

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
AURANGABAD ZONE, AURANGABAD.

Case No. CGRF /AZ/U/434/2013/18

Date of Admission 30/04/2013

Date of Decision 04/06/2013

1. Nath Pulp and Paper Mills Ltd. **COMPLAINANT.**
Nath House ,
Paithan Road,
AURANGABAD.

VERSUS.

2. Executive Engineer,(Adm.) **RESPONDENT.**
Nodal Officer,
O&M Rural Circle,
MSEDCL, AURANGABAD.

CORAM:

Shri V.B.Mantri Chairperson

Shri V.S.Kabra Member.

Shri S.K.Narwade Tech. Member.

REDRESSAL - DECISION.

1. The grievance of the Complainant is against charging the bills on the basis of Express Feeder in place of non Express Feeder.
2. The case of the complainant in brief is that, the complainant is engaged in manufacturing and marketing of Industrial grades of paper.
3. The Electricity Supply to the unit of the complainant is from 33 KV Industrial Feeder installed at 132 KV Sub-Station.
4. The Electricity Supply to other units, that is to Ajanta Pharma Ltd and PepsiCo Ltd is also from the same Feeder
5. The 33 KV Industrial Feeder through which Electricity Supply to the unit of the complainant is being provided is not Express Feeder as supply to other Industrial units is also made. The bills for the unit of the complainant should have been thereby charged as

per non express, as per Regulation 2(g) of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and other condition of supply) Regulation 2005. The bills are however charged as per Express Feeder in contravention of the above Regulations.

6. It is the case of the complainant that 33 KV Industrial Feeder is neither dedicated to the petitioners unit nor the same is contiguous. The other units to which supply is being provided from the same feeder are far away from the unit of the complainant. The said 33 KV Industrial Feeder as such is not Express Feeder. The bills charged as per Express Feeder as such is not as per Regulations of MERC and therefore the said bills should be set aside. The respondents should be directed to issue bill on the basis of Non Express Feeder. The Excess payments made by the complainant should be refunded or the same may be adjusted.
7. The complainant made his grievance before the respondents time to time but his grievance Was not considered. The complainant made his grievance before IGRC but the IGRC did not consider his case properly and wrong decision was given hence the grievance before this Forum.
8. The respondent Nodal Officer for MSEDCL has submitted reply and thereby pleaded that, the complainant is HT Consumer. The supply to the complainant's unit is through 33 KV Level from 132 KV/33KV MIDC Paithan. The said feeder is Express Feeder. As per guidelines given by MERC time to time, a feeder which is continuously feed thought the week without staggering for power supply will be treated as Express Feeder. It is pleaded that the said feeder is continuous feeder for power without staggering day throughout the week. As the feeder is Express feeder, the bills are issued as per Regulations. The applicable tariff is made applicable to the unit of the complainant. There is no merit in the complaint. It may be therefore dismissed.
9. This Forum heard arguments of Mr. Vijay Saboo, Vice President (finance) for the complainant The Nodal Officer argued for the respondent. The following points arise for our determinations.

POINTS.

FINDINGS.

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| 1. Whether the 33 KV Industrial Feeder In question is an Express Feeder? | Yes. |
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|----|---|-----------------------------|
| 2. | Whether the respondent is right in applying Tariff to the complainant as per Express Feeder ? | yes. |
| 3. | What redressal of grievance or relief If any? | No redressal. |
| 4. | What decision. | The complaint is dismissed. |

REASONS.

10. The complainant submitted that, as per Regulation 2(g) of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and other condition of supply) Regulation 2005, Dedicated Distribution Facility means, which are solely dedicated to the supply of electricity to a single consumer or a group of consumers on the same premises. It is submitted that the supply from the said feeder is provided to other units and the said other units are not contiguous to the unit of the complainant. Hence according to the complainant, the feeder cannot be said to Express Feeder. The complainant has submitted copies of letter correspondence requesting the Respondent time to time to change billing tariff.
11. The Nodal Officer on the other hand has placed reliance upon tariff order effective from 1 August 2009. He further placed reliance upon Circular No. 30, Commercial Circular NO. 43 and thereby submitted that considering the Regulations laid down in Maharashtra Electricity Regulatory Commission (Electricity Supply Code and other condition of supply) Regulation 2005, the present Feeder is Express Feeder.
12. For ready reference, Regulation 2(g) of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and other condition of supply) Regulation 2005, reads as follows:-

“ **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.”
13. On going through the said definition it is clear that, the dedicated distribution facilities means and includes group of consumers on the same premises or contiguous premises.

14. It has been submitted on behalf of the complainant that the other Industrial units to which supply is provided from the same feeder are not on the same premises or contiguous premises. The counter arguments are that the other two units are from the same premises. The Nodal Officer submitted that the complainant can apply for non express feeder. The complainant can shift his power supply to non continuous feeder by making necessary changes in to existing power set up. It is argued that the feeder is continuous. The complainant has availed and still availing facility of continuous supply. In case the complainant is now not willing for continuous supply then he can apply for the same. His supply can be shifted to non continuous feeder.
15. It is an admitted fact that the feeder is continuous feeder. The complainant has availed the facility of continuous supply. The above definition of dedicated distribution includes group of industrial units provided that the said units must be on the same premises. According to the nodal officer the supply is on same premises. The expression “same premises” is not expressly defined therefore it should be appreciated with its common meaning. There is no material on record to appreciate the premises, as to whether it is common or otherwise, but it is a fact that the complainant has taken benefit of continuous power supply up till now. It is further an admitted fact that in case the complainant does not want Continuous power supply then he can very apply for the same. The respondent submits that the supply can be shifted to non continuous feeder as per rules. In these circumstances this Forum answered above points as above. This Forum thereby found no merit in the complaint of the complainant. This Forum as such is not in agreement with the submissions so made on behalf of the complainant. The IGRC has considered this aspect, so we do not find any reason to take different view than the decision taken by IGRC. This Forum therefore proceeds to pass following order.

O R D E R.

The complaint of the complainant is hereby dismissed.

Sd/-

(S.K.Narwade.)
Member/Secretary

Sd/-

(V.S. Kabra.)
Member

Sd/-

(V.B. Mantri.)
Chairperson.

**Consumer Grievance Redressal Forum,
Maharashtra State Electricity Distribution Company Limited
Aurangabad Zone, Aurangabad.**

Old Power House Premises, Dr.Ambedkar Road, Aurangabad. Phone No.2336172

No: CGRF /AZ/R/434/2013/18

Date :-

To,
M/s Nath Pulp & Paper Mills Ltd.,
Nath House, Nath Road,
AURANGABAD.

VERSUS.

1. Executive Engineer,(Adm.)
Nodal Officer,
O&M Rural Circle,
MSEDCL,
AURANGABAD.

Sub:- Grievance in Case No. CGRF /AZ/R/434/2013/18

Please find enclosed herewith a copy of the order passed by the Forum in the case mentioned above. The consumer, if not satisfied with the decision of the Forum, is at liberty to make a representation to the Electricity Ombudsman, the contact details of whom is as under, within a period of 60 days from the date of this order.

Encl: As above

Member/Secretary,
CGRF(AZ) MSEDCL,
Aurangabad

Copy submitted with respect to:-

The Chief Engineer(AZ)
MSEDCL, Aurangabad.

Contact details of:

The Electricity Ombudsman,
Plot No.12, Shrikrupa, Vijaynagar, Chhaoni, Nagpur – 440 013
Phone No.(Office) (0712) 20 22 198, E-mail – cgrfnz@gmail.in



