

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

**Case No. CGRF/ AZ/ AUR/ U/ 624 / 2017 / 17
Registration No. 2017030135**

Date of Admission 29.03.2017
Date of Decision 06.06.2017

Shri Gopal Balaprasad Ajmera, COMPLAINANT
Plot No. 46 & 47, N-3, CIDCO,
Aurangabad.
(Consumer No. 490014106623)

VERSUS.

The Executive Engineer (Administration) RESPONDENT
Nodal Officer, O/O Superintending Engineer ,
Urban Circle, MSEDCL, Aurangabad.

CORAM

Shri Dr.Bhaskar G. Palwe Chairman
Shri Laxman M. Kakade, Member/Secretary
Shri Vilaschandra S.Kabra Member.

CONSUMER GRIEVANCES REDRESSAL DECISION

The applicant Shri Gopal Balaprasad Ajmera, Plot No. 46 & 47, N-3, CIDCO, Aurangabad. (Consumer No.) is a consumer of Mahavitaran having Consumer No. 490014106623 has registered a complaint against the respondent, The Executive Engineer i.e. Nodal Officer, MSEDCL, Urban Circle, Aurangabad under Maharashtra Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Electricity Ombudsman) Regulation 2006 in Annexure(A) on 29.03.2017.

The brief details of the complaint are as under.

The applicant unit is a hotel industry which according to the government resolution dated 07.04.1999 is a industrial activity. The Government has declared the tourism, hotels, restaurant and health farms shall automatic by included and treated as industries for all statutory purposes. The Petitioner demanding to treat this unit as an industrial unit and charge the electricity tariff accordingly. The respondent is charging hotel as in commercial category.

However, the respondent authority is not considering the said claim of the petitioner as industry for billing purpose.

The applicant also filed a complaint with internal grievances Redressal Cell alongwith necessary documents. The MSEDCL has filed the reply regarding change in tariff and refund in tariff denying the claim of the applicant. The internal grievances Redressal Cell rejected the application filed by the applicant without any proper reasoning and application of mind. The Cell has failed to consider whether an industrial plot allotted by MIDC can be built with commercial category.

In view of the above submission, the complainant has prayed as under :

- 1) The appeal may kindly allowed.
- 2) The order passed by the internal grievances Redressal Cell dated 01.02.2017 in case No. AA/Aushm/AAlt.NI.K/63/technical/4980 rejecting the claim of the applicant may kindly be squashed and set aside.
- 3) The Respondent may kindly be directed to bill the petitioner with an industrial unit for the purpose of calculating tariff in terms of government resolution dated 07.04.1999.
- 4) The appropriate order may be issued to the respondent, MSEDCL may kindly be directed to refund the amount of tariff difference between commercial category and industrial category from the date of connection.
- 5) The penal interest and compensation may be provided for the inconvenience suffered by the consumer.

Say of Executive Engineer, Nodal Officer, Aurangabad Urban Circle.

On the behalf of the Executive Engineer / Nodal Officer, the Additional Executive Engineer, MSEDCL, Chikalhana Sub Division, Aurangabad vide his letter dated 18.04.2017 has stated, the consumer is using the power supply for the purpose of Hotel with 3-star luxuries and executive rooms, 15000 sq. ft. long for marriage and party, conference hall, multi cuisine family and garden restaurant and mini theatre. According to the MERC Tariff order dtd. 26.06.2015 in case No. 121 of 2014, the Commercial Circular No. 243, the commercial Hall/Hotel/ Restaurant shall be treated in category of LT II, non residential category.

The consumer shall be charged the tariff of commercial users, the Additional Executive Engineer has therefore requested to reject the appeal of the consumer.

Observations of the Consumer Grievance Redressal Forum.

- 1) The applicant is using the power supply for the activity of hotel with 3-star luxuries and executive rooms, 15000 Sq lawn for marriage and party, conference hall, multi cuisine family and garden restaurant and mini theatre.
- 2) According to MERC tariff order dated 20.06.2015 in case No. 121 of 2014 and MERC tariff order dated 03.11.2016 in case No. 48 of 2016, the commercial circulars No. 243 and 275 respectively, it is treated as a commercial activity.

- 3) In view of MIDC Letter dated 16.03.2017 Reference No. MIDCL/ROA/CHK/1482 signed by Area Manager, MIDC, Aurangabad i.e. conversion of industrial in to Amenity.

The Corporation has granted your request to convert the change in use of Industrial into Amenity use for Secretarial activities such as Community hall, Conference Hall, Rooms, convention cache, subject to condition obtained revised building plan approval for Secretarial activities stated above on said plot.

- 4) In view of the above circulars based on MERC Orders, the use of power supply is for commercial purposes and not for industrial purposes.
- 5) The application of the petitioner therefore can not be accepted.

In view of the above submissions made by applicant, Respondent during the hearings and the observations of the CGRF, this Forum passes the following order.

ORDER

- 1) The application is rejected.
- 2) In view of Section 61 of Electricity Act 2003, is entitled to be billed as per MERC Tariff Orders.
- 3) The compliance shall be reported within 30 days.

Sd/-
Dr. Bhaskar G. Palwe
Chairman

Sd/-
Laxman M. Kakade
Member / Secretary

Sd/-
Vilaschandra S. Kabra
Member