

**BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM,  
AURANGABAD ZONE, AURANGABAD**

**Case No. CGRF/AZ/AUR/R /53/ 2007/ 22**

**Date of Filing: 16.08.07**

**Date of Decision: 10.09.07**

**M/s Yog Cement Products & Industries Pvt.Ltd.**

**Gut No. 85, Village Pharola**

**Paithan Road,Aurangabad.**

**( Through its Director Mrs. K.S.Jadhav)**

**Consumer Complainant.**

**V/s**

**Maharashtra State Electricity Distribution Co.Ltd.**

**Rural Circle, Aurangabad.**

Coram:	Shri V.A.Hambire	President
	Shri H.A.Kapadia	Member
	Shri V.G.Joshi	Member secretary

**Sub: Grievance under the Maharashtra Electricity  
Regulatory Commission, (Consumer Grievance  
Redressal Forum and Ombudsman) Regulations  
2006.**

1. The consumer has filed his grievance in Annexure  
“ A “ before this Forum on **16.08.07** under Regulation No.  
6.10 of the Regulations referred to above. A copy of the  
grievance was forwarded on 16.08.07 to the Nodal officer  
and Executive Engineer (Adm) in the office of the  
Superintending Engineer, Rural Circle, Aurangabad with a  
request to furnish his response on the grievance within a  
period of fifteen days and hearing in the matter was fixed on  
**04.09.07**

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2. The grievance of the consumer, in brief, as per consumer, is as stated below..

The consumer is having HT connection for his factory situated at above address and the consumer number allotted is 490019008557. The consumer is connected on non express feeder, however the consumer has been accorded status of continuous process industries by the District Industries Center, Aurangabad. The consumer contended that even the status of her industries has been declared as continuous process, the Distribution Licensee (herein after referred to as D.L.) issued monthly bills as per rates applicable to non continuous industries. The unit rates charged to her industry is Rs. 2=85/ unit as against Rs.2=15/ unit. The consumer therefore requested the Forum to issue necessary directives to the D.L. to revise the bills and to refund the excess amount paid by her since October 2006 along with interest of 18% . The consumer has submitted statement showing the excess amount charged and paid by him along with the other documents in support of his grievance

3. On the date of hearing i.e. on 04.09.07 , the authorized representative of consumer Shri D.L. Jadhav was present . Shri A. R. Patil, Asst. Engineer , authorized by Nodal Officer along with Shri Kardile, Accounts Officer and Shri M.B. Shashtri, Asst. Accounts Officer were present on behalf of D.L. The Nodal officer filed his response on the grievance of the consumer , a copy of same was handed over to the representative of consumer. The Nodal officer in his reply has contended that the application from the consumer complainant for charging tariff as per continuous process industry was received by him on 08.06.07 and as per commercial circular No. 52 dt. 7.5.2007, the application has been forwarded to H.O. Mumbai for approval on 29.06.07. The Nodal officer further contended that the certificate issued by the District Industries Center for continuous process Industry is in the name of Vishwa Paper Mills where as the connection is in the name of M/S Yog Cement Products & Industries Pvt. Ltd. In his response the Nodal officer further stated that on receipt of approval from H.O. Mumbai, the necessary credit will be given to the consumer.

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4. We have gone through the grievance of the consumer , copies of his letters addressed to D.L. copy of the certificate issued by the District Industries Center, Aurangabad. We have also gone through the response filed by the Nodal officer and commercial circular No. 52 and other documents filed along with response.

At the outset we would like to observe that MERC vide its tariff order dt. 20.10.06 has fixed tariff for continuous and non continuous process industries. The rate for continuous process industries are Rs.2=15/ unit and that for non continuous process industries are Rs.2=85 /unit. The M.E.R.C. by its order dt. 7.2.07 ( case No. 59 of 2006) has clarified as below.

“ The Commission clarifies that the continuous and non continuous categories are differentiated based on continuous and non continuous nature of process adopted in industries and not based on whether the industries are connected to express or non express feeder.”

The Commission further clarified that the Development Commissioner of Industries or similar authorities designated by state Govt. are the appropriate forum to certify whether an industry is continuous or non continuous process industry. The Govt. of Maharashtra in industries department vide its resolution dt.4.4.07 has designated the General manager ,District Industries center as competent authority to issue the certificate relating to continuous process .

On going through the commercial circular No. 52 dt.7.5.07 issued by the Chief Engineer(Commercial)for implementation of tariff and categorization of continuous and non continuous process industries and guidelines mentioned therein relating to period of application, certificate from competent authorities etc. we observe that the consumer complainant has fulfilled all the requirement and submitted the documents within the specified time limit mention therein.

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The contention of the D.L. that the name of the consumer is not being correctly mentioned on the certificate issued by the District Industries Center cannot be accepted as the said certificate clearly reveal that the name mentioned therein is Yog Cement Products & Industries Pvt. Ltd , a unit of Vishwa Paper Mills. On going through the regular monthly bills issued we observed that the name of the consumer mentioned on the bills is Yog Cement Products & Industries Pvt. Ltd.

The consumer has also produced the certificate for continuous process issued by the District Industries center, Aurangabad who is competent authority to issue such certificate.

In light of above observations, we are of the opinion that consumer industry is a continuous process industry and consumer is entitled to avail the tariff allocated for continuous process industry from 1.10.06 to 30.4.06 as next tariff order is operative from 1.5.07.

Hence the following order

#### ORDER

1. The Distribution Licensee shall revise the bills from Oct.2006 to April 2007 by charging the consumer at the rate of Rs.2=15/ unit within thirty days from the date of this order.
2. The Distribution Licensee shall pay interest equivalent to the bank rate of Reserve Bank of India on the excess amount paid by the consumer.
3. The excess payment made by the consumer shall be refunded/ adjusted against next bill/bills to be due along with the interest.

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The D.L.& the consumer shall comply with the above order and report compliance to the Forum.

Inform the parties and close the case.

**(H.A.Kapadia)**  
**Member**

**( V.G.Joshi)**  
**Member Secretary**

**(V.A.Hambire)**  
**Chairman**

**ग्राहक गा-हाणे निवारण मंच**  
**महाराष्ट्र राज्य विद्युत वितरण कंपनी मर्यादित**  
**औरंगाबाद परिमंडळ, औरंगाबाद.**

जुने पावर हाऊस, पोलीस आयुक्तालयासमोर, डॉ.बाबासाहेब आंबेडकर रोड, औरंगाबाद.- ४३१ ००१

To,

1. **The Executive Engineer (Adm.)**  
**O/O Superintending Engineer**  
**O & M , Rural Circle, M.S.E.D.C.L.**  
**Aurangabad.**
2. **M/S Yog Cement Products & Industries Pvt.Ltd.**  
**Gut No. 85, Village Pharola**  
**Paithan Road, Dist. Aurangabad.**

Sub: Grievance incase No. CGRF/AZ/AUR/R/53 /2007/22

**Please find enclosed herewith a copy of 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.

Yours Faithfully,

Encl: A/A

Contact Details of Electricity Ombudsman:

**The Electricity Ombudsman**  
**Maharashtra Electricity Regulatory Commission**  
**606-608, Keshava Building**  
**Bandra-Kurla Complex,**  
**Mumbai 400 051**  
**Tel.No. 022-26590339**

