

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

**Case No. 16/2012**

**Date: 10/08/2012**

**In the matter of  
M/s. Preci forge & Gears, Chakan  
Tal. Khed, Dist. Pune**

**- Complainant**

**V/S**

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

**- Opponent**

**Quorum**

Chair Person	Shri.S.D.Madake
Member/Secretary,	Shri.B.M.Ivare
Member	Shri.Suryakant Pathak

- 1) M/s. Preci Forge and Gears is consumer of Maharashtra State Electricity Distribution Co. Ltd. bearing Con.No.176029035720 having contract demand 1250 KVA & connected load 2651 KW. The date of release of connection is 28/04/2005. The Consumer is HT Industrial since 28/04/2005 getting supply on 33KV feeder. According to consumer the electricity supply is fed from 33KV feeder which not on express feeder and regular load shedding is carried out. During the period between 2005 to Feb- 2010 the bills were issued, under HT-I (Non continuous). However from March-2010 billing was done under HT-I (continuous) and the charges were at higher tariff. The representative of complainant further stated that this act of charging at higher rate is not legal and proper. It is submitted that consumer is subjected to financial strain and hardship due to payment of bill to the extent of Rs.2 lakhs per month. The grievance was first made to Internal Grievance Redressal Cell on

13/03/2012. However the said authority has not decided the matter within statutory period of two months. As no cognizance was taken by Internal Grievance Redressal Cell within time, the present complaint is filed before this Consumer Grievance Redressal Forum.

- 2) MSEDCL filed written statement and submitted that M/s. Preci Forge and Gears having load of C.D. 1250 KVA with connected load 2691 KW is released on 33KV Isha feeder emanating from 132/33KV Chakan S/Stn. on 28/04/2005 as there is no 11/22 KV voltage level in the vicinity. All consumers are connected on 33KV Isha feeder having non express feeder. The tariff applied to the above consumer was HT –I non continuous till the receipt of commercial circular No. 105 dt.26/11/2009.
- 3) Opponent contended that as per circular consumer has to be charged 2% extra for the change in voltage level other than prescribed by MERC, but instead of applying 2% extra charges in the billing system. HT-I continuous tariff applied to consumer. It is contended that on 15/12/11 consumer demanded to change in tariff from continuous to non continuous and Executive Engineer Rajgurunagar Division has also recommended the case as 33KV Isha feeder is non continuous feeder and further stated that proposal is submitted to H.O.Mumbai for kind approval from change of tariff from HT-I(C ) to HT-I (non continuous), the necessary changes in the tariff will be effected after approval from of Head Office, MSEDCL, Mumbai, along with refund of excess recovered amount..
- 4) We have heard both sides at length. The said application is not decided by IGRC. The present application is filed on 25/06/2012 to Consumer Grievance Redressal Forum (CGRF). We have perused all the documents produced on record. On perusal of commercial circular No. 105 dt. 26/11/2009, it is stated vide clause No. 2, that even in case load shedding is required to be carried out due to unavoidable circumstances

energy charges will be applicable as HT-I Industry continuous (on express feeder) and consumer will have to pay charges as applicable to HT-I continuous tariff and undertaking to this effect has to be obtained from consumer. The MSEDCL representative stated that due to this meaning HT-I continuous tariff is applied, since consumer have sanctioned C.D. 1250 KVA and connected on 33KV feeder.

- 5) However this circular is for release of new power supply at the voltage higher than stipulated in MERC standard of performance, Regulation-2005 and for sanction of new connections only. It is seen that said connection is released on 28/04/2005 i.e. prior to above circular. Hence this circular is not applicable in this matter.
- 6) In this regard MERC in its order dt.12/09/2008 in case No. 44 of 2008 has 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 this order for exercising his choice. In case such choice is not exercised within the specified period, then the existing categorization will be continued.
- 7) In this case consumer never demanded continuous supply nor given a choice of continuous supply. Hence as per MERC order as above existing categorization (i.e. non continuous tariff) will be continued, since choice of continuous supply is not exercised by complainant and also feeder feeding to consumer is non express feeder.
- 8) As per opponent say, it is clear that feeder feeding to consumer (33KV Isha feeder) is non continuous, and also all other consumers on same feeder have applied tariff of HT-I (Non continuous). Hence it is not

appropriate to charge HT-I continuous tariff to said consumer which seem to be wrongly charged by opponent.

- 9) Further opponent say that 2% extra units charges to be charges for the change in voltage level other than prescribed by MERC. However this is not applicable for said consumer, since 2% extra unit charges is levied only for consumers connected on lower voltage level than voltage level stipulated in MERC standard of performance regulation 2005 . Hence in this matter HT-I continuous tariff applied is not justified.

### **ORDER**

- 1) The HT-I non continuous tariff should be applied w.e.f. when tariff changed by MSEDCL. i.e. from March-2010 .
- 2) The excess amount recovered be refunded with interest as per the rates as per directions of Reserve Bank of India, and be adjusted in future bills. .

B.M.Ivare,  
Member/Secretary

Suryakant Pathak  
Member

S.D.Madake  
Chair Person

Date: 10/09/2012