

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM AURANGABAD,

Case No. CGRF / AZ / AUR / LLN/ 411/ 2012 /44/

Date of Filing 07/11/2012

Date of Decision 01/01/2013

M/s Jindal seeds Company Pvt. Ltd. COMPLAINANT.
Plot No. A/ 914 MIDC. Jalna.

VERSUS.

Maharashtra State Electric Distribution Co., RESPONDENT.
Ltd. JALNA.

CORAM:-

Shri V.B.Mantri. Chairperson.

Shri S.K.Narwade. Member/Secretary.

Shri V.S.Kabra. Member.

DECISION.

1. The grievance of the complainant is regarding application of commercial Tariff in place of Industrial Tariff, and the bills issued on the basis of such Commercial Tariff for the sum of Rs. 136720/- in the month of May 2012.

2. The case of the complainant in brief is that, the complainant is the consumer; He has taken Electric Supply in the year 1965. The bills are being issued as per Industrial Tariff, till April 2012.

3. On 5.5.2012, Flying Squad Unit visited the premises of the complainant and checked the meter and other installation and found intact. The complainant has however received a bill of 136720 in which the sum of Rs. 132332 has been shown as arrears. The details of such arrears have not been shown.

4. The complainant requested the respondent to withdraw the said bill but the respondent did not take cognizance of such request. The respondent has changed the category without giving any notice and without hearing the complainant.

5. The Electric supply provided to the complainant is being used for the purpose of Industrial activity. It is therefore requested to quash the bills issued by changing category, and by applying commercial category in place of Industrial category.

6. The respondent appeared and submitted reply by the Nodal Officer. It has been submitted that, the Flying squad visited the premises of the complainant and it was noticed that the use of Electricity was for commercial purpose and not for manufacture or Industrial purpose. The complainant was found using the Electricity for Storage, Grading, cleaning and packing of seeds. The packed seeds are being used for trading on commercial basis. The use of electricity as such was found to be for commercial use. The tariff applicable for such use is commercial tariff. The tariff of Industrial category was being applied, even though the use of electricity was for commercial purpose. The

difference bills has been therefore issued showing the complainant to be in arrears of the bills. The bills as such are correct. The complaint should be dismissed.

7. This Forum heard submissions of Mr. Kapadiya for the complainant. The Nodal Officer represented the respondent.

9. The following points arise for our decision.

- | | |
|--|-------------|
| 1. Whether the respondent is justified in applying Commercial Tariff? | Yes. |
| 2. Whether the respondent is right in claiming arrears for 41 months? | No. |
| 3. For how many months preceding to the date of bills the arrears can be claimed ? | 24 Months. |
| 4. What Redressal | As follows. |

10. REASONS.

There is no dispute that the complainant is the consumer, who has taken Electric Supply for his Industry in the year 1965. There is further no dispute that the bills those were being issued to the complainant were as per Industrial Tariff. The complainant was making payments of the bills.

11. It is the case of the complainant that, his unit is manufacturing unit. The premises are being used for processing of seeds which is a manufacturing unit and therefore, Industrial Tariff is applicable to his unit. The respondent has erroneously applied Commercial Tariff and thereby issued bills of arrears for the period 41 months.

12. The Nodal officer has submitted that the complainant is using the supply for trading. The supply is being used for storage grading, cleaning and Packing of seeds. The packed seeds are being used for trading on commercial basis. The use of electricity as such is for commercial use. The tariff applicable for such use is commercial tariff. The bills as such have been correctly issued. The Nodal Officer has pointed out the spot inspection report and submitted that the said report has not been disputed by the complainant.

13. We have perused the spot inspection report of flying squad, rural Aurangabad, Jalna. The report speaks that the meter was taken for Industrial purpose. Actual use of the supply however found to be for cleaning, packing and trading of onion seeds.

14. The spot Inspection report does not appear to have been disputed by the complainant. The premises as such appear to have been used for trading purpose. The tariff is applicable according to use of Electricity. The supply is being used for storage grading, cleaning and Packing of seeds. The packed seeds are being used for trading on commercial basis. The use of electricity as such is for commercial use. The tariff applicable for such use is commercial tariff. The respondent has according applied commercial tariff. The deference bills are issued as arrears. The only illegality which has been noticed is that the respondent has claimed arrears of 41 months. The arrears could be claimed only for the period of 24 months preceding to the date of bills. The disputed bills are therefore required to be quashed. The respondent should issue revised bills of

arrears restricted to 24 months preceding to the date of bills. The respondent should not levy any penalty or interest on the arrears. The grievance as such is partly allowed. This Forum thereby passes the following order.

ORDER.

1. The grievance is hereby partly allowed.
2. The disputed bill is hereby set aside.
3. The respondent shall issue revised bill restricting the bill of arrears to the extent of 24 months preceding to the date of the bill of difference.
4. The respondent shall not levy any D.P.C. or any interest of such arrears of bills.

(V.S. Kabra)
Member

(S.K. Narwade.)
Member/Secretary

(V.B. Mantri)
Chairperson.

