

**Before Maharashtra State Electricity Distribution Co. Limited
Consumer Grievances Redressal Forum, Pune Zone,
925, Kasabapeth Building, IInd flr. Pune-11**

Case No.10/2012

Date: 25/05/2012

**In the matter of
M/s.Saguna Poultry Farm Ltd.**

- Complainant

V/S

M.S.E.D.C.L. Pune Rural Circle,Pune

- Opponent

Quorum

Chair Person	Shri.S.D.Madake
Member/Secretary,	Shri.L.G.Sagajkar
Member	Shri.Suryakant Pathak

- 1) M/s.Saguna Poultry Farm Ltd. filed this complaint on 29/03/2012 .
The main issue is charging of electricity bills. According to consumer, MSEDCL charged bill at commercial rate since June-2008 without any valid reasons and without obtaining permission of MERC. Prior to June-2008 consumer was charged on the basis of industrial tariff. It is prayed that the act of MSEDCL claiming electricity charges by commercial rates be stayed.
- 2) According to consumer the decision of Hon'ble Ombudsman in representation No.112/2010 dt.15/09/2010 in a case M/s. Balkrishna Hatcheries VS MSEDCL permitting charging at commercial rates is set aside by Hon'ble High court in writ petition No.2358 of 2011 by order dt.19/10/2011.

- 3) According to MSEDCL consumer is using supply for the Hatchery purpose, so tariff used for the billing of consumer is as per circular PR-3 tariff/605/36091 dt. 08/12/2011 which is correct.
- 4) We have perused the copy of order passed by Hon'ble Ombudsman in representation No.112 of 2010 dt.15/09/2010 in which it is held that hatchery cannot be classified as an industrial activity.
- 5) M/s.Balkrishna Hatcheries filed writ petition No.2358/2011 before Hon'ble High court and the high court was pleased to grant interim relief.
- 6) The issues involved in the present case are same as to the question of law and fact in the writ petition No.2358/2011. In view of the fact that issue before us is based on the order of the Hon. Electricity Ombudsman which is stayed by Hon'ble High court it would be just and proper to stay the present proceeding till the decision of the high court in writ petition No. 2358/2011. The MSEDCL therefore not entitled to charge electricity bills to consumer as per rates applicable to commercial tariff till decision of Hon.ble High Court.

As per L.G.Sagajkar,member/Secretary

I disagree with the view of Chairperson & Member on following points.

- 1)As per C.E. (Comm) L.No.PR-3/tariff/605/36091/
18/12/2011 HT-II (Comm) tariff is appropriate for hatcheries as inspection of said consumer was carried out by

flying squad and submitted report to Pune Rural Circle that purpose of connection is for hatchery only.

- 2) Differential bill charged is correct as revision of tariff was from June-2008.
- 3) H.T. Industrial tariff would be applicable to activities which entitled manufacture . In this case there is no manufacture as such.

In view of above tariff charged and differential bill issued is correct.

**Mr.L.G.Sagajkar,
Member/Secretary**

The order as per majority

ORDER

- a. The MSEDCL is directed not to charge the electricity bills to consumer as per rates applicable to commercial tariff till the decision of the hon'ble High Court in writ petition No. 2358/2011 M/s. Balkrishna Hatcheries V MSEDCL
- b. Matter be stayed till the decision of Hon'ble high court in writ petition 2358/2011

Mr.Suryakant Pathak
Member

Mr. S.D.Madake,
Chair Person

Date : 25/05/2012

