

CONSUMER GRIEVANCE REDRESSAL FORUM
RMAHARASHTRA STATE ELECTRICITY DISTRIBUTION COMPANY LTD.
AURANGABAD ZONE, AURANGABAD.

Old Power House Premises, Dr.Ambedkar Road, Aurangabad. Phone No.2336172

No:- CGRF/AZ/AUR/ R/ 382 / 2012 / 15 /

Date :-

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

Sub:- Forwarding of grievance in respect of Pepsico India Holding Pvt. Ltd., Plot No.D-7, MIDC Industrial Area, Paithan Tq. Paithan Dist. Aurangabad. (Consumer No. 493019040750).

Dear Sir,

Please find enclosed herewith a copy of the grievance application received by the Forum , in respect of Pepsico India Holding Pvt. Ltd., Plot No.D-7, MIDC Industrial Area Paithan,Tq. Paithan Dist. 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 27.03.2012 at 11= 30 Hrs.

Encl: As above
Copy to:-

Member/Secretary
CGRF(AZ) MSEDCL
Aurangabad.

Pepsico India Holding Pvt.Ltd.,
Plot No.D-7, MIDC Industrial Area,
Paithan Tq.Paiiothan
Dist.Aurangabad.

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
AURANGABAD ZONE, M.S.E.D.C.L., AURANGABAD.

(Case No: CGRF/ AZ / Aur / R / 382 / 2012 /15)

Date of Filing: 06.03.2012
Date of Decision: 07.06.2012

01) Pepsico India Holding Pvt. Ltd.,
Plot No.D-7, MIDC Industrial Area,
Paithan Tq. Paithan
Dist. Aurangabad.
(Consumer No. 493019040750).

V/s

02) The Superintending Engineer, Respondent No.1
Nodal Office, Urban Circle, MSEDCL,
Aurangabad.

Coram:

Shri V.B. Mantri President
Shri V.S. Kabra Member
K.S.Narwade Member/Secretary

ORDER

Nobody is present for complainant. The Nodal Officer for respondent is present.

Read Roznama. It reveals that no one remain present on behalf of the complainant, preceding three dates continuously. This Forum therefore found no reason to adjourn the hearing sufficient chances of hearing are given to the complainant. This Forum therefore proceed to pass following order.

ORDER

The complaint is dismissed in default.

Sd/-
(V.S. Kabra)
Member

Sd/-
(V.B. Mantri)
Chairperson

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM,
AURANGABAD ZONE, AURANGABAD

Case No. CGRF/AZ/AUR/R /382/ 2012/ 15

Date of Filing: 06.03. 2012

Date of Decision: 01.01.2013

Pepsico India Holding Pvt .Ltd.,
Plot No.D-7, MIDC Industrial Area,
Paithan, Tq.Paithan
Dist. Aurangabad.
(Consumer No. 493019040750)

Complainant

V/s

*Maharashtra State Electricity Distribution Co. Ltd. O&M Rural
Circle, Aurangabad.*

Respondent

Corum:-

Shri V.B. Mantri	President
Shri V.S. Kabra	Member
Shri K.S.Narwade	Member/Secretary

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

DECISION

01) The grievance of the complainant is against the bill dated 17.07.2010 issued for the sum of Rs.80,26,908.00 shown as arrears for the period from June 2008 to June 2010.

02) The facts giving rise to the grievance in brief are that, the complainant is the consumer bearing consumer No. 493019040750. The complainant is company dealing in manufacturing and distributing carbonated soft drinks, drinking water etc. The power supply made by the respondent was categorized as Non-continuous Industry as HT-1N. The complainant followed weekly off on every Friday. The Electricity bills were issued accordingly in the category of HT-1N till June 2010. The complainant never opted for continuous category. The complainant regularly paid the bills as issued in the category of Non-continuous.

03) On 23.07.2010, the complainant received a bill dated 17.07.2010 for the sum of Rs.80,26,908.00 shown as arrears from June 2008 to June 2010 treating category of unit of complainant as HT-1C in place of HT-1N w.e.f. June 2008, and claimed arrears w.e.f. June 2008 till June 2010 i.e. difference of tariff with retrospective effect for more than two years. The said bill was issued without following principles of Natural Justice. The Industry of complainant was always non-continuous upto June 2010. Change of tariff category was never agreed and it was never informed. The complainant requested the respondent to drop the bill, but the respondent did not reply the communication. The complainant again requested to S.E. but the S.E. instead of dropping the disputed bill issued notice dated 04.10.2010 making demand of Rs.1,29,64,980/- as outstanding arrears. The complainant was not given opportunity to exercise the option regarding change of category, therefore unilateral change in category is not binding on complainant. It is therefore prayed that, bill dated 17.07.2010 be dropped and respondent be directed to continue charging the bill as applicable to HT-1N and requested either to refund or to get adjusted excess amount paid by complainant.

04) In response to the notice issued to respondent the Nodal Officer submitted reply and thereby contended that application of tariff is as per spot inspection report of Dy. Executive Engineer, Flying Squad Jalna. The arrears bill is correctly issued. The complaint be dismissed.

05) This Forum heard submissions of Nodal Officer. The complainant has submitted written arguments in the nature of evidence affidavit of complainant.

06) Considering submissions so made on behalf of respective parties, the following points arise for our decision and our findings are as follows for the reasons below:

Sr. No.	POINTS	FINDINGS
01.	Whether the respondent has committed error in reclassification of tariff and made applicable to complainant	No
02.	What error if any committed by the respondent, while issuing the disputed bill dated 17.09.2010 amounting to Rs. 80,26,908/-	<p>i) Respondent has claimed arrears preceding to two years.</p> <p>ii) Respondent should have given opportunity of hearing prior to reclassification at earliest.</p>
03)	What Redressal/Decision	As follows.

REASONS

07) The complainant has produced Xerox copy of the disputed bill at page No.26 Ex. "D" but the copy is not at all readable. Nothing can be read out of such copy. However, it can be appreciated from the sub missions of the parties, that, it is the bill of arrears, for the sum of Rs.80,26,908/-. The respondent has re-classified the tariff and difference bill appears to have been issued.

08) There is no dispute that, the complainant had applied for power supply to the plant of complainant and the supply was categorized as Non-continuous Industry HT-1N. It has been pleaded by the complainant that, the complainant

observed weekly off on every Friday. The complainant never opted for continuous supply. The respondent without any notice reclassified category of tariff and issued bill with retrospective effect and claimed difference bill w.e.f. June 2008.

09) It has been submitted and argued that, the MERC has given liberty to exercise choice between continuous and non-continuous supply and in case choice is not exercised then existing categorization will be continued . It has been submitted that, the complainant did not exercise any choice so his existing categorization is required to be continued. The respondent has changed the category from Non continuous to continuous and thereby claimed arrears with retrospective effect for more than two years. The bills of arrears is therefore required to be set aside.

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10) The Nodal Officer has submitted that the complainant was found using continuous power supply even on staggering day i.e. on Friday. The Flying Squad noticed that, the complainant is availing continuous power supply. The difference of tariff has been issued to consumer for the period June 2008 to June 2010 on detection of the fact that, consumer was availing continuous power supply. The Nodal Officer has produced the copies of the bills of different companies who are availing continuous power supply to whom category of **HT 1.C.** has made applicable. He produced daily log-sheet at Page No.19-71 to convince and to prove that the consumer has used power even on staggering days i.e. even on Friday. Copy of G-7 form has been produced to support the said contention.

11) On going through the copies of documents and on considering the submissions of parties it is found that, the supply to the complainant has been given on express feeder and that, the complainant is availing benefit of continuous supply. The complainant did not exercise his choice to convert supply from continuous to Non-continuous as per MERC observations. The respondent is therefore right in correcting the tariff and as such entitled to recover difference of charges. The respondent as such did not commit any error in making re-classification of tariff and making recovery of bills for the supply availed by complainant as continuous in category. The only procedural error which this Forum noticed is that, the respondent should have given notice to the complainant at earliest prior to re-classification. The billing and electricity supply record is available with respondent. The respondent could have noticed such fact on the basis of consumption record. The volume of arrears could have been thereby reduced, more over it reveals that arrears have been claimed for more than preceding two years. The respondent should thereby issue revised bill restricting the arrears preceding two years of the date of bill i.e. 17.07.2010. As the bills were not issued there is no question of delay payment charges and interest if any. The respondent shall not thereby charge D.P.C. and interest on such arrears. There are latches on behalf of the respondent in claiming such arrears all of sudden which resulted the arrears in

big amount, after lapse of considerable period and in absence of giving any notice or hearing opportunity to complainant for which this Forum is of the opinion that cost of Rs.5000/- should be imposed on complainant. The cost amount be adjusted in bill of arrears with these reasons, the grievance is partly allowed. The Forum therefore pass the following order.

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ORDER

- 01) The grievance is partly allowed.
- 02) The disputed bill dated 17.07.2010 is hereby set aside.
- 03) The respondent shall issue revised bill in place of disputed bill restricting claim of arrears to the extent of two years preceding to the date of disputed bill i.e.17.07.2000.
- 04) The respondent shall not charge D.P.C. or any interest on such arrears.
- 05) The respondent shall pay or get adjusted cost of Rs. 5000/- payable to complainant due to lapses committed by respondent company.
- 06) No order regarding costs of proceeding of this complaint.

Sd/-
(V.S.Kabra)

Sd/-
(S.K.Narwade)

Sd/-
(V.B.Mantri)

