

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 10 OF 2025

In the matter of refund of infrastructure cost

Clean Science and Technology Ltd.Appellant
(Consumer No. 173619053340)

V/s.

Maharashtra State Electricity Distribution Co. Ltd., Baramati CircleRespondent
(MSEDCL)

Appearances:

Appellant : Mahesh C. Dhage, Consumer Representative

Respondent: 1. M.S. Misal, Executive Engineer (Adm.)
2. Mrs. P. V. Bakhal, Dy. Executive Engineer
3. Mrs. Nital Hase, Jr. law Officer


Coram: Vandana Krishna [I.A.S.(Retd.)]

Date of hearing: 23rd April 2025

Date of Order : 15th May 2025

ORDER

This Representation was filed on 6th March 2025 under Regulation 19.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2020 (CGRF & EO Regulations 2020) against the order dated 24th January 2025 passed by the Consumer Grievance Redressal Forum, Baramati (the Forum) in Case


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No. 37 of 2024. The Forum by its order has partly allowed the grievance application. The operative part of the order is as below:

“2. As per MERC Order 70 of 2005, decided on dated 08/08/2006, this is explicitly mentioned in Regulation 15.1 & 15.2 of the supply Regulation, 2021 to be refunded of Rs. 5,73,400/- & be credited in consumer no. 173619053340 electricity bill.”


[Note: This means that the Forum has allowed only the refund of metering cost of Rs.5,73,400/- out of the total estimate of Rs.25,09,100/-.]


2. Aggrieved by the order of the Forum, the Appellant filed this representation. A physical hearing was held on 23.04.2025. Parties were heard at length. The Respondent's submissions and arguments are stated as below: - *[The Electricity Ombudsman's observations and comments are recorded under 'Notes' where needed.]*

(i) **Background Information & Connection Details:**

The Appellant was initially a Low Tension (LT) consumer from 09.04.2015 having old consumer no. 173270007483 at Plot Nos. D-6/3, D-25/1/1, and D-26/1, MIDC Kurkumbh area, Taluka: Daund, District: Pune. Subsequently, the Appellant submitted an application requesting a 33 KV High Tension (HT) electricity supply, with a connected load of 964 KW and a Contract Demand of 630 KVA in 2017. As per Regulation 5.3 (iii) of the Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014 (SOP Regulations 2014), **the stipulated supply level of the Appellant for 630 KVA should be 11 KV. However, the Appellant opted to receive supply at 33 KV voltage level instead of the standard 11 KV voltage level.** Regulation 5.3 is quoted below:

5.3 Except where otherwise previously approved by the Authority, the classification of installations shall be as follows:—


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a) AC system

- (i) Two wires, single phase, 230 / 240 volts- General supply not exceeding 40 amperes.
- (ii) Four / Three wires, three phase, 230 / 240 volts between phase wire and neutral or **400 / 415volts between the phases / lines** and contract demand not exceeding 80 kW/ 100 kVA in all areas, except in Municipal Corporation areas where **such limit would be 150 kW/ 187kVA:**

.....

- (iii) **Three phase, 50 cycles, 11 kV – all installations with contract demand above the limit specified in the clause (ii) and up to 3000kVA :**

Provided that in Mumbai Metropolitan Region or in case of supply to an installation through an express feeder in other area, the contract demand limit would be 5000 kVA.


- (iv) Three phase, 50 cycles, 22 kV – all installations with contract demand above the limit specified in the clause (ii) or clause (iii) and up to 7500 kVA :

Provided that in Mumbai Metropolitan Region or in case of supply to an installation through an express feeder in other area, the contract demand limit would be 10,000 kVA.

- (v) Three phase, 50 cycles, 33 kV – all installations with contract demand above the limit specified in the clause (ii) or clause (iii) or (iv) above and up to 10,000 kVA :

Provided that in Mumbai Metropolitan Region or in case of supply to an installation through an express feeder in other area, the contract demand limit would be 20,000 kVA.

Hence this case was categorized under **Non-SOP** and the Appellant was connected at the 33 KV Voltage Level on 19.06.2018 (Consumer No. 173619053340) through the 33 KV old


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Shipla Feeder. This 33 KV Feeder operates as a “Group Consumers’ Express Feeder” originating from the 220/33 KV Kurkumbh Sub-Station.

(Typically, at a 220/33 KV substation, there are 2 incomers and 12 outgoing bays for 33 KV feeders. Due to the challenge of allocating a separate 33 KV bay to each consumer requiring an uninterrupted power supply, the concept of Group Express Feeders is implemented due to space constraint and also as a techno-economical concept . The specific 33 KV feeder in question is maintained as an Express Feeder, ensuring continuous power supply.)

In this case, initially, the Appellant had executed the proportionate work at the 33 KV level of Group 33 KV Feeder under the Dedicated Distribution Facility (DDF) Scheme, as it was categorized under “Non-SOP”. The Appellant knew the details of the DDF Scheme. The supply was successfully released on 18.01.2018.

- (ii) The Appellant then enhanced its connected load and contract demand on 33 KV Level from time to time till date which is tabulated below:

Table 1:


Appellant	Date of Application	Date of Release	Old load (KW)	New/Addl. Load (KW)	Total Sanc. Load (KW)	Old demand (KVA)	New/Addl. Demand (KVA)	Total Contract Demand (KVA)	Remarks	Open Access (KVA)
Clean Science and Technology Ltd.	12.04.2017	18.01.2018		636	636		630	630	DDF Work under Non-SOP Level	3947
	19.06.2018	Dec. 2018	636	964	1600	630	250	880	Released on existing system	
	15.09.2020	Mar.2021	1600	1850	3450	1400	1600	3000		
	20.05.2022	Jan.2023	3450	1450	4900	3000	1000	4000	DDF Work as opted by consumer	
	13.02.2023	Sep. 2023	4900	300	5200	4000	600	4600	Released on existing system	


At present, the Appellant has sanctioned load of 5200 KW & contract demand of 4600 KVA.

(iii) **Submissions :**

The Appellant had applied for additional load of 1450 KW and enhancement in contract demand of 1000 kVA by its letter dated 20.05.2022 under DDF Scheme as tabulated below:

Table 2:


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Appellant	Date of Supply	Sanct. Load (KW)	Addl. Sanct. Load (KW)	Total Load (KW)	Contract Demand (KVA)	Addl. KVA	Total KVA	Open Assess (KVA)
Clean Science and Technology Ltd. (Cons. No.73619053340)	18.01.2018	3450	1450	4900	3000	1000	4000	3947

- (iv) The Appellant chose to complete the work under the 1.3% supervision charges of the DDF scheme and, accordingly, submitted an undertaking along with his electrical contractor, M/s. Sujay Electricals and Works. This undertaking, duly notarized on stamp paper, has been placed on record.
- (v) Subsequently, the work was sanctioned under the 1.3% DDF scheme through Estimate dated 14.10.2022, with an estimated cost of ₹25,09,100/-. The project involved replacing the existing conductor with a 232 sq. mm AAAC conductor over 32 spans (2 KM) to enhance capacity, replacing 12 out of 32 poles which was needed for technical requirements as per site survey, and installing a new meter along with a check meter.
- (vi) The sanction letter explicitly states that the work is approved under an estimated cost of Rs. 25,09,100/- under the 1.3% DDF scheme. Consequently, only 1.3% supervision charges, amounting to Rs. 32,140/-, were paid by the Appellant to MSEDCL, as per the receipt dated 18.10.2022. This DDF work was completed and supply was released on 30.01.2023.
- (vii) **Technical Parameters & details -**

As per SOP Regulation 2014 (which was in force) , appropriate voltage level up to 3000 KVA was 11 KV and up to 7500 KVA was 22KV. The Consumer opted for HT connection on 33KV level as per A-1 application submitted by the consumer for the contract demand of 630 KVA on 18.01.2018. An 11 KV voltage level was available at its vicinity i.e. at Kurkumbh substation. E.D.(Dist.) of the Respondent issued guidelines regarding Non-SOP Voltage Level vide circular dated 11.09.2019, according to which the additional load applied by the consumer comes under “Non-SOP level” as the consumer opted for higher voltage level.

“Director(Operations) in consultation with Executive Director (Dist.) and Executive Director


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(MSETCL) is empowered to sanction start-up power, load of open access, all the loads where prescribed voltage level is not maintained corresponding to the contract demand” .

Therefore, the Superintending Engineer, Baramati rural circle submitted this proposal to sanction the additional load to the Appellant considering Open access HT consumer. **Approval was accorded by the competent authority on 30.09.2022 which clearly states that the “estimate for works involved for release of the said load and its cost will be borne by the applicant” The sanction letter by SE, BRC reiterates the same condition. The consumer has willingly agreed to this and submitted his undertaking to complete this work under 1.3% supervisory charges scheme considering additional load of 33 % (additional 1000 KVA w.r.to existing 3000 KVA) and considering existing open access consumer having capacity of 3947 KVA.**


(viii) **Forum’s Case No 37 of 2024:**

The Appellant filed a grievance application before the Forum on 10.09.2024. Its main prayer was for reimbursement of all infrastructure cost incurred by it. The Forum by its order dated 24.01.2025 partly allowed the grievance application and allowed reimbursement of only metering cost of Rs.5,73,400/- The Respondent has already complied with the Order of the Forum and refunded the amount of Rs. 5,73,397/- in the energy bill of Feb-25.

- (ix) As per Circular No CE (Dist.)/D-III/NSC/10992 dated 15.05.2018 and CE (Dist.)/D-III/NSC/30011 dated .20.12.2018 *“all electrical infrastructure to supply electricity to a person up to distribution mains will be developed by MSEDCL at its own cost (except in case of DDF work as per Section 3.3.3 and Section 3.3.5 of supply Code Regulations 2005) and will claim the expenditure in ARR as per governing regulations.”*

II). The Schemes to release new connections are summarized as below:

- i. DDF, paying only supervision charges of 1.3 % of DDF Estimate.
- ii. Non-Dedicated Distribution Facility (CC& RF) Scheme
- iii. New Service Connection (NSC) Scheme.


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- (x) The Appellant has availed services from MSEDCL at the same premises repeatedly right from availing LT connection to converting it from LT to 33 KV HT level, which was done under 1.3% DDF scheme. Then he opted for additional load repeatedly as shown in Table 1. At the time of taking additional load the necessary work as per technical requirements was also opted for willingly under DDF Scheme, in spite all the schemes informed to him orally. The DDF scheme is mainly opted by a consumer when there is urgency of work. There is no deliberate misinformation / withholding of information. The connection was released on NON-SOP level only after necessary approval from the competent authority on the condition that the consumer is ready to bear the charges, and accordingly the consumer submitted its consent through an undertaking on stamp paper. Only supervision charges were paid by the consumer. In its affidavit (executed by the consumer), it is specially mentioned that :-


“ I further undertake to relinquish the claim towards infrastructure for works being undertaken against sanction no.under DDF scheme.

.....

The above undertaking is given at our own cost and risk with full knowledge of risk, legality and cost coverage and shall not claim any cost or compensation before any authority whatsoever against MSEDCL”.

This clearly indicates that the Respondent did not force the Appellant to carry work under DDF Scheme.

- (xi) The Appellant was also aware that an electric connection would be required for its sister concern, M/s Clean Finochem which was to be provided after the strengthening of the existing feeder. Subsequently, MSEDCL released the new connection to the said sister concern of the Appellant on the existing 33 KV Level. The benefit of DDF Work was given to its sister concern.
- (xii) The Appellant submitted a request for refund of infrastructure costs to the Respondent on 20/06/2024, despite having availed the additional load and enhanced contract demand from 20/01/2023. No objection or protest was raised by the Appellant during the execution of the



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Dedicated Distribution Facility work. As a high-status consumer working with mutual coordination and a having a good working relationship with MSEDCL authorities, the Appellant extended full cooperation during the sanctioning and execution of the DDF work, which involved multiple shutdowns. At no point, either orally or in writing, did the Appellant express any dissatisfaction with the process. In this context, the refund application appears to be an **afterthought**.

- (xiii) A consumer who voluntarily undertakes a portion of the electrical infrastructure work—typically due to the urgency of obtaining a new connection or the need for reliable supply—is generally considered to be executing a "Dedicated Distribution Facility" (DDF) work. The Commission has also permitted such DDF work for tapping High Tension (HT) feeders, particularly in cases involving proposed agricultural consumers requiring urgent connections, in view of MSEDCL's limited budget for infrastructure associated with new service connections. Broadly, the DDF concept refers to infrastructure work carried out and completed by the consumer at their own expense. As a government undertaking, MSEDCL functions with the objective of promoting social development and public welfare, and does not engage in practices aimed at profiteering or exploiting consumers.
- (xiv) The Appellant has benefited from this work, enabling the release of additional load and a new connection for its sister concern, 'Clean Finochem,' which was sanctioned Contract Demand of 3100 KVA and released on 28.12.2023 for this section. Additionally, the Appellant is an open access consumer, utilizing 3947 KVA capacity for delivering this power at the consumer's end.
- (xv) **The Respondent referred to various orders of the Electricity Ombudsman (Mumbai).**
 - (i) Representation nos. 20,21 &22 of 2023
 - (ii) Representation of 51/2023

The Respondent also referred the order of the High Court Bombay, Nagpur Bench in WP No. 1588 of 2019 in Case of MSEDCL V/s Mahamaya Agro Industries and others in support of its arguments.



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(xvi) In view of the above, the Respondent prays that the representation of the Appellant be rejected.


3. The Appellant's submissions and arguments are stated as below: -

- (i) The Appellant, a 33 KV HT consumer (Consumer No. 173619053340) since 18/01/2018 at 33kV level. The sanctioned load is 3450 KW with a Contract Demand of 3000 KVA. This consumer operates under partial Open Access with an OA Demand of 3947 KVA. The Appellant is supplied through the 33 KV Old Cipla Feeder originating from the 220/33 KV Kurkumbh Sub Station. This feeder is neither an express feeder nor a DDF Feeder. It serves multiple 33 KV consumers.
- (ii) As the Appellant required an additional load at the 33 KV level (current voltage level being 33 KV), an application for additional load was submitted to MSEDCL on 20/05/2022. The additional load requested was 1450 KW, with an incremental Contract Demand of 1000 KVA, as detailed in Table 2. Consequently, the total sanctioned load stands at 4900 KW, with a Contract Demand of 4000 KVA, while the OA Demand of 3947 KVA remains unchanged.
- (iii) The Respondent sanctioned the Appellant's demanded load under the 1.3 % DDF scheme vide LETTER No. 3129 dated 14/10/2022. The associated work involved includes the following:
 - a. **Reconductoring of Existing 33 KV Line:** Replacement of 232 sq. mm AAAC on 152 x 152 mm, 13-meter poles along the existing 33 KV line. This involved replacing 10 poles on the Old Cipla Feeder and completing the reconductoring.
 - b. **Replacement of Main & Check Meters with CT& PT:** Installation of new meters along with CT (Current Transformer) and PT (Potential Transformer) Kiosk.


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- c. **Testing of CT and PT:** Ensuring accurate functionality of the newly installed equipment through thorough testing.
- d. **Estimated Expenditure:** As per MSEDCL's estimate, the total expenditure amounted to Rs. 25,09,100/-, along with a testing fee of Rs. 36,000/-. This brings the total to Rs. 25,45,100/- (Rupees Twenty-Five Lakh Forty-Five Thousand and One Hundred only).
- (iv) **Completion of Work and Refund Request:** The work, as per the estimate, has been executed and completed. Following its completion, the Work Completion Report was submitted by the Assistant Engineer, Kurkumbh section, through letter AE/KKB/T/246, dated 13/12/2022. Subsequently, the Concerned Executive Engineer, Kedgaon, forwarded the report to the Superintending Engineer's office via letter EE/Ked/T/5045, dated 22/12/2022. Upon completion of all requisite official formalities, the Superintending Engineer, Baramati Circle, issued the release order under reference SE/BRC/T/HT/NEW/22-23/3129, dated 30/01/2023. As a result, the additional load on the same feeder supplying other consumers was successfully released by MSEDCL under the DDF scheme. Given this, the estimated expenditure of Rs. 25,09,100/- plus a testing fee of ₹36,000/- (totalling Rs. 25,45,100/-) along with applicable interest from the date of asset handover is requested to be refunded.
- (v) **Legal Basis for Reimbursement and Appeal:** The responsibility for infrastructure development lies with the Licensee i.e., MSEDCL, as per Section 42 of the Electricity Act, 2003 (the Act). The augmentation of the conductor and associated materials of the existing 33 kV feeder to meet the load demand is the responsibility of the Licensee. In alignment with Section 42 of the Act, Regulation 4.2(a) of the Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021 (Supply Code & SOP Regulations 2021) also mandates that costs incurred by the consumer for such purposes shall be reimbursed.


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“4.2 The charges that a Distribution Licensee is authorized to recover under these Regulations include-

(a) recovery of such expenses as may be reasonably incurred by the Distribution Licensee in providing electric line or electrical plant used for the purpose of giving supply, in accordance with Regulation 4.3 below:

provided
.....
.....


4.3 Recovery of expenses for giving supply

*4.3.1 The Distribution Licensee shall recover the expenses referred to in Regulation 4.2 (a) above, in accordance with the principles contained in this Regulation 4.3 and based on the rates contained in the **Schedule of Charges approved by the Commission under Regulation 19:***

19. Schedule of Charges

19.1 Every Distribution Licensee shall file the Schedule of Charges for matters contained in these Regulations and for such other matters required by Distribution Licensee to fulfil its obligation to supply electricity to Consumers, along with every application for determination of tariff under Section 64 of the Act together with such particulars as the Commission may require:

.....



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19.4 The existing Schedule of Charges of the Distribution Licensee shall continue to be in force until such time as the Schedule of Charges submitted by the Distribution Licensee under Regulation 19.1 is approved by the Commission.

Furthermore, the MERC, in its Order 56 of 2007, issued on 16/02/2008, reiterates this principle.

- (vi) In this case, the existing 33KV old Cipla feeder's cut point pole & middle pole of the line were replaced for strengthening and augmentation of conductor. This work was carried out by replacing 100 Sq. mm to 232 sq. mm AAAC conductor. Therefore, the cost incurred by the Appellant for the augmentation of the conductor should be reimbursed by MSEDCL.
- (vii) **Metering Equipment and Refund of Costs:** The metering equipment is required to be provided by MSEDCL in accordance with MERC Order No. 70 of 2005, issued on 08/09/2006. This is explicitly stated in Regulations 15.1 and 15.2 of the Supply Regulation, 2021. Consequently, the costs associated with metering equipment must be refunded, along with the testing fees previously recovered. *[Note: The Forum by its order has already directed to refund the metering cost. The Respondent has complied the Forum's order and refunded Rs. 5,73,397.24 towards cost of metering charges, as reflected in the bill for February 2025.]*
- (viii) The bills and other material invoices' original copies have been submitted to MSEDCL at the time of work completion report and handing over of the material.
- (ix) The Appellant submitted an infrastructure cost refund application to MSEDCL on 20/06/2024 vide inward No 5226. However, MSEDCL has not taken any action against the application. The Appellant filed a grievance application before the Forum on 10.09.2024. The Forum by its order dated 24.01.2025 partly allowed the grievance application. The Forum allowed to reimburse the metering cost. which is in line with the MERC order No 70 of 2005 & other reference. However, recovery of Testing fee


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for the Testing of CT/ PT is also against the Supply Regulation, as CT/PT is a part of the metering. Thus, the fee recovered for testing is to be refunded to the consumer. Further the Forum did not allow the reimbursement of infrastructure cost. The Forum failed to understand that the Licensee is duty bound to carry out infrastructure works with its own fund and not from the consumer.

- (x) The Appellant prays that the Respondent be directed
- (a) to refund infrastructure, metering, testing fee expenditure totalling Rs 25,45,100/- with interest on lump sum basis, or it may be adjusted through energy bills as per prevailing practices.
 - (b) to take appropriate action against the concerned MSEDCL officer for violation of MERC commission orders No 70/2006 & 56/2007 and also their own circulars against the respondent under Section 142 & 146 of the Electricity Act, 2003.
 - (c) to compensate towards follow up, litigation and mental harassment with cost of Rs 50,000/-.

Analysis and Ruling

4. Heard both the parties and perused the documents on record. The Appellant is 33 KV HT consumer (No. 173619053340) from 18/01/2018 on 33 KV Old Cipla Feeder from the 220/33 KV Kurkumbh Sub Station, having sanctioned load of 3450 KW with a Contract Demand of 3000 KVA and partial Open Access of 3947 KVA. The Appellant applied for additional load to MSEDCL for 1450 KW and enhancing Contract Demand by 1000 KVA on 20/05/2022 as tabulated in Table 2. The Respondent sanctioned the Appellant's load demand under the 1.3% DDF scheme via letter No. 3129 dated 14/10/2022. The work involved reconductoring the existing 33 KV line, replacing 12 poles on the Old Cipla Feeder, upgrading main and check meters with CT & PT Kiosk., and testing the newly installed equipment. MSEDCL estimated the total expenditure at Rs.


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25,09,100/-. The estimated work was completed, and the work completion report was submitted to the Assistant Engineer, Kurkumbh section, on 13/12/2022. The Executive Engineer, Kedgaon, forwarded it to the Superintending Engineer's office on 22/12/2022. After finalizing official formalities, the supply was released on 20.01.2013.

5. The Appellant contended that as per Section 42 of the Electricity Act, 2003, MSEDCL is responsible for infrastructure development, including conductor augmentation to meet load demands. The above work should have been executed under NSC Scheme by the Respondent. The DDF Scheme was forced on to the Appellant by the Respondent. The alleged DDF Scheme is not as per definition of "DDF" as per Commissions' order 56 of 2007. Regulation 4.2(a) of the MERC Supply Code & SOP Regulations, 2021, mandates reimbursement of consumer-incurred costs for such purposes.

6. The Respondent contended that the Appellant was initially an LT consumer from 09.04.2015 and later applied for a 33 KV HT supply in 2017 with a connected load of 964 KW and a Contract Demand of 630 KVA. Though Regulation 5.3(iii) of SOP Regulations 2014 stipulates an 11 KV supply for 630 KVA, the Appellant opted for 33 KV Voltage Level.

7. The Appellant opted to complete the work under the 1.3% supervision charges prescribed by the DDF scheme. In accordance with this decision, the Appellant submitted an undertaking, duly notarized on stamp paper, along with the formal appointment of his electrical contractor, M/s. Sujay Electricals and Works. This undertaking has been officially placed on record as part of the documentation supporting the execution of the project. The Appellant has successfully carried out the necessary work to enhance the electrical infrastructure. The total length of the feeder involved in this project spans 32 spans, equivalent to 2 kilo-meters. As part of the enhancement process, 12 out of the 32 poles were replaced, and a higher-sized conductor was installed up to the Appellant's factory. However, it is important to note that this upgrade was specific to the section leading to the


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factory and did not encompass the entire 33 KV feeder. This infrastructure improvement has provided tangible benefits to the Appellant. Notably, the upgrade facilitated the release of additional load capacity, enabling a new connection for the Appellant's sister concern, 'Clean Finochem.' The said entity was sanctioned a Contract Demand of 3100 KVA, which was successfully released on 28.12.2023 for this particular section. Moreover, the Appellant is an open-access consumer, utilizing a substantial capacity of 3947 KVA for power delivery at the consumer end. At this juncture, this authority cannot change the work executed under DDF Scheme into the NSC scheme.

8. This issue has already been adjudicated upon at the High Court level. The High Court Bombay, Nagpur Bench in W.P. No. 1588 of 2019 in Case of MSEDCL V/s Mahamaya Agro Industries and others and W.P. No. 4826 of 2019 in Case of Mahamaya Agro Industries V/s MSEDCL & others held that: -

“19) It is well settled that the law would not assist a sleeping litigant. The conduct of the litigant also has to be considered to assess as to whether a litigant has approached the Court with clean hands and whether the factual background indicates laches or mala fides that could be attributed to his conduct.

(20) The consumer in the instant case, had approached the company for a special HT connection. This HT connection cannot be equated with a normal connection so as to canvass that the company is duty bound to supply electricity as a part of public amenity, at the door step of every citizen. The company brought it to the notice of the consumer that he would have to spend Rs.3,97,000/- approximately towards the installation and laying of the electricity lines. From the transmission line meant for high tension consumers, the consumer itself arranged for the infrastructure and the stringing of the electricity wires upto the metering room of the consumer. Considering the costs of the equipment utilized, the consumer itself spent Rs.3.97 lakhs. As the consumer desired to have the HT


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connection, being a Plastic Industry indulging in manufacturing activities, the said amount was spent without any protest or murmur. No right was reserved to seek reimbursement of the said amount, in as much as, there was no grievance made by the consumer that the company is forcing the consumer to spend.

(21)

(22) *I find the conduct of the consumer to be unacceptable and to say the least, unethical. To begin with, as the consumer desired to commence its manufacturing activity, it showed its willingness to spend on the infrastructure to install the HT connection. The meter room was also constructed as the company desired that the infrastructure and the meter should be adequately protected. The consumer had spent on these activities being convinced that it was necessary. After more than two years, the consumer now desires that the infrastructure costs should be borne by the company and the meter room constructed for the maintenance and protection of the meter and connecting wires, should also be at the costs and expenses of the company.....*


(23)

(24)

(25) *The consumer contends that the M.E.R.C. vide ruling dated 08.09.2006 in Case No.70/2005, has held in paragraph 1.4 that the commission has decided to rationalize the normative charges by reducing the load slab proposed by M.S.E.D.C.L. The normal service connection charges as approved by the commission are indicated in Annexure-A and the commission approves a rate of 1.30% of the normative charges to be recovered towards supervision charges in case M.S.E.D.C.L. permits an applicant to carry out works through a licensed electrical contractor. It is also held that the commission allows M.S.E.D.C.L. to recover the normative charge for the total load – contract demand as per the applicable load – slab.*

(26)

(27)


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(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.*

(31) *Consequently, the second Petition No.4826/2019, stands dismissed.”*

9. 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.

10. The Forum has given a fair and reasoned order, which does not need any interference. The Representation is rejected and disposed of accordingly.

Sd/
(Vandana Krishna)
Electricity Ombudsman (Mumbai).


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