

ग्राहक गा-हाणे निवारण मंच
महाराष्ट्र राज्य विद्युत वितरण कंपनी मर्यादित
औरंगाबाद परिमंडळ, औरंगाबाद.

Old Power House Premises, Dr.Ambedkar Road, Aurangabad. Phone: 0240 - 2336172

No: CGRF/AZ/AUR/ U / 257 / 2009 /91/

Date :-

To,
The Executive Engineer (Administration)
O/O Superintending Engineer ,
O&M Urban Circle , M.S.E.D.C.L.,
Aurangabad.

Sub:- Forwarding of grievance in respect of M /s Mahaveer Steel
Rerolling Mill, Plot No.A-26/27 MIDC, Chikalthana,
Aurangabad. (Consumer No. 49001900049)

Dear Sir,

Please find enclosed herewith a copy of the grievance
application received by the Forum from Forwarding of grievance in
respect of M /s Mahaveer Steel Rerolling Mill, Plot No.A-26/27 MIDC,
Chikalthana, Aurangabad.

You are requested to submit your para wise reply on the grievance
at the time of hearing. The hearing in the matter will be held on
01.12.2009 at 11= 30 Hrs. onwards.

Encl: As above

Member/Secretary
CGRF(AZ) MSEDCL
Aurangabad.

Copy to:-

M /s Mahaveer Steel Rerolling Mill,
Plot No.A-26/27 MIDC, Chikalthana,
Aurangabad.

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
AURANGABAD ZONE, AURANGABAD

(Case No: CGRF/ AZ / U / 257 / 2009 / 91)

Date of Filing: 17.11.2009

Date of Decision: 16. 01. 2010

M/s Mahaveer Steel Rerolling Mill,
Plot No. A-26/27, MIDC, Chikalthana, Aurangabad.
(Consumer No.49001900049)

Consumer Complainant.

V/s

Maharashtra State Electricity Distribution Co.Ltd.
Urban Circle **Aurangabad.**

The Distribution Licensee.

Coram:

Shri V.A.Hambire **President**

Shri V.S. Kabra **Member**

Shri P.A.Sagane **Member secretary**

Sub:- Grievance under the Maharashtra Electricity Regulatory
Commission, (Consumer Grievance Redressal Forum
and Ombudsman) Regulations 2006.

The M/s Mahaveer Steel Rerolling Mill, Plot No. A-26/27, MIDC, Chikalthana, Aurangabad, has filed its grievance in Annexure "A" before this Forum on 17.11.2009 under Regulation No. 6.10 of the Regulations 2006. The grievance of the consumer was registered as **CGRF/AZ/ AUR/ U/ 257/ 2009/ 91** and was forwarded to the Nodal Officer, (Adm.) in the office of the Superintending Engineer, O&M Urban Circle, Aurangabad and hearing in the matter was kept on 01.12.2009.

Case No. 257 /91
Page No. 1 / 06

The grievance of the complainant, as per consumer, is as stated below :-

1. The complainant is the consumer of MSEDCL (hereafter called as D.L.) and has taken 11kv HT supply for his Re-rolling Mill situated at Plot No.A26/27, MIDC, Chikalthana, Aurangabad with consumer No.490019000491. The consumer enhanced his contract demand from 700 KVA to 2950 KVA in the year 2000 and further from 2950 to 3250 during the year 2004. The consumer contended that above additional load was released in existing 11kv Industrial feeder, and no express feeder or special feeder laid for him, nor he had paid any amount for availing supply on express feeder.
2. Consumer states that, from June 2008 D.L. started issuing bills as per tariff applicable for express feeder. Consumer submitted his grievance in writing vide letters dated 11.08.2008 and 08.04.2009, and requested D.L. to issue the bills as per normal charges applicable to Non-express category. However no action has been taken by D.L. consumer submits that he is observing the FRIDAY as a staggering day and no power is utilised for production purpose.
3. The consumer further states that as per MERC regulation the revision in bill was required to be carried out with effect from next billing cycle after receipt of application, however D.L. has considered his application w.e.f. September 2009, instead of September 2008. Consumer requested the Forum to direct D.L. to issue revised bill as per non-express feeder tariff w.e.f. September 2008, and refund/adjust the excess amount paid with 18 % interest.
4. On dated 01.12.2009 Nodal Officer Shri P.R.Taur and consumer's representative Shri H.A.Kapadia was present. Consumer submitted his grievance as above. Nodal Officer in his written statement states that the Hon'ble Commission has issued the tariff order, effective from June 2008, according to which the D.L. has started issuing bills as per tariff applicable for express feeder to the consumers those were connected on separate feeders. Nodal Officer submitted the MRI data of consumer for staggering period w.e.f. 05.06.2009 to 16.07.2009 and states that during staggering period the consumer was partially using the power supply for lighting load, and one & half Hours for motive power load. However his application for change of tariff was approved by Competent Authority and effect of non-continuous tariff was given from September 2009. Nodal Officer is directed to submit the clear readable copies of Circulars and matter kept on dated 08.12.2009.

5. On 08.12.2009 consumer representative Shri H.A. Kapadia was present. Nodal Officer submitted application for postponement of hearing ,as such matter is postponed for hearing upto 15.12.2009.
6. On 15.12.2009 consumer representative and Nodal Officer were present, Nodal Officer has submitted his revised reply with copies of D.Ls Circulars. He denied the receipt of consumer's application dated 11.08.2008. Nodal Officer in his written statement states that D.L. has to made several changes in lines and S/S feeders, for enhancement of additional load to the consumer and supply of express (continuous) feeder is given to the consumer. As per MERC's tariff order dated 29.09.2006 HT-I & HT-II categories are merged into HT-I continuous and non-continuous category. Nodal Officer further states that the D.L's Commercial Circular No.47 dated 04.11.206. Clearly states that the HT consumers who are at present exempted from load shedding will be treated as being on an express feeder, shall henceforth be classified as "Continuous Industries". As per above circular the consumer was charged as per HT-I continuous category.

Nodal Officer further contended that D.L. received the consumer's application on dated 08.04.2009 for change of tariff and as per Circular No.88 dated 26.09.2008. his request was considered and effect is given from September 2009

Heard both the sides in length and matter kept for decision.

7. Argument and record placed before Forum reveals that the consumer was using the power supply from express feeder which was exclusively for the consumer. He was billed as per the express feeder tariff. The position continued till May 2008. There was no problem or dispute whatsoever in respect of tariff until that time.
8. The new tariff, as approved by the Commission, came into force w.e.f. 1st. June 2008 vide Commission's detail order dated 20/06/2008 . Provisions of the tariff order applicable from 1st. May 2007 and 1st June 2008 were as under:

(a) From 1st May 2007:

High Tension Tariff:

| Consumer Category | Demand Charges (Rs/KVA/month) | Energy Charges (Paise/kWh) |
|--|-------------------------------|----------------------------|
| HT I- Industries | | |
| Continuous Industry (on express feeder) | 300 | 310 |
| Non Continuous Industry (not on express feeder) | 300 | 340 |

Case No. 257 /91

Page No. 03 / 06

b) From 1st June 2008:
High Tension Tariff:

| Consumer Category | Demand Charges (Rs/KVA/month) | Energy Charges (Paise/kWh) |
|--|----------------------------------|-------------------------------|
| HT I- Industry | | |
| Continuous Industry (on express feeder) | 150 | 430 |
| Non Continuous Industry (not on express feeder) | 150 | 395 |
| Seasonal Industry | 150 | 500 |

The above provisions shows that until 1st June 2008 the demand charges for both continuous and non-continuous industries were same while energy charges were high for non-continuous industry as compared to continuous industry. The consumer was charged on the basis of continuous industry in which case, the energy charges are less. The consumer has not raised any issue or protested against the applicable tariff before June 2008. The dispute arose in relation to tariff charges after June 2008. It is seen from the above that the demand charges for Continuous Industry (on express feeder) and non continuous industry (not on express feeder) are same (i.e. Rs.150/KVA/Month). However energy charges for continuous industry are more, Rs. 4.30 per unit as compared to Rs.3.95 for non-continuous industry. The Nodal Officer states that the consumer has given power supply from express feeder and he has used the power supply for motive power load even on staggering day for some period and throughout the day for lighting load. If the consumer was not using the supply for production purpose throughout the staggering day, it is not DL's look out, therefore, he is entitled to recover charges at Rs.4.30 per unit.

9). The consumer states that he had submitted two applications dated 11.08.2008 and 08.04.2009 and requested D.L. to change his category from continuous to non-continuous industry. However the D.L./ had considered his request w.e.f. September 2009, the same should be considered w.e.f. September 2008. The consumer also submitted the copies of applications dated 11.08.2008 and 08.04.2009. The Nodal Officer states that he had received only one application of the consumer dated 08.04.2009 and copy of the letter dated 11.08.2008 is a forge letter, so it can not be accepted. Perusal of the consumer's letter dated 11.08.2008 reveals that it is acknowledged by the office of the Superintending Engineer, Urban Circle, Aurangabad. on dated 14.08.2008 with office seal and inward No.7199. Forum has directed Nodal Officer to confirm the receipt of above letter dated 11.08.2008 with inward No. As per the report submitted by Nodal officer some other

Case No. 257/91

Page No. 04/ 06

letter is made inward on No. 7199 as per the record of SE's office receipt register. As such it may not be considered. However he had accepted the receipt of consumer's letter dated 08.04.2009. The contents of the consumer's letter dated 08.04.2009 addressed to SE Urban Circle, Aurangabad is as below:-

“With reference to above subject we are presently avail HT-I continuous industries category now we wants to move from HT-I continuous industries category to HT-I Non continuous industries as our industry runs 16-18 hours per day .Kindly we requested you to for transfer to HT –I Non continuous category and do the needful.”

Perusal of the above letter clearly shows that the consumer had availed the continuous industries category and thereby use of supply upto 09.04.2009. Now he wants to change the continuous category to Non-continuous category as his industry runs only 16-18 Hours. In above letter he had not given the reference of his previous letter dated 11.08.2008. The consumer had not made any correspondence with D.L. in between the period of above two letters and nothing is shown on record. Nodal Officer in his written submission on dated 15.12.2009 states that “ The letter of consumer on dated 11.08.2008 is not received by D.L. so it is a forge letter, so it can not be accepted “. The copy of above written statement is also given to the consumer during hearing, however consumer had not replied on this point in his written reply. In such a situation, Forum has no way to accept the submission of the Nodal Officer that he had received only consumer's letter dated 08.04.2009.

10) The Commission subsequent to the tariff order of 20th June 2008, issued a Clarificatory order on 12th September 2008, directing the D.L. to ensure that the clarifications given in that order, are implemented with effect from 1st June,2008 The D.L. in turn, issued a commercial circular No.88 on 26th September 2008, as below:

“ Applicability of HT I (continuous industry):

“In the Tariff order, the Commission has specified that “only HT industries connected on express feeder and demanding continuous supply will be deemed as HT continuous industry and given continuous supply, while all other HT industrial consumers will be deemed as HT non continuous industry”.

Now Commission 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 circular for exercising his choice. In case such choice is not exercised within the specified period, then the existing categorization will be continued”.

- 11) It is clear that in the tariff order, the Commission has specified that only HT industries connected on express feeder and demanding continuous supply will be deemed as HT continuous industry and given continuous supply, while other industrial consumers will be deemed as HT non continuous industries. The Commission has clarified that 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 case, the D.L. circular stipulates that the consumer may be given one month time from the date of issue of this circular, for exercising his choice. In case such a choice is not exercised within the specified period, then the existing categorization will be continued.
- 12) Records shows that the consumer has not given any choice within the one month from the said circular. In such an eventuality the existing categorization of the consumer is required to be continued i.e. Continuous supply tariff. The Consumer has applied for non-continuous tariff on date 08.04.2009. The Commission has given the next tariff order for the year 2009-2010 on dated 17th August 2009. As per the directives of the Hon'ble Commission and instructions issued in DL's circular No.88 dtd.26.09.2008 the D.L. has rightly considered the consumer's application for non-continuous industry tariff with effect from September 2009.

ORDER

Consumer's application stands dismissed.

The D.L.& the consumer shall comply with the above order and report compliance to the Forum.

(V.S. Kabra)
Member

(P.A.Sagne)
Member Secretary

V.A.Hambire
President

**ग्राहक गा-हाणे निवारण मंच
महाराष्ट्र राज्य विद्युत वितरण कंपनी मर्यादित
औरंगाबाद परिमंडळ औरंगाबाद.**

जुने पावर हाऊस, पोलीस आयुक्तालयासमोर, डॉ.बाबासाहेब आंबेडकर रोड, औरंगाबाद.-

No. Case No. CGRF/AZ/AUR/U /257/ 2009/91

Date:-

To,

1. M/S Mahaveer Steel Re-rolling Mill,
Plot No.A-26/27, MIDC, Chikalthana,,
Aurangabad.
(Consumer No. 49001900049)

2. The Executive Engineer (Adm.)
O/O Superintending Engineer
O & M , Urban Circle, M.S.E.D.C.L.
Aurangabad.

Subject :- Grievance Case No.CGRF/AZ/AUR/U/257/2009/91

Dear Sir,

Find enclosed herewith a copy of order passed by the Forum in the case mentioned above.

The consumer, if not satisfied with the decision of the Forum , is at liberty to make a representation to the Electricity Ombudsman, the contact details of whom is as under, within a period of 60 days from the date of this order.

Encl: As above

**Copy to:-
The Chief Engineer(AZ)
MSEDCL,Aurangabad.**

**Member/Secretary,
CGRF(AZ) MSEDCL,
Aurangabad.**

**Contact Details of Electricity Ombudsman:
The Electricity Ombudsman
Maharashtra Electricity Regulatory Commission
606-608, Keshava Building Bandra-Kurla Complex,
Mumbai 400 051 (Tel.No. 022-26590339)**

