

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

Caser No: CGRF/AZ/JLN/46/2007/15
Date of filing: 04.06..07
Date of Decision: 04.07.2007

M/S Mauli Steels Pvt.Ltd.
Plot No. C-15, MIDC, Jalna

The consumer
complainant.

Vs.

Maharashtra State Electricity Distribution Co.Ltd.

The Distribution
Licensee.

Coram :

Shri R.K. Pingle:
Shri H.A.Kapadia:
Shri A.N. Sonwane

Chairman
Member
Member Secretary

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

The consumer complainant M/S Mauli Steels Pvt.Ltd.Plot
No. C-15, MIDC, Jalna has filed its grievance in annexure "A" on
04.06.07 under Regulation No.6.10 of the Regulation 2006 through its
director Shri Mukesh D.Gupta. A copy of the grievance was forwarded on
05.06.07 to the Nodal Officer and Executive Engineer (Adm.) , in the
office of the Superintending Engineer , M.S.E.D.C.L. Jalna with a request
to furnish his response within 15 days from the date of receipt of the letter
and the hearing in the matter was fixed on 28.06.07.

The grievance of the consumer, in brief, as per consumer is as
stated below.

The contention of the consumer is that his factory , manufacturing
steel ingots, is situated at MIDC Jalna. There are many other steel plants
manufacturing ingots which are also located in and around Jalna .

Case No.2007/15
Page 1/ 3

All these steel plants require continuous power supply and are therefore continuous process industries. The consumer further contended that he is regular payer electricity bills , however due slack of demand and further due to exorbitant bills issued by the Distribution Licensee (hereinafter referred to as D.L.) from Oct.2006 he was not able to pay the electricity bills regularly and after restoration of power supply he is paying the bills in installments. The consumer received the bills for the month of Oct.06 & Nov.06 at the rate of Rs. 2=15/ unit , however for Dec.06 onwards he has been charged at the rate of Rs.2=85/ unit. The consumer when approached the D.L. was given to understand that the bills were issued as per circular No. 47 dt.4.11.06 which categorized the continuous and non continuous process industries on the basis of whether the industry is connected on express feeder or on whether the industry is subjected to load shedding. The D.L. further assured orally that they have filed review petition before MERC on this issue and after receipt of decision , the position of actual rate to be charged will be decided and therefore he did not challenge these bills. The consumer further contended that in the month of Feb.07, he came to know that review petition filed by the D.L. with MERC was dismissed and as per MERC order dated 7.2.07, categorization of industries was made on the nature of process employed in the industry and for which certificate from appropriate authority is required to be submitted. The consumer therefore applied to the General Manager , District Industries Centre for issue of continuous process certificate and the same was issued to him by DIC on 23.02.07. The consumer has also stated in his grievance that other steel plants namely M/S Bhagya Laxmi Steel Alloys, M/S Kalika Steel , M/S Meta Rose, M/S SRJ Peety etc are being treated as continuous process industries and are billed at the rate of Rs. 2=15 /unit . The contention of the consumer is that recovery of energy chares at the rate of Rs.2=85/ unit is illegal. The consumer approached the D.L. with a request to adjust excess amount paid by him in further bills, but in vain. The consumer therefore filed Writ Petition bearing No. 2529/2007 .The Hon'ble High Court by its order dt.27.4.07 directed the consumer to approach the appropriate authority and it is thereafter that he has filed present grievance before the Forum. The consumer has therefore prayed the Forum to direct the D.L. to charge him at the rate of Rs. 2=15/unit and also to refund him the excess amount of energy charges recovered from him from Oct.06 to April 07.

On the date of hearing i.e. 28.6.07, the Nodal officer Shri Rathore and Asst. Engineer Shri Bundele was present on behalf of D.L. The Nodal officer has already filed his response on the grievance of the consumer on 15.6.07.

“3”

The Nodal officer in his response has stated that from the month of Oct.06 the bills were issued at the rate of Rs. 2=85/unit as per commercial circular No. 47 dt.4.11.06. The continuous industry , therein, is defined as high tension industrial consumer who are at present exempted from load shedding will be treated as being on express feeder and shall be classified as continuous industry and all consumer other than one described above will be classified as non continuous industry . The consumer is connected on non express feeder and no supply is given on staggering day and therefore bills are issued as per tariff for non continuous industry. The Nodal officer has further stated that after receiving detail guidelines from their head office relating to commercial circular No./ 52 dt.7.5.07 bills from Oct.06 to April 07 will be revised. The consumer or his representative was not present. But however an application seeking permission to withdraw the grievance was filed on behalf of the consumer. Since the application was filed did not bear signature of the consumer it was just kept on record and bearer was informed to submit application signed by consumer. The Nodal officer also filed an application stating the policy of revision of tariff is territory of MERC and CGRF has no jurisdiction in the matter. Therefore the case was adjourned to 2.7.07.

On 2.7.07 , Nodal officer Shri Rathore and Asst.Engineer Bundele were present on behalf of D.L. The consumer or his representative was not present. However one Shri Sharma filed withdrawal application signed by the consumer. The Nodal officer did not have anything to say on his application filed on 28.6.07. However the contention of the Nodal officer regarding jurisdiction is totally wrong as it is not the revision of tariff for which the grievance has been filed , but it is actually the question of application of tariff.

The consumer in his application filed on 2.7.07 has stated that as MSEDCL has granted all the relief which he has prayed before Forum , he wishes to withdraw the grievance filed before the Forum. The consumer is therefore permitted to withdraw the grievance filed before the Forum.

Hence the following order

ORDER

The grievance of consumer is disposed off in view of granting of permission for withdrawal of the grievance.

Inform the parties and close the case

(**H.A.Kapadia**)
Member

(**A.N.Sonwane**)
Member secretary

(**R.K.Pingle**)
Chairman