

(A Govt. of Maharashtra Undertaking)
CIN : U40109MH2005SGC153645

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Consumer Grievance Redressal Forum
"Vidyut Bhavan", Gr. Floor,
L.B.S.Marg,Bhandup (W),
Mumbai – 400078.

REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/

Date

Case No. 99/2016

Hearing Dt. 30.11.2016

In the matter of not allowing change of tariff category from HT continuous to HT non continuous along with provision of existing MSEDCL Circular No.246/11.08.2015 grievance is filed against Superintending Engineer MSEDCL , Vashi O&M Vashi Navi Mumbai

M/s. Linde India Pvt. Ltd.,

- **Applicant**

Vs.

M.S.E.D.C.L. Vashi circle

- **Respondent**

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri. Anil P. Bhavthankar, Chairperson, CGRF, Bhandup.
- 2) Shri.Ravindra S. Avhad, Member Secretary, CGRF, Bhandup.

B - On behalf of Appellant

Shri. H.B.Tripati – Consumer Representative

C - On behalf of Respondent

- 1) Mr. D.B.Pawar, Executive Engineer, Vashi Circle.

Consumer No. 028619018861

1. Above named consumer filed this dispute against the respondent utility alleging that he made application to respondent utility on 16.01.2011 requesting to change HT tariff from continuous to non continuous industries category stating that consumer is availing HT power contract demand 16500 KVA and connected Load 24200KW and power supplied on 100KV EHV level through express feeder at

present tariff category is HT I industries with the basic energy rate 7.21 per unit. According to consumer he wanted to shift category to HT I non-continuous industries having basic energy rate of 6.71 per unit. Consumer pray to allow the this tariff non-continuous industry to the immediate effect as per section 3 read with commercial Circular 246. Consumer also requested to change tariff implemented in showing bill cycle by 01.02.2016. Consumers attach last electricity bill, undertaking, Commercial Circular No. 246, load sanction and review letter dated 23.12.2015 for 16.5MVA. After making application to the respondent utility office on dated 28.01.2016 utility inform consumer that their approach by filing letter is dually communicated to competent authority. Consumer also inform by utility that the supply 100 KV EHV level availing open access the proposal is send for competent authority for approval. Being dissatisfied with the correspondence consumer initially approach IGRC authority and raised the dispute. Till today no decision of IGRC or effective hearing was taken by IGRC. Consumer approach to the Forum and filed complaint under due procedure of law by filing complaint in Schedule 'A' on dated 05.10.2016. After filing the complaint notice was issued to the respondent utility on 19.10.2016 after receipt of notice respondent utility appeared 01.11.2016 and filled reply stating that consumer details establishment and address and category of connection. According to utility the consumer was allowed to obtained supply at 100KV EHV level thorough express feeder and open access permission granted to consumer M/s. Linde India Ltd., on 9.70 MVA MSEDCL HO as per September 2016. The respondent utility submitted that as per request letter send by consumer it is dully communicated to head office. Respondent utility inform that as the supply is 100 KV EHV level availing open access proposal sent for approval and requested to effect change form 28.01.2016. Respondent utility on perusal of proposal perused the matter of respondent utility higher authority and waiting for further instruction form HO Respondent utility assure that considering it is a subject matter of policy the review petition of 94/2015 is filed by respondent utility MSEDCL before Hon'ble MERC

and there are awaiting for the decision. After receiving of the order review of this petition dated 21.05.2016 further clarification and guideline are awaiting. Respondent utility also reserve right to file additional reply if any also respondent utility relied annexure ABCD

Annexure A:-TOL date 28.01.2016,

Annexure B :-TOL date 26.10.2016,

Annexure C:- letter from Chief Engineer (commercial) dt 31.05.2016

Annexure D :-Honble MERC order in review Petition 94/2015.

I have perused all document filed by consumer and respondent utility. After considering rival dispute following point arose for my consideration to which I have recorded me findings to the point for the reason given below.

1. Whether consumer is entitled to change the tariff category form HT I continuous HT I non-continuous with effect from 01.02.2016.
2. Whether consumer is entitled for any relief?
3. What order?

Reasoning

On dated 26.10.2016 & 30.11.2016 I give opportunity to the consumer and his representative to submit their point wise dispute. Respondent utility also made submission and inform that as the proposal is send for approval their awaiting for guidelines as per direction of order in review petition of 94/2015 which is submitted for perusal of Forum is minutely considered as per order given by MERC, It appears that the consumer who desire to shift the category of connection which is already ought under HT I KVA to express feeder and as per information submitted to the Forum for open access already allowed to the consumer. Considering as the policy matter the individual categorization is required to be consider by utility as per guideline issue time to time .The order of tariff revised form 01.11.2016 submitted for our perusal as per the tariff order the category of non continuous and continuous supply through express feeder is merge certain guideline already issued by MERC to the respondent utility as per tariff order by

the way of review and clarification petition filed by respondent utility. MERC order already given direction to considered indivisible application of consumer within the period of 3 months from the date of order. Therefore respondent utility ought to have and binding guidelines and the dispute raised by the consumer. so far as the effect of applying non continuous tariff energy rate FAC and cross subsidy charges shall be effect from the date of actually change the category of consumer. To my view consumer cannot enforce their right to consider their application for change of category of tariff with effect from 01.03.2016 as till today the consumer is receiving the supply at HT 100KV level on express feeder for industrial purpose. The utility already grant and allowed the 3 month time for considering the application of consumer. Therefore this Forum according to me cannot insists utility and intervene the procedure by giving any further direction. As a guideline the respondent utility shall follow guideline, the circular and policy matter decided time to time and benefit should be given to the consumer from the date of actual effect of change of supply. I do not found any reason to issued further direction to the respondent utility which will cause interference in deciding policy matter. Hence consumer grievance stands disposed off.

ORDER

The consumer complaint No.99/2016 is stand dismiss.

No order as to the cost.

Both the parties be informed accordingly.

Proceeding close.

Note:

1) If Consumer is not satisfied with the decision, it may proceed within 60 days from date of receipt of this order to the Electricity Ombudsman in attached "Form B".

Address of the Ombudsman
The Electricity Ombudsman,
Maharashtra Electricity Regulatory Commission,
606, Keshav Building,

**Bandra - Kurla Complex, Bandra (E),
Mumbai - 400 051**

2) If utility is not satisfied with order, it may file representation before the Hon. High Court within 60 days from receipt of the order.

I Agree/Disagree

I Agree/Disagree

**DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP**

**ANIL P. BHAVTHANKAR
CHAIRPERSON
CGRF, BHANDUP**

**RAVINDRA S. AVHAD
MEMBER SECRETARY
CGRF, BHANDUP**