

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

" Vidyut Bhavan" Shivaji Nagar, Amravati, Amravati : 444603 Tel No 0721 .2551158

ORDER

Dt.11/12/2017

Complaint No.16 / 2017

**In the matter of grievance pertaining to change of tariff from
Commercial to Industrial .**

Quorum

**Dr.Shri Visharm Bapat, Chairman
Shri D.B.Mohod, Member/ Secretary
Sau. Sushama Joshi, Member (CPO)**

In the matter of

Shri Bhusan Vijayrao Tasare, :- Complainant
C/o T.B.Barbude , House No.,
1438, Keval Colony, Shegaon-Rahargaon Road,
Amravati, Distt. Amravati
Consumer No:- ~~HT~~- 366474681356

.....Vrs.....

The Executive Engineer MSEDCL, :- Respondent
Urban Division, Amravati.

Appearances :

Complainant Representative :- Shri. P. A. Sagane
Respondent Representative :- Shri. R.S.Malsane
Adl. Executive Engineer ,Amravati
Urban S/DN No 1

1. Being aggrieved by non compliance order of I. G.R.C., Amravati vide letter No. 2131 dated 06/05/17 by the concerned Sub-Divisional Officer issued the energy bill of proper tariff category after the spot inspection of the premises of the consumer as per the Commercial No PRA-T/Tariff/Aqua

Mineral/29611 dated 28/09/2016, but instead of spot inspection of the premises, the concerned Sub-Division issued the letter NO. 1188 dated 08/06/2017 & challenged D.I.C. Registration Certificate submitted by the consumer and directed to submit proper D.I.C. Registration Certificate & N. O. C. of Municipal Corporation of Amravati for industrial connection.

2. As per the complainant/consumer the above letter is totally wrong and not as per I.G.R.C. Order which shows intension to pull on the matter and not to give justice to the consumer and hence disobeyed the order of I.G.R.C. by issuing the said letter. Being aggrieved by the above letter, complainant filed instant application before this Forum as per the provisions of Section 6.4 of M.E.R.C. (C.G.R.F. & Electricity Ombudsman) Regulation 2006
3. The complainant's case in brief is that the complainant/applicant is having industrial Unit of manufacturing of mineral water under the name & style Sarvadnya Aqua which is registered under the District Industry Centre with Udyog Adhar No. MH03B0002502 and the registration is enclosed at Annexure-2.
4. The Complainant/applicant is getting the energy bill in commercial category and hence applicant consumer requested several times concerned S.D.O. to categorize the Aqua Unit under industrial tariff L.T.V. (B) as per MSEDCL Commercial No. PRA-T/Tariff/Aqua Mineral/29611 dated 28/09/2016. But no action is taken by MSEDCL. Hence complainant filed application before I.G.R.C., Circle Office, Amravati for change of category from Commercial to L.T.V.(B). After hearing the matter I.G.R.C. issued order dated 06/05/2017 vide letter No. 2131 and directed concerned Sub-Divisional Officer to issue the energy bill of proper

tariff category after the spot inspection of the premises as per the Commercial No PRA-T/Tariff/Aqua Mineral/29611 dated 28/09/2016. The consumer requested several times to the concerned Sub-Divisional Officer to inspect his unit and change the tariff category from Commercial to Industrial to L.T.V.(B) vide letter dated 12/05/2017 & 25/07/2017. The copies of above letters submitted as Annexure-4 & 5. But in steads of spot inspection of premises the concerned Sub-Division issued letter No.1188 dated 08/06/2017 and challenged D.I.C. Registration Certificate submitted by the consumer and directed to submit proper D.I.C. Registration Certificate & N.O.C. of Municipal Corporation, Amravati.

5. As per the complainant/consumer the above Sub-Divisional Officer's letter is totally wrong and not as per I.G.R.C. order. The Complainant /consumer submits that the activity of mineral water comes under industrial category where bore or well water is used as raw material and hardness of water is removed and softening is done by ION exchange process. The soften water then transfer to chilling chamber for cooling and then stored in 20 litre jar. The complainant has filed flow chart to show the activities involving the process of manufacturing of mineral water which is enclosed at Annexure-7. The complainant submits that the MERC issued its tariff order for MSEDCL in case No. 121 of 2014 dated 26/06/2015 and accordingly guidelines are issued for implementation of said order by MSEDCL vide Commercial Circular No 243 dated 03/07/2015 enclosed at Annexure-8. According to the complainant this order is effective for categorizing this connection but in the said order the Commission has not clearly categorized the mineral water plant industry. In the absence of such, the connections were released under industrial and commercial category in different areas of the city.

6. The applicant submits that he has registered the unit at D.I.C., Amravati and is within the ambit of M.S.M.E. Act 2006 the supply of electricity for the industrial purpose to which the industrial under tariff order dated 26/06/2015 is to be applied as per above tariff order dated 26/06/2015

7. In the above tariff order dated 26/06/2015 and commercial circular NO. 243 dated 03/07/2015 the Commission defines Comm. L.T. 2 non residential or commercial category as follows :-

“L.T. 2 residential or commercial”

Applicability

“ This category shall be applicable for electricity used at low/medium voltage in all non residential, non industrial premises and / or commercial premises for commercial consumption meant for operating various appliances used for purpose such as lighting, heating, cooling, cooking, washing, clearing , water entertainment /leisure, pumping in the following places (but not limited to)”

Thus, the applicability of the L.T. industrial tariff is defined in terms of the supply of electricity for industrial purposes (and support of ancillary activities in the same industrial premises) including various activities akin to processing.

In contrast, the L.T. 2 commercial tariff is applicable to lighting, pumping, cooling and other such loads in commercial of non industrial/non residential premises. While categorizing the aqua plant unit, the MSEDCCL deliberately forgotten the Commission’s view that the commercial category is

