

**CONSUMER GRIEVANCE REDRESSAL FORUM,
AKOLA ZONE, AKOLA.**

“ Vidyut Bhavan” Ratanlal Plots, Akola : 444001 Tel No 0724 .2434476

Dt.26/02/2016

Complaint No. 42 / 2015

**Grievance pertaining to change of tariff HT-I non continuous consequently for
claim on difference amount with interest.**

Quorum

Shri T.M.Mantri, Chairman

Shri. D.M.Deshpande-Member (CPO)

M/s. Narmada Solvex Pvt.Ltd.

Anjan Kheda, Washim

Consumer No. HT-326019025170

Complainant

.....Vrs.....

Superintending Engineer, O & M Circle, MSEDCL, Washim

Respondent

Appearances:

Complainant Representative: Shri. A. K. Agrawal

Respondent Representative: Shri. Amit P. Sonone, O & M Circle Washim.

1. Being not satisfied with the order of IGRC in respect of grievance of change of tariff HT-I C-to HT-I-N as per application dt. 19/06/2013 from 01/08/2013. According to the complainant the licensee for no valid reason denied the change of tariff whereas change tariff of other consumers allowed irrespective of date of application. The complainant has referred to the change of tariff sanction in respect of Jindal Poly films Ltd., so also other consumers with which list has been obtained through RTI. So also made reference of affidavit in reply of licensee in case no.94/2015 it is alleged that contradictory view has been taken by the N.A. and in no. of applications the tariff has been changed even beyond the alleged time limit of one month. Hence prayed for change for tariff from second billing cycle with interest thereon. Alongwith complaint copies of bunch of documents filed.
2. After receipt of notice of this forum the N.A. filed reply opposing the claim of the complainant from 01/07/2013 as alleged being not according to rules and regulations. Reference has been made to reply dt.17/10/2013 to the complainant

so also order of IGRC Washim dt.06/10/2015. According to the N.A. in view there of no further reply is required and complaint needs to be dismissed.

3. Heard Shri. A.K.Agrawal the learned representative of the complainant and Shri. Amit Sonone Manager (F&A). According to the N.A. the IGRC has passed order as per new circular and the tariff has been changed to HT-I-N from Aug-2015 therefore nothing remains. Through the learned representative of the N.A. has tried to submit that within period of 30 days of the tariff order, the consumer has to submit application/return request for the such change of tariff and request/application submitted beyond the said period of 30 days cannot be considered, has nothing in support. He could not point out anything in support of such submission in the regulation/act but on the contrary is required to admit that in number of cases consumer under HT-I-C, the tariff has been changed HT-I-N i.e. non continuous tariff, as per request made by number of consumers, even beyond to 30 days period as well as subsequently, from the record it is clear that the licensee has changed the tariff from HT-I-C to HT-I-N consumers of the N.A. as per the list and other documents filed by the complainant including availed in under RTI act. The record clearly shows that the defence and submission made on behalf of the N.A. has nothing in support. On the contrary the record clearly reveals that the licensee has changed tariff from continuous to non continuous on its own. When the consumers of different circle offices of the N.A. got the benefits of change of continuous to non continuous tariff from Aug-2013 then how the complainant have not been given such relief of changing of tariff. Even the letter dt.08/12/2015 of C.E (Commercial) Prakashgad, Mumbai is self explanatory. There was no reason for not granting of the tariff category, requested for, in the background and circumstances referred to above. The letter on dt.08/12/2015 of C.E (Commercial) Mumbai also deals with the other controversy more particularly raised on behalf of the N.A. No doubt from Aug-2015 the N.A. has given benefit of the said tariff category but neither any explanation nor any document has been produced by the N.A. in support of such concession. The letter dt.08/12/2015 clearly supports the claim of the complainant. Even there in after going through Electricity act-2003 and

MERC regulations it has been specifically laid down.....
“no time limit no is prescribed for a consumer to seek change in tariff categorization. In any case from the record it is clear that after receipt of request/ application from the number of such consumers the tariff has been changed from HT-I-C to HT-IN, irrespective of period. There was no justification/ reason for not providing the said benefit to the complainant. As per regulation after receipt of application/ request from the consumer such change in tariff is required to be done from second billing cycle. Admittedly that has not has been done from the side of N.A. The said action is contrary to the provision of the regulation as well as directions/ practice of the licensee itself. There cannot be discrimination amongst the consumers of the licensee.

4. As already observed above the complainants application for change of tariff is dated 19/06/2013. As per regulation, as well as the practice of the licensee the change of tariff is to be done from second billing cycle. Admittedly since Aug-2015 the benefits of change of tariff HT-I-N has been given to the complainant. So now the question remains for the earlier period. As per regulations such benefits is to be given from second billing cycle which means from Aug-2013 on wards till July-2015. The N.A. therefore will have to extend benefits of HT-IN category from Aug-2013 till July-2015. The difference amount so collected by the N.A. from complainant needs to be refunded by way of adjustment ensuing bill.
5. The complainant was pursuing the matter since submission of the application on dt. 19/06/2013, the complainant was required to approach various officers/ authorities of the N.A. It will be therefore just, proper and in the interest of justice to pass necessary direction in that respect of interest. That neither there is steno nor typist available in the office since long. Even part time typist on job basis is not available on regular basis which results in delay in passing orders. The order could not be passed in stipulated time. With such observations this forum proceeds to pass following unanimous order.

O R D E R

1. That the complaint no. 42/2015 is hereby partly allowed.
2. The N.A. is directed to apply HT-I-N tariff (non continuous) tariff to the complainant from Aug-2013 to July-2015 and the difference amount of tariff from HT-I-C to HT-I-N be refunded alongwith interest at the rate of 6% P.A., in the form of adjustment in the forth coming bill payable by the complainant.
3. In the circumstance no order as to cost.
4. That the compliance report to be submitted within one month from this order.

S/d
Member (CPO)

S/d
Chairman

No.CGRF / AZ/ Akola/

Dt. 26/02/2016

TO
The Nodal Officer,
Superintending Engineer
MSEDCL, Washim.

The order passed on 26/02/2016 in the Complaint No. 42/2015, is enclosed herewith for further compliance and necessary action.

Secretary,
Consumer Grievance Redressal Forum,
MSEDCL, Akola Zone, Akola

Copy fwc to:

1. M/s. Narmada Solvex Pvt.Ltd. Anjankheda, Washim