

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 / PBN / 201 / 2009 / 35

Date :-

To,
The Executive Engineer (Administration)
O/O Superintending Engineer ,
Parbhani Circle Office
Parbhani

Sub:- Forwarding of grievance submitted by **M/S Ganesh Agro Industries** , Plot No. C-52, MIDC, Parbhani.
(Consumer No.530019004230)

Dear Sir,

Please find enclosed herewith a copy of the grievance application received by the Forum from **M/S Ganesh Agro Industries** , Plot No. C-52, MIDC, Parbhani.

You are requested to submit your reply on the grievance at the time of hearing..

The hearing in this matter is kept on **21.04.2009 at 11=45 Hrs.**

Encl: As above

Member/Secretary
CGRF(AZ) MSEDCL
Aurangabad.

Copy to:-
M/S Ganesh Agro Industries
Plot No. C-52, MIDC,
Parbhani.

**BEFORE THE CONSUMER GRIEVANCE REDRESSAL
FORUM
AURANGABAD ZONE, AURANGABAD**

(Case No: CGRF/ AZ / U / 201 / 2009 / 35)

Date of Filing: 06.04.2009

Date of Decision: 28.05.2009

M/S Ganesh Agro Industries
Plot No. C-52 MIDC, Parbhani
Parbhani
(Consumer No. 530019004230)

Consumer Complainant.

V/s

Maharashtra State Electricity Distribution Co.Ltd.
Parbhani Circle, Parbhani.

The Distribution Licensee.

Coram:

Shri V.A.Hambire President

Shri H.A.Kapadia Member

Shri P.A.Sagane Member secretary

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

The consumer complainant M/s Ganesh Agro Industries Plot No.C-52, MIDC, Parbhani has filed his grievance in Annexure "A" before this Forum on 06.04.2009, under Regulation No. 6.10 of the Regulations 2006. The grievance of the consumer is registered in this office at Sr.No.201/2009/35 and copy of same 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 21.04.2009.

Case No: 201/09/35

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The grievance of the consumer, as per consumer, is as stated below

1. The consumer has applied for electricity connection for his ginning factory on 07.06.2007 and the connection was released by the Distribution Licensee (hereinafter referred to as D.L.) on 23.11.2007. The consumer contended that since the ginning season was already started in the month of October , and connection was released in Nov.07, he did not intimated the season period to D.L. On 23.05.08 he submitted an application in the office of Supdt. Engineer ,circle office Parbhani requesting him to disconnect his supply temporarily. The concerned authority of D.L. disconnected his supply in last week of May2008. The consumer further contended that even though he has not declared the season period for next year and supply being under temporary disconnection., a bill amounting to Rs. 25350/ for the month of Oct.2008 was send to him by the D.L. .The consumer has paid the said bill under protest and filed his grievance before the Internal Grievance Redressal committee of the D.L. at Parbhani (hereinafter referred to as IGRC) on 27.01.09 . The consumer stated that since IGRC did not conducted any hearing nor passed any order, within prescribed time, he filed this grievance in the Forum and requested the Forum to direct the D.L. to refund the said amount with interest and to pay compensation.
2. On 21.04.2009, i.e. on the date of first hearing , consumer representative Shri Omprakash Daga was present . Nodal officer's authorized representative Shri K.B. Kale was present. He filed authority letter duly signed by Nodal officer, however the reply on the grievance was filed with the signature of Supdt.Engineer, Parbhani circle. The representative of Nodal officer admitted that no hearing was conducted by IGRC on receipt of grievance application of the consumer within stipulated period. Consumer stated that his application for opting non seasonal tariff was rejected by D.L. which is against the provision made in MERC tariff order No.2/2003 dt.1.12.03. Since the Nodal officer's authorized representative did not filed related documents, he was directed to file copy of power sanction letter, copy of agreement, copy of tariff order, date of temporary disconnection of supply and confirmation of consumer letter dt.3.10.07 and other related documents in support of his say. The next hearing in the matter was kept on 28.4.09.

3. On 28.04.2009, Shri Omprakash Daga was present. Nodal officers representative Shri K.B.Kale was present. He filed the documents as directed by the Forum in last hearing and also confirmed the receipt of consumer's letter dt.3.10.2007. He further stated that the normal season for ginning industries is considered as October to May of each year. He further stated that consumer at the time submitting his application for power has declared that cotton ginning season starts in the month of October and therefore the same was considered while issuing the bills for the month of Oct.2008. Consumer argued that he has filed application for conversion of tariff from seasonal to non seasonal tariff on 3.10.07 but the same is not considered by the D.L. He also contended that he has not intimated the seasonal period to D.L. and the bill for the month of Oct.2008 shows NIL KWH consumption. After hearing both the parties in details the matter was kept for decision.
4. We have gone through the grievance filed by the consumer .We have also gone through the reply filed by the Nodal officer. On going through the documents placed before us, we observed that the supply was released by the D.L. to the consumer for ginning factory on 23.11.2007 . The bills were issued on the basis of H.T. seasonal tariff. The consumer has applied for temporary disconnection of his electricity supply on 23.5.08 which was disconnected by the D.L. in last week of May 2008. However a bill for Rs.25350/ towards demand charges was issued by the D.L. for the month of Oct.2008. Aggrieved by this bill the consumer has filed his grievance in the Forum.
5. We also observed that, the consumer has filed his grievance on 27.01.2009 before the IGRC after making the payment of the disputed bill under protest. The Forum is surprise to note that IGRC has not conducted any hearing nor made any attempt to redress the grievance of the consumer filed before it. MERC , by its Regulation has directed the D.L. to form IGRC at circle level for speedy redressal of the consumer complaints. However since no hearing has been conducted nor any decision has been passed by IGRC at Parbhani , we are of the view that such action on the part of D.L. is violation of Provisions of MERC Regulations 2005 . The consumer was therefore forced to file his complaint before the Forum at Aurangabad

We further observed that the Hon'ble Commission has passed tariff order which was applicable from period 1.6.08 onwards. The approved rates for seasonal Industries (HT-1 category) are Rs.150/KVA and Rs.5/ Kwh units. The D.L. , considering the seasonal period starting from October , issued a bill of Rs. 25350/ towards demand charges to the consumer. On going through the tariff order, we observed that the rate applicable for KVA demand during **seasonal period** is either actual demand recorded , 75% of contract demand or 50 KVA . Where as the rate applicable for KVA demand during **non seasonal period** is as per actual maximum demand recorded during 6.00hrs to 22.00 hrs in the month. The Hon'ble Commission by its order has given concession to seasonable Industries as far as KVA demand charges are concerned for non season period.

It is pertinent to note that Hon'ble Commission has described the period for seasonal consumers as “ **one who works normally during a part of the year to a maximum of Nine months** “ and **further clarifies in its order that the consumer has to opt i.e. to declare such season period.**

On going through the bill for the month of Oct.2008, we observed that the Kwh units as well as KVA demand recorded is NIL and bill amounting to Rs. 25350/ considering 169 KVA maximum demand (169x150=25350/) has been charged. The contention of Nodal officer that the commencement of season period for 2008 is being taken on the basis of his application dt.07.06.2007 cannot be accepted . The consumer while submitting an application for fresh power on 7.6.2007 has mentioned that “ cotton ginning period starts from October first week . This remark against column 12 cannot be considered as his declaration of season period as he has received power connection in Nov.2007. Also the same cannot be considered as declaration for season period for next year season . The column 12 in the said application form is regarding declaration about essentiality, urgency etc which is common to all applicant of all category of consumer and therefore same cannot be considered as declaration of season period . As per Hon'ble Commission's guidelines D.L. should obtain declaration from seasonal industrial consumer about the season period as the same is likely to be change depending on rainfall and other conditions.

As regards to application of the consumer for opting regular HT-1 tariff (Non seasonal tariff) made by consumer on 3.10.07, we observed that consumer has availed HT supply in the month of Nov.2007 and paid the monthly bills regularly. During this period he has not raised any objection on applicability of tariff i.e. HT –1 seasonal. The consumer in his grievance application filed before the Forum has also not mentioned / prayed anything about applicability of tariff. The only prayer made is for refund of amount paid towards demand charges , interest, compensation etc. The same is therefore not considered by the Forum .

In view of above observation, we are of the opinion that as the consumer has not declared the season period , the amount of Rs.25350/ charged towards demand charges is unjustified. The grievance filed by the consumer is allowed and the consumer is required to be compensated.

ORDER

1. The Distribution Licensee shall refund/ adjust amount of Rs.25350/ charges towards demand charges in the next bill due to be issued to the consumer along with interest at the approved rate.
2. The Distribution Licensee shall pay Rs.500/ to the consumer towards compensation.

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

Inform the parties and close the case.

(

(H.A.Kapdia)
Member

Not signed
(P.A.Sagne)
Member Secretary

Not signed
V.A.Hambire
President

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DIFFER ORDER DATED 05/04/2009

The above order delivered by Shri H.A.Kapadia, Member, CGRF not agreed to us and our differ order is given as under:-

1. In the MERC order dated 1/12/2003 in case No.2 of 2003 in the matter tariff applicable to various categories of consumers of MSEB, it is noted that “ The consumers should approach to MSEB for classification under the seasonal category if their business is such that Electricity requirement is seasonal in nature. The shift from Seasonal to Normal connection and vice versa can be done only once each year, at the beginning of the year”.
2. As per the above Hon’ble Commissions guidelines it is not the responsibility of the Distribution Licensee to obtain declaration from the consumer who opt for a seasonal pattern of consumption. Every seasonal consumer shall declare in every April his season for that financial year , and declared season can not be changed in that financial year.
3. In this case to consumer has not declare the seasonal period. He availed HT supply during November 2007 and paid monthly bills as per HT-I seasonal tariff. He has not raised any objection on applicability of tariff. This shows his willingness to seasonal tariff.
4. As the consumer has not declare the specific season the Distribution Licensee has no other option to consider the normal season of the Ginning Industry as October to May as declaration of season.
5. The consumer vide his letter dated 23/05/2008 has requested to disconnect the supply temporary as his Industry remains close up to Sept./October, can not be consider as declaration of season.

From the above observations we are of the view that Distribution Licensee has rightly issued the bill amounting Rs. 25350/- for the month October 2008.

ORDER

The complaint of the consumer stands dismissed.

(P.A.Sagane)
Member/Secretary

(H.A.Hambire)
Chairman

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औरंगाबाद परिमंडळ, औरंगाबाद.

जुने पावर हाऊस परिसर.डॉ.बाबासाहेब आंबेडकर रोड, मिल कॉर्नर, औरंगाबाद. - ४३१ ००१, दुरध्वनी व फॅक्स -०२४० - २३३६१७२.

Case No.CGRF/AZ/U/201 / 2009 /35/

Date:-

To,

- 1. The Executive Engineer (Adm.)**
O/O Superintending Engineer
O& M , Urban Circle, M.S.E.D.C.L.
Parbhani.
- 2. M/s Ganesh Agro Industries,**
Plot NO.C-52,MIDC,
Parbhani.

Sub: Grievance incase No. (Case No:CGRF/ AZ/ U/201/2009 /354)

Please find enclosed herewith a copy of order passed by the Forum in the case mentioned above. Please note that as per the Regulations laid down by M.E.R.C. , the decision passed by the majority member is enforcable.

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: A/A

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

Copy submitted w.r.to:-

The Chief Engineer(AZ)

MSEDCL, Aurangabad.

