

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM  
AURANGABAD ZONE, AURANGABAD.

Date of Admission. 11.06.2013.

Date of decision. 09.07.2013

Case No. CGRF /AZ/R/447/2013/31

1. Managing Director, ADCMPU Ltd, **COMPLAINANT.**  
Aurangabad, Dist.Co-op, Milk Producer Union,  
Gut No 113, Banshendra,  
Tq Kannad Dist. Aurangabad.

V/S

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

**CORAM:**

Shri V.B.Mantri Chairperson

Shri V.S.Kabra Member.

Shri S.K.Narwade Member/Scretery

## **REDRESSAL DECISION.**

1. The grievance of the complainant is against the assessment bill of Rs. 15,98,261/-issued by the respondent on 4.7.2012.
2. The case of the complainant in brief is that, the complainant is a consumer bearing Consumer No. 502249040820.. The complainant is having milk processing and milk products manufacturing plant at village Gandhelli District Aurangabad. The complainant has taken 11Kv HT connection of 100 HP for their unit, at Ban-Shendra milk processing and chilling plant. The connection was released in the year 2004.
3. It is the case of the complainant that, the respondent has applied Industrial tariff to the unit of the complainant from the date of connection. The bills were issued as per Industrial tariff. The complainant has paid the bills regularly as issued by the respondent by applying Industrial tariff.
4. On 23.5.2012, the flying squad of CIDCO visited the unit of the complainant. The flying squad found meter seals and meter box seals to be intact. The flying squad however observed that, actual tariff applicable to the unit of the complainant is LT II commercial and not LT Industrial. The Flying squad however further opined that the matter however be referred to H.O.
5. It is the grievance of the complainant that, the Flying squad it self was not confirmed as which tariff in fact is required to be applied to the unit of the complainant, however, the respondent on the basis of such flying squad report, proceeded to assess the bills and as such assessed the bills of arrears for 47 months for the sum of Rs. 15,98,361/-
6. The complainant has submitted that, Molk processing and chilling plant is covered under Industrial tariff as per MERC Directives and secondly, the

respondent can not claim arrears for more than 24 months preceding to the date of arrears falling due. Thirdly when the Flying squad itself has recommended to refer the matter to H.O., the bill issued without such reference and finding of H.O. is illegal. It is therefore requested to direct the respondent to withdraw the bills in dispute.

7. The respondent MSEDCL has submitted the reply to the complaint and thereby pleaded that, Industrial tariff was being applied to the unit of the complainant right from the date of connection and the complainant was paying the bill as per Industrial tariff. It is pleaded that the Dy. Engineer Flying squad, Aurangabad has inspected the unit of the complainant on 23.5.2012 and observed that, use of the electricity for the unit is for commercial purpose. The Flying squad has further observed and advised that, the matter should be referred to H.O. for clarification. It is pleaded that the Sub-Division office however did not refer the matter to H.O.
8. The respondent pleaded that the disputed bill of Rs. 1598361 as been issued as per the report of Flying squad. It is admitted that the arrears bill has been issued for 47 months. It is admitted that the Sub Division office has received the complaint of the complainant on 29.5.2013. The flying squad found the use of power for cooling and storage of milk. It is pleaded that the CPL is available from 2008 and therefore the arrears are claimed there from.
9. This Forum heard the submissions of Mr. Kapadiya for the complainant. Mr. Nitnaware, the Nodal Officer argued for the MSEDCL.
10. The following points arise for our determination.
  1. Whether the bill of arrears issued by the respondent is just and proper?
  2. The findings of this Forum is in negative for the following reasons

#### **REASONS.**

11. It is an undisputed fact that, the complainant has taken the electricity connection for the unit in the year 2004. It is further an undisputed fact Industrial tariff was being applied to the complainant and that the complainant was paying the bills as per Industrial tariff till the date of visit of Flying squad to the unit of the complainant. The flying squad observed that the use of electricity is for cooling and for storage of milk. The tariff applicable is LTII Commercial. The Flying squad recommended that the case however be referred to H.O. The report of Flying squad is filed by the complainant. The respondent MSEDCL has admitted this fact that the Flying squad has recommended to refer the case to H.O. The respondent MSEDCL has further admitted that the case was not referred to H.O. The bill in dispute has been issued without referring to H.O.

12. The application of tariff has been changed only on the basis of report of flying squad. The flying squad itself recommended to refer the matter to HO. No reference has been made to HO, but the bill of arrears has been issued by changing the tariff. The arrears have been claimed from preceding 47 months. There is no independent submission of MSEDCL as to how the complainant is liable to charge for commercial tariff, and why for till the date of visit of flying squad, the unit of the complainant was being charged for industrial tariff. Why for the respondent did not find it well to refer the matter to HO. The bill of arrears issued by the respondent without referring the matter to HO as such cannot be sustained. The disputed bill should be therefore set aside. The respondent should refer the matter to HO as suggested by the Flying squad and then only on receipt of answer to the question issue bill as per the appropriate tariff as suggested by the HO. In case the complainant is aggrieved by application of such tariff, the complainant is at liberty to file separate complaint to that effect before this Forum or other competent Forum and at liberty to advance his submissions regarding grievance about application of appropriate tariff. The grievance of the complainant as such is allowed. The disputed bill of Rs. 1598361 is set aside. The respondent shall proceed to issue bill to the complainant as per

Industrial tariff till the decision of HO. With these reasons and observations this Forum proceed to pass following order.

**ORDER.**

1. The grievance of the complainant is hereby allowed.
2. The disputed bill of arrears issued for the sum of Rs.1598361 issued on 4.7.2012 is hereby set aside.
3. The respondent shall refer the matter to HO as suggested by the Flying squad, and then shall proceed to issue the bill as recommended by the HO regarding application of appropriate tariff.
4. In case the complainant is aggrieved by the tariff as suggested by HO and the bill of arrears issued on the basis of such recommended tariff, then the complainant is at liberty to file separate petition for redressal of grievance either before this Forum or in other Forum of competent jurisdiction.
5. The respondent shall pay the sum of Rs. One thousand to the complainant towards cost of this petition.

Sd/-  
( S.K.Narwade. )  
Member/Secretary

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

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

