

**Maharashtra State Electricity Distribution Co. Ltd.'s  
Consumer Grievance Redressal Forum  
Nagpur Urban Zone, Nagpur**

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**Case No. CGRF(NUZ)/194/2013**

Applicant : M/s. Shilpa Steel & Power Ltd.,  
Plot No. Plot No. 1 to 4, Wanjra  
Layout Kamptee Road,  
Nagpur : 26.

Non-applicant : Nodal Officer,  
The Superintending Engineer,  
Nagpur Urban Circle,  
MSEDCL,  
NAGPUR.

Quorum Present : 1) Adv. Subhash Jichkar,  
Member,

2) Shri B.A. Wasnik,  
Member Secretary.

**ORDER PASSED ON 14.12.2013.**

1. The applicant filed present grievance application before this Forum on 15.10.2013 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as Regulations).

2. The applicant's case in brief is that he is a consumer of M.S.E.D.C.L. bearing Consumer No. 420819006010 connected at 33 kV voltage. The applicant has a contract demand of 2500 kVA. He applied for supply at 33 kV vides application Dt. 13.8.2003 to S.E. NRC MSEDCL, Nagpur for non continuous industry with a contract demand of 1500 kVA. He further applied for enhancement of contract

demand from 1500 kVA to 2000 kVA on Dt. 24.4.2004. He again applied for enhancement of load from 2000 kVA to 2500 kVA on dt.15.3.2008 for non continuous industry.

3. The Commission determined the tariff applicable from 1.6.2008 and in the footnote (iv) at page 11 of High Tension Tariff Booklet and further in tariff order dt. 12.9.2010, applicable from September 2010 in footnote (iv) at page 253 it is mentioned that *“Only HT industries connected on express feeders and demanding continuous supply will be deemed as HT continuous industry and given continuous supply, while all other H.T. industrial consumers will be deemed as HT non-continuous industry”*.

4. The applicant submitted his request vide letter Dt. 2.3.2013 to change his tariff to non continuous tariff and said that since beginning the tariff applicable to the applicant should have been non continuous tariff. Applicant further said that there was no necessity to submit such application since as per Commissions clarification only those consumers who submit their demand for continuous tariff (express feeder) should be charged express feeder tariff and consumer did not demand such express feeder tariff any time. However, there was no communication on the application of the applicant hence applicant submitted reminder on Dt 18.4.2013. Even then there was no communication from M.S.E.D.C.L. and hence the applicant filed grievance application with IGRC on Dt. 27.5.2013. Learned I.G.R.C. rejected his application by issuing order Dt. 7.8.2013. Aggrieved by the above order of IGRC the applicant has filed the present grievance application.

5. Non applicant denied the case of applicant by filing reply Dt. 6.11.2013. It is submitted that M/s. Shilpa Steel & Power Ltd. at Plot No. B-209, MIDC, Butibori, Nagpur is H.T. consumer connected on 33 kV with connected load of 4062 kW and Contract demand of 3000 kVA connected on 26.3.2004. The tariff category of the consumer is 55 HT-1 C, i.e. the consumer enjoys the continuous power supply without load shedding even on staggering day. The consumer is connected on 33 kV KEC express feeder from 220 kV Butibori Sub-Station.

6. From the date of connection the consumer was billed as per HTP – II Tariff category as applicable as per the then prevailing tariff order. As per the MERC tariff order MERC/Case No. 54 of 2005/13 dated 17.1.2007 effective from 1.10.2006 the two categories of HT-I Continuous Industries and HT-I Non-Continuous Industries were introduced by MERC and KEC feeder being an express feeder the consumer M/s. Shilpa Steel & Power Ltd. was billed as per tariff category HT-I Continuous Industries from 1.10.2006. *It is to point out that in MERC tariff order effective from 1.10.2006 & 1.5.2007 the rates for HT-I Continuous Industries was less than HT-I Non continuous Industries.*

7. In the clarification order by MERC dated 12.9.2008 issued on tariff order dated 20.6.2008 in Case No. 72 of 2007 effective from 1.6.2008, it was stated that *“The consumer getting supply on express feeder may exercise his choice between continuous and non-continuous supply only once in a year, within the first month after issue of the*

*tariff order for the relevant tariff period". In the present instance, the consumer may be given one month time from the date of issue of this Order for exercising his choice. **In case such choice is not exercised within the specified period, then the existing categorization will be continued**".*

8. As per above order Dt. 12.9.2008, if the consumer had to change his categorization from Continuous to non continuous, the consumer should have submitted his choice within one month from the date of order i.e. 12.9.2008 or at the most, within one month from the date of issue of circular No. 88 dated 26.9.2008. But the consumer did not submit his choice and hence was continued to be billed as per the existing HT-I Continuous Industries tariff.

9. Similarly, the Tariff order for the period 2012-13 was issued by MERC on dated 16.8.2012 and if the consumer had to exercise his choice regarding continuous / non-continuous tariff, he should have submitted it before 16.9.2012. But the consumer had submitted his choice for non express feeder supply on Dt. 2.3.2013, 15.4.2013, i.e. after the time period specified by MERC. Hence grievance application may be dismissed.

10. Forum heard arguments of both the sides and perused the record.

11. It is an admitted fact that the applicant is being fed from KEC Express Feeder from 220 kV Butibori Sub-Station and getting uninterrupted power supply even on staggering day. Forum observed that in the grievance application itself, the applicant has mentioned that he has requested for change of tariff to non continuous vide letter dated 2.3.2013. Applicant further mentioned in his grievance application in Para 5 that - Commission further said that,

*“..... it is clarified that the consumer getting supply on express feeder may exercise his choice between continuous and non – continuous supply only once in the year, within the first month after issue of the Tariff Order for the relevant tariff period. In the present instance, the consumer may be given one month time from the date of issue of the order for exercising his choice. **In case such choice is not exercised within the specified period, then the existing categorization will be continued**”. In the case in hand it is evident from the record that the applicant submitted his choice on Dt. 2.3.2013 and as such as*

12. It is noteworthy to mention here that as per non applicant's submission in the reply dated 6.11.2013, it is pointed out that the rates for continuous tariff were less than non continuous tariff in the tariff order effective from 1.10.2006 and 1.5.2007. At that time the applicant did not submit any choice for change of tariff.

13. Under the circumstances, the order passed by Learned I.G.R.C. is perfectly right and needs no interference. Resultantly, Forum proceeds to pass following order : -

**ORDER**

- 1) Grievance application is dismissed.

Sd/-  
**Shri B.A. Wasnik**  
MEMBER /  
SECRETARY

Sd/-  
**(Adv. Subhash Jichkar)**  
MEMBER