

**CONSUMER GRIEVANCE REDRESSAL FORUM  
RMAHARASHTRA STATE ELECTRICITY DISTRIBUTION COMPANY LTD.  
AURANGABAD ZONE, AURANGABAD.**

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

No:- CGRF/AZ/AUR/ JLN /444 / 2013 /28 /

Date :-

To,  
01) The Executive Engineer ( Administration)  
Nodal Office, O/O Superintending Engineer ,  
O&M Circle, M.S.E.D.C.L.,  
JALNA.

Sub:- Forwarding of grievance in respect of Ajantha Transformer Company, Plot No  
A-11- , MIDC, Jalna  
(Consumer No. 510030313192 )

*Dear Sir,*

Please find enclosed herewith a copy of the grievance application  
received by the Forum , in respect of Ajantha Transformer Company,  
Plot No A-11- , MIDC, Jalna

You are requested to redress the grievance or submit your para wise reply  
on the grievance at the time of hearing. The hearing in the matter will be held on  
18.06.2013 at 11= 30 Hrs.

Encl: As above

Member/Secretary  
CGRF(AZ) MSEDCL  
Aurangabad

Copy to:-

Ajantha Transformer Company,  
Plot No A-11-, MIDC, Jalna

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM  
(MSEDCL) AURANGABAD ZONE, AURANGABAD.

Case No. CGRF/ AZ/ JLN/ 444/2013/28.

Date of Filing: 04.06..2013,.  
Date of Decision 30.07.2013

1. Ajantha Transformer Company, COMPLAINANT.  
Plot No A-11-, MIDC, Jalna

Versus.

1. The Executive Engineer ( Adm.) RESPONDENT.  
Nodal Officer, O&M  
Circle, MSEDCL,  
Jalna.

CORAM :-

Shri. V.B.Mantri. Chairperson  
Shri S.K.Narwade Member/Secretary.  
Shri V.S.Kabra Member.

### **Order**

1. The grievance of the complainant is against the change of tariff and against the bills of arrears issued as per changed tariff during the period of 1.6.2008 to 30.4.2012
2. The case of the complainant in brief is that, the complainant is the consumer bearing consumer No 510030313192 the complainant is having 551 unit which deals with Manufacturing process of Transformer repairing at plot No. A-11 MIDC Jalna. It is a Manufacturing unit. Industrial Tariff was being applied to the unit of the complainant since 1997.
3. On 25.4.2012 Flying squad of the respondent visited the unit of the complainant and noted that Commercial tariff should be applied to the unit of the complainant. On the basis of such noting of the flying squad, the respondent proceeded to apply Commercial tariff to the unit of the complainant. The tariff was changed without hearing to the complainant. The respondent also issued the bill of arrears amounting to Rs.525940/- as a difference of change of tariff for the past period of 1.06.2008 to 30.04.2012.
4. It is the case of complainant that, he approached to IGRC against the change of tariff and against the bills of arrears. The IGRC, was pleased to restrict the arrears to 24 months preceding to the date of the bills but declined to accept the grievance regarding change of tariff from Industrial to Commercial. The complainant has thereby submitted his grievance to this Forum.
5. The respondent MSEDCL has submitted its reply to the grievance petition and thereby submitted that, the unit of the complainant was inspected on 25.04.2012 by the flying squad and found that complainant was using the power for commercial purpose and not for industrial purpose. It is submitted that the complainant was using the Electricity only for the purpose of

repairing of transformer. No manufacturing activity was going on in the unit. The use of the power as such was for Commercial purpose and not for Industrial purpose. Commercial tariff is accordingly applied to the unit of the complainant. The complainant has used the power for Commercial purpose during the period of 42 months and therefore bills of arrears were issued for 42 months however the IGRC has restricted the bills of arrears for the period of 24 months only preceding to the date of bills. The grievance as such is already redressed. The present grievance against the application of Commercial Tariff to the unit of the complainant is devoid of merit. The complaint should be dismissed.

6. This Forum heard the submissions of the representative of the complainant. The nodal Officer for the MSEDCL Jalna has made his submission.
7. The following points arise for our determinations
  1. Whether the respondent is right in applying Commercial tariff to the unit of the complainant ?
  2. Whether the respondent is entitled to issue bills arrears,?
8. The Findings of this Forum are in affirmative for both these points for the following reasons.

#### REASONS.

9. Admittedly the Flying squad of the respondent has visited the unit of the Complainant on 25.4.2012. The Flying squad noted that power is being used for commercial purpose. It has been noted that the Electricity was being used for repairing transformers. There is no dispute regarding visit Flying squad of the respondent to the unit of the complainant. The report of Flying squad has been filed. The report is not in dispute. As per the contents of the report, nature of work which is being carried out in the unit of the complainant is repairing of transformer.

10. It is the contention and the case of the complainant that, tariff applicable for repairing of transformer is Industrial tariff and not the commercial tariff, It has been argued that, the unit is in existence since 1997. The bills are being issued as per Industrial tariff till 30.4.2012. There was no dispute regarding application of tariff or the bills till 30.4.2012. It is the Flying squad Jalna Who visited the unit on 25.4.2013 and recommended for application of Commercial tariff to the unit of the complainant. The arrears of bill has been issued by applying commercial tariff w.e.f. 1.6.2008. till 30.4.2012 It is submitted that the complainant has submitted his grievance before the IGRC but the grievance was not redressed.
11. The Nodal officer on the other hand has submitted that, Hon`ble MERC has clarified that Commercial category means non residential and non-Industrial. It is submitted that, no manufacturing activity is going on the unit of the complainant, Repairing unit is processing unit and as such Commercial tariff is applicable. The complainant has actually used the power for commercial purpose and such he is liable to pay the bills from the date of use.
12. In reply to the said submissions so made by the Nodal Officer, the representative of the complainant has relied upon the order passed by the MERC in case of 111 of 2009. It is observed in this case that, the categorization of `industry` is applicable to such activities which entail `Manufacture`
13. The next reliance of the complainant is upon the REPRESENTATION No. 140 Of 2009 in the matter of M/s Atul Impex Pvt. Ltd. V/s MSEDCL. In This case power was being used for R.&D. purpose, and not for the purpose of transformer repairing purpose. The said Judgment as such is not applicable to the present case. The third reliance of the complainant is upon the tariff order. It has been pointed out that as per the tariff order cl ©, tariff

applicable for transformer repairing workshop is Industrial tariff. However it is to be noted that the said tariff order on which the complainant is relied is applicable w. e. f. 1.8.2012 The disputed period on the other-hand is 1.6.2008 to 30.4.2012 It is thus obvious that, said tariff order is not applicable to the present case.

14. The complainant is using the power for repairing or transformers. The said activity is not manufacturing activity. The applicable tariff for repairing of transformers for the relevant period is Commercial tariff. The complainant has used the power for his commercial unit and as such the complainant is liable to pay for it. The only illegality is that the recovery of the arrears cannot be for the period more than 24 months preceding to the date on which bill is found due. The said grievance is already considered by the IGRC and corrected the illegality. In these circumstances, this Forum found no other legal grievance which can be redressed. The complaint should be therefore dismissed. This Forum therefore proceeds to pass following order.

#### O R D E R

The Complaint 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 LTD.  
AURANGABAD ZONE, AURANGABAD.**

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

No. CGRF/AZ/Aur/JLN/444/2013/28

Date :-

To,

Ajantha Transformer Company,  
Plot No A-11-, MIDC, Jalna

COMPLAINANT

VERSUS.

Maharashtra State Electric Distribution Co.,  
Ltd. JALNA..

RESPONDENT.

Sub:- Grievance in Case No. CGRF/AZ/JLN// 444/2013/28

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](mailto:cgrfnz@gmail.in))

