

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
AURANGABAD,

CGRF / AZ / AUR / JLN/ 413/ 2012 /46/

Sunrise Food Process,
W-3, Additional MIDC, Jalna,
Jalna.

COMPLAINANT.

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 Rs.47310/-
2. The case of the complainant in brief is that, the complainant is the consumer, bearing consumer No. 510030386815. The complainant has taken Electric Supply for Dal Mills.. The unit of the complainant is manufacturing processing unit. The bills were being issued as per Industrial Tariff. It is an agro industry. It is pleaded that, the unit of the complainant is not service unit. There is no trading activity in the unit..
3. Flying Squad Unit visited the premises of the complainant and checked the meter. The flying squad reported that the use of the electricity is being done for cleaning of various grains etc which is commercial purpose and thereby reported that commercial tariff should be applied to the unit of the complainant. The complainant has thereby received a bill of 47310/- , on 10.6.2012. The copy of the bill has been submitted.
4. The complainant applied to IGRC Jalna and requested to withdraw the said bill dated 10.6.2012, but the IGRC rejected the request of the complainant. It is submitted that the respondent has changed the category without giving any notice and without

hearing the complainant. The flying squad did not inspect working activity of the unit of the complainant.. The Executive Engineer never visited the unit of the complainant. It is submitted that the Electric supply provided to the complainant is being used for the purpose of Industrial activity. It is therefore requested to quash the disputed arrears of bills issued by changing category.

6. The respondent appeared through the Nodal Officer and submitted reply. It has been submitted that, the Flying squad visited the premises of the complainant on 16.11.2011. It was noticed to the flying squad that, the use of Electricity was being done for commercial purpose and not for manufacturing purpose or Industrial purpose. The complainant was found using the Electricity for cleaning of various grains. For commercial purpose.. The use of electricity as such was found to be for commercial use. The tariff applicable for such use is commercial tariff, as per category LT-II-Comm. No manufacturing activity was found and the supply was not found for the use of manufacture. The tariff of Industrial was wrongly being applied, therefore difference bills has been issued showing the complainant to be in arrears of the bills. The bills as such are correct.

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

9. Considering the submissions so made on behalf of the parties, The following points arise for our decision.

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| 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. |

REASONS.

10. There is no dispute that the complainant is the consumer, who has taken Electric Supply for his Dal mills. 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 agricultural produce, 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. The total assessment of arrears has been made for Rs. 38446/-

12. The Nodal officer has submitted that the complainant is using the Electric supply for trading. The supply is being used for cleaning of various grain. 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. It is thereby pleaded that difference bill for Rs. 38,446/- has been correctly issued.

13. We have perused the spot inspection report of flying squad, rural Aurangabad, Jalna. The report speaks that the meter was taken for LT-V-A Ind. That is for Industrial purpose. It is noted that though the meter was taken for industrial purpose, however actual use of power is being done for cleaning of various grains for commercial purpose. The flying squad noted that the use of electricity is for commercial purpose. The squad has thereby recommended that LT-II Comm. Tariff was required to be applied to the unit of the complainant.

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 commercial purpose. The tariff is applicable according to use of Electricity. The supply is being used for cleaning and processing grains, for commercial purpose. The bills were being issued as per Industrial Tariff assuming that the unit was for manufacturing unit. The complainant has used the power for commercial use. The complainant as such is bound to pay for the energy consumed for commercial use. The tariff applicable for such use is commercial tariff. The respondent has accordingly applied commercial tariff. The deference bills are issued as arrears. The respondent is entitled to correct the tariff and also entitled to recover the arrears. This Forum as such found no illegality on this aspect. The IGRC has considered this aspect and accordingly correctly decided the question of application of appropriate tariff. The only illegality which has been noticed by this Forum is that the respondent has claimed arrears of 41 months. The arrears could have been 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 as the bills were not issued to that effect. The grievance as such is partly allowed. This Forum thereby proceeds to pass the following order.

ORDER.

1. The grievance is hereby partly allowed.
2. The disputed arrears of bill for Rs. 38,446 issued for assessment period of 41 months, is hereby set aside.
3. The respondent shall issue revised bill in place of disputed bill restricting the arrears due to change of tariff only to the extent of the period of 24 months preceding to the date of bill.
4. The respondent shall not levy any penalty for delay in payments or any interest on such arrears.

Sd/-

(Shri V.S.Kabra)
Member

Sd/-

(Shri S.K.Narwade)
Member/Secretary

Sd/-

(Shri V.B.Mantri)
Chairperson.

Dated: 1.1.2013.
AURANGABAD.

