

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

Case No. CGRF/AZ/AUR/R /56/ 2007/ 25

Date of Filing: 01.09.07

Date of Decision: 24.09.07

M/s Nath Pulp & Paper Mills Pvt.Ltd.

Gut No. Nathnagar, Tal. Paithan

Dist. Aurangabad.

(Through its Director Mr. Kagliwal)

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 **01.09.07** under Regulation No.
6.10 of the Regulations referred to above. A copy of the
grievance was forwarded on 01.09.07 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
18.09.07

“2”

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 490019001625. The consumer is engaged in production of various grades of papers. The consumer is connected from 132 KV substation Jayakwadi ,Paithan substation and has been accorded status of continuous process industries by the Deputy Director of Industries on 26.12.1991. The consumer further contended that even the status of his 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 his 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 him since October 2006 along with interest of 18% . The consumer has submitted statement showing the excess amount charged and payments made by him along with the other documents in support of his grievance

3. On the date of hearing i.e. on 18.09.07 , Shri Ayer, Deputy General Manager was present Shri J.G. Jaiswal, Nodal officer Rural Circle, Shri A.R.Patil, Astd. Engineer, Shri Gadekar Asst. Account Officer were present on behalf of Distribution Licensee (hereinafter referred to as D.L.). Since in the grievance application filed by the consumer , no authorization was given in the name of Shri Ayer, the hearing was postponed to 21.09.07.
4. On the date of hearing i.e. on 21.09.07 ,authorized representative of consumer Shri Vijay Saboo, General Manager (Finance) was present . Shri J.G.Jaiswal, Nodal Officer, Shri A. R. Patil, Asst. Engineer , and Shri A.K.Gaikwad, 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 for charging tariff as per continuous process industry was received by him on 13.04.07 and as per commercial circular No. 52 dt. 7.5.2007, the application has been forwarded to Head Office , Mumbai for approval on 18.06.07. The Nodal officer further stated that in his reply that on receipt of approval from H.O. Mumbai, the necessary credit will be given to the consumer.

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. The consumer has also produced the certificate for continuous process industry issued by the Dy. Director of Industries, 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 30.4.07 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 per 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.

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

