

**CONSUMER GRIEVANCE REDRESSAL FORUM,
AMRAVATI ZONE, AMRAVATI.**

" Vidyut Bhavan" Shivaji Nagar, Amravati, Amravati : 444603 Tel No 0721 .2551158

ORDER

Dt.11/12/2017

Complaint No.16 / 2017

**In the matter of grievance pertaining to change of tariff from
Commercial to Industrial .**

Quorum

**Dr.Shri Visharm Bapat, Chairman
Shri D.B.Mohod, Member/ Secretary
Sau. Sushama Joshi, Member (CPO)**

In the matter of

Shri Bhusan Vijayrao Tasare, :- Complainant
C/o T.B.Barbude , House No.,
1438, Keval Colony, Shegaon-Rahargaon Road,
Amravati, Distt. Amravati
Consumer No:- ~~HT~~- 366474681356

.....Vrs.....

The Executive Engineer MSEDCL, :- Respondent
Urban Division, Amravati.

Appearances :

Complainant Representative :- Shri. P. A. Sagane
Respondent Representative :- Shri. R.S.Malsane
Adl. Executive Engineer ,Amravati
Urban S/DN No 1

1. Being aggrieved by non compliance order of I. G.R.C., Amravati vide letter No. 2131 dated 06/05/17 by the concerned Sub-Divisional Officer issued the energy bill of proper tariff category after the spot inspection of the premises of the consumer as per the Commercial No PRA-T/Tariff/Aqua

Mineral/29611 dated 28/09/2016, but instead of spot inspection of the premises, the concerned Sub-Division issued the letter NO. 1188 dated 08/06/2017 & challenged D.I.C. Registration Certificate submitted by the consumer and directed to submit proper D.I.C. Registration Certificate & N. O. C. of Municipal Corporation of Amravati for industrial connection.

2. As per the complainant/consumer the above letter is totally wrong and not as per I.G.R.C. Order which shows intension to pull on the matter and not to give justice to the consumer and hence disobeyed the order of I.G.R.C. by issuing the said letter. Being aggrieved by the above letter, complainant filed instant application before this Forum as per the provisions of Section 6.4 of M.E.R.C. (C.G.R.F. & Electricity Ombudsman) Regulation 2006
3. The complainant's case in brief is that the complainant/applicant is having industrial Unit of manufacturing of mineral water under the name & style Sarvadnya Aqua which is registered under the District Industry Centre with Udyog Adhar No. MH03B0002502 and the registration is enclosed at Annexure-2.
4. The Complainant/applicant is getting the energy bill in commercial category and hence applicant consumer requested several times concerned S.D.O. to categorize the Aqua Unit under industrial tariff L.T.V. (B) as per MSEDCL Commercial No. PRA-T/Tariff/Aqua Mineral/29611 dated 28/09/2016. But no action is taken by MSEDCL. Hence complainant filed application before I.G.R.C., Circle Office, Amravati for change of category from Commercial to L.T.V.(B). After hearing the matter I.G.R.C. issued order dated 06/05/2017 vide letter No. 2131 and directed concerned Sub-Divisional Officer to issue the energy bill of proper

tariff category after the spot inspection of the premises as per the Commercial No PRA-T/Tariff/Aqua Mineral/29611 dated 28/09/2016. The consumer requested several times to the concerned Sub-Divisional Officer to inspect his unit and change the tariff category from Commercial to Industrial to L.T.V.(B) vide letter dated 12/05/2017 & 25/07/2017. The copies of above letters submitted as Annexure-4 & 5. But in steads of spot inspection of premises the concerned Sub-Division issued letter No.1188 dated 08/06/2017 and challenged D.I.C. Registration Certificate submitted by the consumer and directed to submit proper D.I.C. Registration Certificate & N.O.C. of Municipal Corporation, Amravati.

5. As per the complainant/consumer the above Sub-Divisional Officer's letter is totally wrong and not as per I.G.R.C. order. The Complainant /consumer submits that the activity of mineral water comes under industrial category where bore or well water is used as raw material and hardness of water is removed and softening is done by ION exchange process. The soften water then transfer to chilling chamber for cooling and then stored in 20 litre jar. The complainant has filed flow chart to show the activities involving the process of manufacturing of mineral water which is enclosed at Annexure-7. The complainant submits that the MERC issued its tariff order for MSEDCL in case No. 121 of 2014 dated 26/06/2015 and accordingly guidelines are issued for implementation of said order by MSEDCL vide Commercial Circular No 243 dated 03/07/2015 enclosed at Annexure-8. According to the complainant this order is effective for categorizing this connection but in the said order the Commission has not clearly categorized the mineral water plant industry. In the absence of such, the connections were released under industrial and commercial category in different areas of the city.

6. The applicant submits that he has registered the unit at D.I.C., Amravati and is within the ambit of M.S.M.E. Act 2006 the supply of electricity for the industrial purpose to which the industrial under tariff order dated 26/06/2015 is to be applied as per above tariff order dated 26/06/2015

7. In the above tariff order dated 26/06/2015 and commercial circular NO. 243 dated 03/07/2015 the Commission defines Comm. L.T. 2 non residential or commercial category as follows :-

“L.T. 2 residential or commercial”

Applicability

“ This category shall be applicable for electricity used at low/medium voltage in all non residential, non industrial premises and / or commercial premises for commercial consumption meant for operating various appliances used for purpose such as lighting, heating, cooling, cooking, washing, clearing , water entertainment /leisure, pumping in the following places (but not limited to)”

Thus, the applicability of the L.T. industrial tariff is defined in terms of the supply of electricity for industrial purposes (and support of ancillary activities in the same industrial premises) including various activities akin to processing.

In contrast, the L.T. 2 commercial tariff is applicable to lighting, pumping, cooling and other such loads in commercial of non industrial/non residential premises. While categorizing the aqua plant unit, the MSEDCCL deliberately forgotten the Commission’s view that the commercial category is

applicable only in the commercial or non residential/non industrial premises. The complainant's plant is situated in the residential area.

8. Hence, the application of commercial tariff to his unit is against the provision of above tariff order. It is, therefore, requested to apply the industrial category L.T.V.(B) to above mineral water unit.

Hence complainant/ consumer prayed before Forum that to withdraw the tariff applied to his mineral water plant and categorize the connection under industrial tariff L.T.V. (B) with effect from date of supply and refund the difference of amount paid earlier. Compensation of Rs. 5000/- for cost of this proceeding and any order this Hon'ble Forum may deem fit.

9. That after filing of this complaint notices were issued by C.G. R.F. to the concerned department i.e. Sub-Divisional Officer, MSEDCL and were informed about the complaint and to file their written version to the present complaint. The opposite party i.e. f MSEDCL filed their reply on 15/09/2017 and submitted that the supply to the complainant was given on 09/03/2016 as per the application of the complainant for commercial electricity connection dated 03/02/2016 which is Annexure 1 and bills were issued as per commercial tariff and same are paid by the complainant without any grievance. It is submitted by the opposite party i.e. MSEDCL that as per the order passed on 06/05/21017 by I.G.R.C., Amravati to take action as per Circular No. PRA-3/Tariff/Aqua Mineral/29611 dated 28/09/2016. But as per circular the unit must be registered to SSI or industrial unit and hence directed the complainant to submit SSI or industrial certificate issued by competent authority. But the complainant

submitted only acknowledgement of submission of Form to concerned authority for registration (Copy annexed at Annexure 3 & 4)

10. As per the direction of I.G.R.C. the concerned officer visited the spot of the complainant and after verification on 05/09/2017, found that large number of jar/can stored in that premises so also there was use as warehouse and it is also found that there is direct selling of jar from the same premises which is a commercial activity and hence the bills issued to the complainant as per the commercial tariff. It is also submitted as the complainant applied for industrial connection, NO Objection Certificate of Municipal Corporation, Amravati was also necessary and therefore the complainant's complaint can not be allowed as the activity done by the complainant is commercial activity.

11. After going through the documents placed on record and arguments advanced by the parties to the present matter the Forum have come to the conclusion that the complainant initially applied for commercial connection as per the record of N.A. MSEDCL and has even paid the energy bills as per commercial tariff. It is submitted by the complainant that these are in the activity of manufacturing of mineral water and when the spot inspection was carried out on 05/09/2017 the Assistant Engineer found that empty water jars were kept in the premises due to the off season, which are part and parcel of his business of mineral water. The jars are only the container of mineral water and hence the observation made by the N.A. MSEDCL do not appear to hold substance. Forum further found that the N.A. MSEDCL have issued a letter to the complainant dated 08/06/2017 (Annexure 3) and directed to submit copies of an appropriate SSI or industrial registration certificate and N.O.C. of Municipal Corporation , Amravati for industrial unit which was directed by I.G.R.C. and required as per

the Circular No. PRA-3/Tariff/Aqua Mineral/29611 dated 28/09/2016. But it is observed during the hearing before the Forum that the complainant have submitted the acknowledgement receipt of submission of Form for SSI registration and he has not also submitted the N.O.C. of Municipal Corporation, Amravati for Industrial unit. Hence the Forum have come to conclusion that the documents asked by N.A.MSEDCL were mandatory and are to be submitted for getting the benefit of industrial connection. Due to the lack of these certificates the complainant is not given industrial and hence the N.A.MSEDCL have given the energy bills as per commercial tariff.

12. With these observations the Forum have come to conclusion that as per the letter dated 08/06/2017 by MSEDCL the complainant is directed to comply the documents required for industrial connection and the MSEDCL is directed to change the connection of complainant from commercial to industrial after due compliance of above documents.

Hence with above observations and findings , the Forum proceeds to pass the following unanimous order.

ORDER

1. That the Complaint no. 16/2017 is hereby partly allowed.
2. The complainant is directed ^{to} by furnishing documents i.e. Registration Certificate of SSI & N.O.C. of Municipal Corporation, Amravati for Industrial unit to MSEDCL and MSEDCL is directed to change the tariff from commercial to industrial according to Circular No. PRA-3/Tariff/Aqua Mineral/29611 dated 28/09/201 after due verification of documents from next billing cycle after due compliance and verification of documents.

3. No order as to cost.
4. That the compliance report to be submitted within period of one month from this order.

Sd/-
Member/Secretary

Sd/-
Member (CPO)

Sd/-
Chairman

Contact details of Electricity Ombudsman appointed by MERC (CGRF&EO) Regulations 2006 under Regulation 10:

THE ELECTRICITY OMBUDSMAN,
Office of Electricity Ombudsman (Nagpur)
Plot No.12, Shrikrupa, Vijaynagar, Chhaoni,
Nagpur-440 013.
Phone : 0712-2596670

No.CGRF / AMZ/ Amravati/

No 0 0 2 0 /

Dt. 11 /12/2017

DEC 2017

To

The Nodal Officer,
Executive Engineer
MSEDCL, Urban Division,
Amravati

The order passed on 11/12/2017 in the Complaint No. 16/2017, is enclosed herewith for further compliance and necessary action.

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11/12/17
Secretary,

Consumer Grievance Redressal Forum,
MSEDCL, Amravati Zone, Amravati

Copy to:-

1. Shri Bhusan Vijayrao Tasare, C/o T. B. Barbude , House No.1438, Keval Colony, Shegaon-Rahatgaon Road, Amravati, Distt. Amravati Consumer No:- HT-366474681356

Copy f.w.cs.to:-

- 1.The Chief Engineer, MSEDCL, Amravati Zone, Amravati .
- 2.The Superintending Engineer, O&M Circle, Amravati