

CONSUMER GRIEVANCE REDRESSAL FORUM
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION COMPANY LTD.

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

No:- CGRF/AZ/AUR/R/ 431 / 2013 /15 /

Date :-

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

Sub:- Forwarding of grievance in respect of M/s Balaji Washing
Co.pvt.Ltd., Gut No 66, Gevrai Village, Paithan Road, Aurangabad.
(Consumer No. 490260274021)

Dear Sir,

Please find enclosed herewith a copy of the grievance application
received by the Forum, in respect of M/s Balaji Washing Co.pvt.Ltd., Gut
No 66, Gevrai Village, Paithan Road, Aurangabad

You are requested to Redress the grievance or submit your para
wise reply at the time of hearing. The hearing in the matter will be held
on 02.04.2013 at 11.30 Hours.

Member/Secretary
CGRF(AZ) MSEDCL

Encl: As above

Copy to:-

M/s Balaji Washing Co.pvt.Ltd,
Gut No 66, Gevrai Village,
Paithan Road, Aurangabad

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
(MSEDCL) AURANGABAD ZONE, AURANGABAD.

Case No. CGRF/ AZ/AUR/R/ 431/2013/15.

Date of Filing : 19.03.2013

Date of Decision 16.04.2013

1. M/s.Balaji Washing Co. Pvt. Ltd., COMPLAINANT
Gut NO. 66 Gevrai villages,
Paithan Road, Aurangabad.

Versus

1. The Executive Engineer (Adm) RESPONDENT
Nodal Officer, O&M
Rural Circle, MSEDCL,
Aurangabad.

CORAM:-

Shri. V.B. Mantri. Chairperson

Shri S.K. Narwade Member/Secretary

Shri V.S. Kabra Member.

1. The grievance of the complainant is against the Bill issued by the respondent for the month of July 2012 in which debit bill adjustment of Rs. 13,42,916/- has been allegedly claimed illegally.
2. It is the case of the complainant that, the complainant is the consumer of the respondent, bearing consumer No. 490260274021. Complainant is a Washing Company established for the purpose of providing

ancillary industrial services to the power loom / textiles and other industries. The complainant is carrying out the sub process of textiles industries like bleaching, dyeing softening and starch etc. The activity of the complainant is as such industrial.

3. On 31.3.2012, flying squad of the respondent conducted inspection and instructed to apply LT II Commercial Tariff to the unit of the complainant in place of Industrial tariff. It was further instructed to recover arrears of difference of tariff. The respondent as such has issued the arrears bill in the month of July 2012 in which debit bill adjustment of Rs. 13, 42,916/- has been claimed illegally.
4. It is submitted that the complainant has approached to IGRC but no relief has been granted.
5. It is the grievance of the complainant that, the tariff has been changed without having been given opportunity of hearing. The flying squad recorded the statement of helper of the complainant at the time of inspection and proceeded to instructed to apply commercial tariff without actual verifying the use of power. The adjustment bill so issued by the respondent as such is illegal bill and the same is needed to be set aside. The complainant has paid the bill as per industrial tariff since 12 years regularly.

6. The respondent has submitted reply to the grievance application and submitted that as per registration certificate issued by the Govt. of Maharashtra, Directorate of Industries, the unit of the complainant is for job work, and not manufacturing unit. It is submitted that the activity of cloth cleaning, cloth starching, cloth bleaching is processing activity and as such commercial tariff is applicable to such unit. It is submitted that the assessment of Rs. 1342916 and charged in the bill dated 10.8.2012 is correct assessment. The arrears are claimed from the date of change of tariff order. It is submitted that the use of power is for commercial purpose and therefore the complainant is liable to pay the bill as per commercial tariff. The complaint should be dismissed.
7. This Forum heard submissions of the complainant in person and the submissions of the Nodal Officer.
8. As per the case of the complainant himself, the unit is processing unit. The use of power is for cleaning of cloth, cloth starching, and cloth bleaching. More over as per registration certificate issued by the Govt. of Maharashtra, Directorate of Industries, the unit of the complainant is for job work. Therefore Even if it is assumed that such processing to the cloths are further for industrial purpose as is the case of the

complainant but the fact remains that the use of power in the unit of the complainant is for processing and as such commercial tariff is applicable to such use of power. This forum is of the opinion that there is no illegality in applying Commercial Tariff to the unit of the complainant.

9. It appears that the respondent has claimed arrears with effect from June 2008, on the basis of Commercial Circular NO. 80 dated 10.5.2008.
10. The complainant has submitted that the respondent can not claim arrears as the complainant has estimated the charges on the basis of the Electricity bills. The complainant can not claim arrears to its customers on the basis of arrears claimed by the respondent. The change of tariff should be therefore prospective and not retrospective.
11. As per registration certificate issued by the Govt. of Maharashtra, Directorate of Industries, the unit of the complainant is for job work. The respondent should have thereby applied Commercial Tariff with effect from June 2008 and should have issued the bills accordingly from such date regularly. The respondent should not have waited for such change of tariff application till spot inspection of flying squad. This fact shows negligence of the respondent in applying appropriate

tariff at appropriate time. Such in action and negligence cropped up the present grievance. The respondent has claimed arrears with effect from June 2008 which is furthermore another part of error committed by the respondent. The respondent can not claim arrears preceding two years arrears. The complainant has used the power for commercial purpose and therefore he is liable to pay for it however he is not liable to pay the arrears exceeding to two years and the respondent is not entitled to claim arrears preceding to two years. The disputed bill as such is required to be set aside. The respondent shall issue revised bill in place of disputed bill covering arrears of adjustment regarding difference of change of tariff restricted to two years only from the date of bill. The grievance as such is partly allowed. This Forum therefore passes the following order.

ORDER.

1. The grievance is hereby partly allowed.
2. The disputed bill dated 12.7.2012 is hereby set aside.
3. The respondent shall issue revised bill, restricting arrears regarding tariff difference to two years proceeding to the date of bill that is 12.7.12.

Sd/-
(Shri V.S. Kabra)
Member

Sd/-
(Shri V.B. Mantri.)
Chairperson.

CONSUMER GRIEVANCE REDRESSAL FORUM
Maharashtra State Electricity Distribution Company Limited
AURANGABAD ZONE, AURANGABAD.

Old Power House Premises, Dr.Ambedkar Road, Aurangabad. Phone No.23361720

No. CGRF/AZ/Aur/R / 431/ 2013/ 15 /

Date :-

To,

01) M/s.Balaji Washing Co. Pvt. Ltd.,
Gut NO. 66 Gevrai villages,
Paithan Road, Aurangabad.

02) The Executive Executive (Admn.)
Nodal Officer, O&M Rural Circle,
M.S.E.D.C.Ltd.,
Aurangabad.

Sub:- Grievance in Case No. CGRF/AZ/Aur/R/ 431/2013/15

Please find enclosed herewith a copy of the 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

Member/Secretary,
CGRF(AZ) MSEDCL,
Aurangabad

Copy submitted with respect to:-

The Chief Engineer(AZ)
MSEDCL, Aurangabad.
Contact details of:

The Electricity Ombudsman,
Plot No.12, Shrikrupa, Vijay agar,
Chhaoni, Nagpur – 440 013
Phone No.(Office) (0712) 20 22 198
E-mail – cgrfnz@gmail.in.

