

NO.EE/CGRF/BMTZ/

Date:

**In the matter of**

**Case No. 02/2012**

**Date:- 30/08/2012**

M/S. Baramati Agro Ltd.  
A/P – Pimpali, Tq. Baramati  
Dist- Pune.

- Complaint  
(Here in after referred As Consumer)

**Versus**

M/S. Electricity Distribution Co. Ltd. –  
Executive Engineer Solapur Rural division  
Solapur.

Opponent  
(Here in after referred As MSEDCL)

**Quorum**

Chair person  
Member Secretary  
Member

Mr. S.D. Madake  
Mr. D.U. Ghatol  
Mr. Suryankant Pathak

- 1) M/s Baramati Agro Ltd. Is consumer of M.S.E.D.C.L. vide No. 1789190495 with effect from 07/01/2012 consumer is a H.T. consumer having contract demand of 400 KVA and connected load of 440 K.W.
- 2) According to Consumers there is production of chicks from eggs in which hatching of eggs by heating treatment is used, as it is not possible to produce chicks by applying natural heat.

- 3) According to consumer the M.S.E.D.C.L. should change the category of new H.T. connection for hatchery business from commercial category to industrial category.
- 4) The consumer filed complaint before IGRC, on 23/02/2012 for change the tariff category of new H.T. connection for hatchery business from commercial to Industrial category. The said complaint was dismissed by IGRC, on 15/03/2012 observing that the connection was issued to consumer on his request, as per the agreement dated 23/12/2011.
- 5) Consumer filed the complaint before forum with the same prayer. We have heard both sides at length. The consumer filed on record the copy of order passed by IGRC dated 15/03/2012, the copy of judgment dated 19/10/2011 passed by Hon'ble High court in W.P. No. 2358 of 2011 copy of order passed by MERC on 03/05/2012 in case No. 22 of 2012.
- 6) On Perusal of document it is clear that, consumer applied for Hatchery and parents farm. The agreement between consumer & M.S.E.D.C.L. dated 23/12/2011 shown that consumer has been charged as per the terms of agreement between the parties.
- 7) On careful consideration of the documents on record particularly the letter dated 08/12/2011 by Chief Engineer commercial it is clear that the rates which are stated in the agreement dated 23/12/2011 are based on the said letter. Therefore, the consumer relied on the letter dated 08/12/2011 when there was an agreement between consumer & M.S.E.D.C.L.
- 8) The Hon'ble Bombay High Court in W.P. No. 2358 of 2011 on dated 19/10/2011 stayed the order passed by ombudsman in case No.112 of 2010 dated 15/09/2010. The MERC in case No. 22 of 2012 directed that M.S.E.D.C.L. to comply the order dated 19/10/2011.

9) Considering the Law laid down by the Hon'ble High Court, it is necessary to direct the M.S.E.D.C.L. to charge the electricity bills to consumer as per the industrial tariff. As the agreement was based on the letter dated 08/12/2011 which was not in conformity of the order of Hon'ble High court in W.P. 2358 of 2011

10) In the result, we pass the following order.

### **ORDER**

- 1) M.S.E.D.C.L. is directed to charge the bills to consumer as per the rates applicable to industrial tariff during the period between 07/01/2012 to 31/07/2012
- 2) The excess bill paid by consumer be adjusted in future bills.
- 3) No order as to cost.
- 4) The parties may file representation against this order before the Hon. Ombudsman within 60 days from the date of this order at the following address.

**“ Office of the Electricity Ombudsman,  
Maharashtra Electricity Regulatory Commission,  
606/608, keshav Bldg, Bandra Kurla Complex,  
Mumbai 51.”**

D.U.Ghatol  
Member/Secretary

Suryakant Pathak  
Member

S.D.Madake  
Chair Person

Date: 30/08/2012