

**CONSUMER GRIEVANCES REDRESSAL FORUM;**  
**MSEDCL NAGPUR (RURAL) ZONE NAGPUR**  
**COMPLAINT NO. 06/2013**

The Executive Engineer(E&M)  
MIDC, Plot No.X-50 Hingna I/A Nagpur  
for MIDC Bhandara Industrial Area  
District -Bhandara.

**Complainant**

„VS..

1. Superintending Engineer,  
MSEDCL,O&M Circle,  
Bhandara.
2. Executive Engineer/Nodal Officer,  
I. G. R. C., Circle Office,  
MSEDCL,Bhandara.

**Respondents**

Applicant represented by Shri Dilip Jogawe, Executive Engineer, MIDC  
Respondents represented by 1) Shri U.G.Ganar,Exe Engineer(Adm.),Bhandara.  
2) Shri D.V.Barapatre, Assistant Engineer.Bhandara  
3) Shri P.L.Madavi, Jr.Law Officer, Bhandara

**CORAM:**

Shri Vishnu S. Bute, Chairman.  
Adv. Gauri D. Chandrayan, Member  
Ms. S. B. Chiwande, Member-Secretary.

**JUDGEMENT**

**(Delivered on 14<sup>th</sup> day of March, 2013)**

This grievance application is filed on 17-01-2013 under Regulations 6.4 of the Maharashtra Electricity Regulatory Commission (CGRF & EO) Regulations 2006.

The applicant MIDC is a statutory body. It provide amenities to the industries. The instant grievance relates to it's Bhandara unit. The grievance is about the application of tariff rate by the respondent, MSEDCL. It is stated that the applicant approached the Superintending Engineer, MSEDCL Bhandara. The Superintending Engineer refused the request of the applicant. A notice was issued. The respondent

was directed to submit the parawise reply to the grievance application. The respondent submitted parawise reply under no.SE/BHR/Tech/466 dated 31-01-2013. The case was fixed for personal hearing on 11-03-2013.

Shri Dilip Jogawe Executive Engineer, MIDC Hingna was present for the applicant. Shri Uday Govindrao Ganar, Executive Engineer, O&M Circle Bhandara represented the respondent. Both the parties were heard.

2) It was contended on behalf of the applicant that the MIDC is a statutory body established by the Government of Maharashtra. It develops industrial areas. It provides basic amenities like roads, street lights and water supply to the industries. A substantial part of MIDC's water is provided outside the areas to several municipal corporation, municipal councils and Grampanchayats at subsidized rates as a social responsibility.

The applicant has established water works at Bhandara near Kardha village on the bank of the river Wainganga. The raw water is lifted. After purification and treatment, potable water is supplied for industrial use as well as domestic use in Bhandara industrial area. The applicant has one electric connection at the Jakwell and another connection at water treatment plant. Since the MIDC is availing power to run water works, the tariff applicable should be from HT-IV category. It is the category applicable to water works as per MERC tariff order.

In the past the applicant approached to this forum on the same ground. The request was accepted and the MSEDCL was directed to charge tariff under HT-IV category.

The MIDC approached the CGRF Nagpur (urban zone) on the same ground. It was a case pertaining to MIDC Kalmeshwar water work. The CGRF Nagpur (urban zone) held that the applicant is eligible for HT-IV tariff. The MSEDCL is still charging HT-IV tariff to the pump house at Kalmeshwar MIDC.

The respondent changed the tariff category from the month of September, 2012. The respondent levied tariff as per HT-II category. The applicant finally requested that the MIDC water works Bandara, should be charged as per the charges applicable to the water supply schemes under HT-IV tariff category.

3) Shri Uday Ganar on behalf of respondent, stated that the instant application is not tenable. The applicant should have approached the IGRC Bhandara initially. So on this ground only, the application deserve to be dismissed.

The respondent further stated that MIDC is not working for public purpose. MIDC is not a local government authority under any statute. The working of MIDC is totally commercial in nature. The MIDC lift and supply the water to industrial units. The respondent has rightly applied HT-II(N) tariff. According to commercial circular no.175 based on MERC tariff order dated 16-08-2012 in case no.19 of 2012, the tariff rates are changed w.e.f.01-08-2012. The rates which are levied are legal and proper.

The respondent further submitted that the order passed in case no.347/2011 on 16-01-2012 was received and complied by the respondent. However the tariff rate in question are made applicable as per commercial circular no.175.

The respondent also admitted the order passed by CGRF Nagpur (urban zone). The respondent stated that both these orders were passed before commercial circular no.175 dated 05-09-2012 was issued.

It was further stated that in commercial circular no.175, it is specifically made clear that the tariff under HT-IV category is not applicable to the water supply scheme owned and operated by the agency other than local self government body excluding M.J.P. Since the MIDC is not a local self government body, the tariff rates applicable under HT-IV category are not applicable to it.

4) We have heard both the parties. We have perused the documents submitted by both the parties. The basic question to be decided in this case is as to which tariff category the applicant belong. In other words whether the tariff rate meant for public water works are applicable to the applicant or whether HT-II commercial tariff category rates are applicable. We have perused the commercial circular no.175 issued by, Mahavitaran, under no.PR-3/TARIFF/25230 dated 05-09-2012.

The circular is based on the MERC, tariff order, dated 16-08-2012 in case no.19 of 2012. Para 10 of the circular reads as under,

**10. Tariff Applicable to various activities:**

*d) Public Water Works:*

*“The Public Water Supply Schemes and Sewage Treatment Plants (including other allied activities) owned, operated and managed by any other Agency other than Local Self Government Body (excluding Maharashtra Jeevan Pradhikaran) shall not be eligible for LT III (Public Water Works) tariff and shall be billed as per either LT II (A)*

*Non-Residential or Commercial or LT II (B) Non-Residential or Commercial or LT II (C) Non-Residential or Commercial as the case may be, except those covered in LT V.”*

Annexure A which is a tariff schedule and which is made effective from 01-08-2012, the entry under HT IV category reads as under,

**HT IV:HT – Public Water Works and Sewage Treatment Plants**

*Applicability*

*“Applicable for use of Electricity / Power Supply at high Voltage for pumping of water, purification of water & other allied activities related with Public Water Supply Schemes and Sewage Treatment Plants provided such public Water Supply Schemes and Sewage Treatment Plants are owned, operated and managed by Local Self Government Bodies, like Gram Panchayat, Municipal Council, Municipal Corporation including Maharashtra Jeevan Pradhikaran, and Cantonment Boards;*

*Public Water Supply Schemes and Sewage Treatment Plants (including other allied activities) owned, operated and managed by any other Agency other than Local Self Government Body (excluding Maharashtra Jeevan Pradhikaran) shall not be eligible for HT IV Tariff and shall be billed as per either HT II (A) or HT II (B) or as the case may be, except those covered in HT I.”*

On careful perusal of the documents, it reveal that MIDC can neither be termed as local self government body nor it is a part of Jeevan Pradhikaran / cantonment boards. Naturally it is not entitle for the tariff category under HT IV category. Obviously the action and the rates made applicable by the respondent are on the proper appreciation of the commercial circular no.175, which is based on the MERC tariff order

in case no.19 of 2012 dated 16-08-2012. Therefore while agreeing with the action of the respondent, we reject the contentions canvassed by the applicant.

So we pass the following order,

**ORDER**

- 1) The grievance application No.06/2013 is dismissed.
- 2) The parties to bear their own cost.

Sd/-    Sd/-    Sd/-  
**MEMBER**    **MEMBER SECRETARY**    **CHAIRMAN**  
**CONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR ZONE NAGPUR**  
**(Nagpur Dtd.14<sup>th</sup> day of March, 2013)**

**CONSUMER GRIEVANCE REDRESSAL FORUM**  
**NAGPUR ZONE (RURAL) M. S. E. D. C. L.**  
Plot No.12, Shrikrupa, Vijaynagar, Chhaoni,  
NAGPUR – 440 013  
**(O) 0712- 2022198**

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NO. CGRF/NZ/

Date :

Certified copy of order dtd 14<sup>th</sup> March, 2013 in Case No.06/2013 is enclosed herewith.

Member-Secy/ Exe.Engineer,  
C.G.R.F.(NZ)MSEDCL  
N A G P U R

To,  
The Executive Engineer(E&M), MIDC, Plot No.X-50, Hingna I/A Nagpur for MIDC Bhandara Industrial Area, Dist.Bhandara.

Copy S.W.R.to :-

1. The Chief Engineer(N. Z.), MSEDCL, Vidyut Bhavan,Katol Road, Nagpur.
2. The Superintending Engineer, Circle., MSEDCL, Bhandara  
for information and necessary action please.

Copy F.W.Cs.to:

1. The Executive Engineer/Nodal Officer., O&M Circle Office, MSEDCL.Bhandara

Address of the Electricity Ombudsman is given as below.

Office of - The Electricity Ombudsman,  
12, Srikrupa, Vijay Nagar,  
Chhaoni, Nagpur-440 013  
0712-2596670

