time, it could have well agitated the issue after the Commission's order dated 08.12.2014 in Case No.105 of 2014 wherein it has been made crystal clear by the Commission at para 16 that ***"Any remaining consumers can also approach MSEDCL, and the CGRFs if they do not get a response."*** Despite this, the Appellants approached the Forum on 10.12.2019, 20.12.2019 and 20.12.2019 in Rep. No. 31 of 2022, 32 of 2022 and 33 of 2022 respectively. This exceeds the period of two years from the date of cause of action, and therefore, does not fit into the regulatory matrix stipulated under Regulation 6.6 of the CGRF Regulations 2006 which says that the Forum shall not admit any grievance unless it is filed within two (2) years from the date on which the cause of action has arisen. Therefore, the prayers of the Appellants do not stand scrutiny in the face of Regulations and Orders of the Commission.

  
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41. In view of above, the Appellants are not eligible for refund of infrastructure cost. The Representations are disposed of accordingly.

Sd/  
(Vandana Krishna)  
Electricity Ombudsman (Mumbai)



(Dilip Dumbre)  
Secretary

Electricity Ombudsman Mumbai

