

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
AURANGABAD ZONE, M.S.E.D.C.L., AURANGABAD.

(Case No. CGRF/AZ/AUR/ JLN / 464 / 2013 /48

Date of Filing: 30.07.2013

Date of Decision 11.09.2013

01) Smt. Surajdevi Govindprasad Mundada,
Partner of M/S. Surya, Electricals, Complainant.
Indusrties, House No 3-10,
Ambad Road, JALNA.
(Consumer No. 510030321331)

V/s

02) The Executive Engineer (Admn.)
Nodal Office, O/O the Superintending Engineer, Respondent.
O&M Circle, MSEDCL,
JALNA.

Coram:

Shri V.B. Mantri Chairperson

Shri V.S. Kabra Member

Shri S.K.Narwade, Member/Secretary

REDRESSAL - DECISION.

1. The Grievance of the complaint is against change of tariff category and the difference bill issued on the basis of such change of tariff from LT-V-A and to LT-II-Com w.e.f. 01.06.2010 to 30.04.2012.

2. The case of the complainant in brief is that, the unit of the complainant is SSI unit, situate at H. No 3-10, Ambad Road Jalna, bearing industrial consumer No. 510030321331. The billing status is LT-V-A Ind. The power is being used for manufacturing Process of transformer repairing. The complainant is paying the bills regularly since 1998.
3. The unit was inspected by the flying squad Jalna on 26.04.2012. The Fling squad the inspection passed remark to the effect that, commercial tariff should be applied instead of LT-V-A Ind. w.e.f. 01.06.2008 , on the basis of such remark Dy.Engineer, MSEDCL has issued bill of difference due the change of application of tariff for the period from 01.06.2008 to 30.04.2012 for 52922 units amounting to Rs, 1,43,719/- . The complainant submitted its grievance before IGR Jalna on 28.03.2013 by making part payment of Rs. 48,000/- under protest. The IGR has partly redressed the grievance and thereby restricted arrears for the period of 24 months instead of from 01.06.2008 to 30.04.2012. The IGR however rejected the contention to the effect that, transformer repairing is manufacturing activity. The grievance that, prior to issuing difference bill, personal hearing, was not considered by IGR. The complainant submits that IGRC is not correct, holding that transformer repairing unit is commercial unit and charging at tariff category LT-II-com. The IGRC did not grant Rs. 2500/- for mental agony. It is pleaded in details of Grievance that assessment of tariff category form Lt-V-and to LT-II-com is against principals of justice and against the provisions of

Electricity Act 2003. The said assessment and difference bill be set aside. Hence the complaint.

4. In response to the notice, the respondent through nodal officer Jalna, submitted reply to the grievance, and pleaded that, the flying squad Jalna inspected the unit of the complainant on 26.04.2012 and found that, electricity was being used for repairing of transformer. The electricity was not being used for any Industrial purpose or for manufacturing purpose. The transformers were not being manufactured but the transformers were being repaired only. The transformers were being repaired only. The consumer was being billed under industrial categories though no manufacturing activity was in the unit. The difference bill for 47 months amounting to RS. 1, 43,719/- was thereby issued, on the basis of squad report. It is further submitted that, the complainant misconceived the Order of IGRC. The respondent has placed reliance up on MERC case No 111/2009 and up on Judgment of apex court in Appeal No 12183/-1985 as well as up on MERC supply code regulation 2005. It is pleaded that, the complainant has actually consumed power for commercial purpose and therefore by applying appropriate tariff, supplementary bill has been issued. The bill is corral bill and claimed within imitation. The consumer is bound to pay for the power consumed at appropriate tariff rate. The mistake of wrong application of tariff is rectified by issuing supplementary bill. The complainant be directed to pay no differences bill of Rs 1, 43,719/- complaint be dismissed.

5. This forum heard submissions of shri. Radhesham N. Devidanka, the authorized representative of the complainant. The Nodal for respondent argued for MSEDCL considering the submissions and the documents filed by the parties, the following points arise for our consideration and our findings to those points are as follows :

POINTS	Findings
1. Whether the unit of the complainant is Industrial unit or commercial unit	It is commercial unit
2. What tariff category is applicable to the Unit of the complainant	LT II – commercial till 01.08.2012 and LT-V- Industrial w.e.f. 01.08.2012 onwards
3. Whether the respondent MSEDCL Is entitled to recover past arrears ?	Yes, proceeding to 24 Months from the date Of spot inspection i.e. 26.04.2012
4. Whether the disputed bill issued by Respondent claiming arrears of Difference for 47 months w.e.f. June 2008 to April 2012 is lawful and proper one ?	No the respondent can claim arrears Restricted to 24 months preceeding to 26. 04. 2012 only
5. What redressal and Order	As Follows :

REASONS

Points 1 to 5

6. There is no dispute to the fact that, the unit of the complaint is transformer Repairing unit. Transformers are not being manufactured, but the transformers are being repaired in the unit. The flying squad reported this fact during their spot inspection report dated 26.04.2012. The report is not in dispute; hence the very fact that the power is being consumed for repairing transformer and not for manufacturing the transformer is commercial activity and not manufacturing activity.
7. It has been submitted on behalf of the complainant that, changes should be prospective and it can not be retrospective, as per MERC ruling. It is submitted that, such changes can be from the date of in spot inspection It is submitted that, the spot inspection report does not speak the date since which changes should be made applicable.
8. The Nodal officer submitted that, as per tariff Order dated 01.08.2012. The Tariff LT-V- Industry is applicable to Transformer repairing workshops w.e.f. 01.08.2012 and not prior to that date.
9. No tariff order is pointed out under which transformer repairing work-shop could be classified under industrial classification, prior to 01.08.2012. This forum thereby concluded that, commercial tariff should have been applied to the unit of the complainant prior to 01.08.2012, but the tariff of industrial was being applied to the unit of complainant. Such wrong application of

tariff came to be rectified during spot inspection. Correct application of tariff is made applicable by way of spot inspection. The bill of arrears is thereby issued. The arrears of bill however come to be issued for 47 months, which is contrary to limitation. The regulations restricted arrears recoverably to the extent of 24 months. There is no change of tariff but tariff application is corrected so there is no question of application of tariff as prospective or retrospective as is argued on behalf of complainant. The IGRC has already restricted past arrears for 24 month only. The IGRC has already declined to charge D.P.C. The IGRC has already redressed the grievance by passing the order dated 21.06.2013. The said order should be confirmed. No other points found to be redressed by this form, hence confirming the order of IGRC, The forum proceeds to dismiss the present Grievance petition and passes the following order

Order

1. The order of redressal passed by IGRC dated 21.06.2013 is hereby Confirmed.
2. The present grievance petition is dismissed.
3. No order as to costs.

Sd/-
(S.K.Narwade.)
Member/Secretary

Sd/-
(V.S. Kabra.)
Member

Sd/-
(V.B.Mantri.)
Chairperson.

