

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
AURANGABAD ZONE, AURANGABAD.

Case No. CGRF / AZ /R / 511 / 2014 / 32

Date of Admission 09.07.2014

Date of Decision 19.08.2014

M/s. Cosmo Films Ltd ,
AL – 24/ 1 MIDC – SEZ
Shendra Industrial Area,
Aurangabad. .

COMPLAINANT.

VERSUS.

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

RESPONDENT.

CORAM:

Shri Dr.Bhaskar .G. Palwe	Chairman
Shri S.S. Gaulkar	Member/Secretary
Shri Vilaschandra .S.Kabra	Member.

Complainant complaints that

Prayed for change of tariff as per section 9.2 of SOP regulation 2005 from continuous to non-continuous with 2nd billing cycle from date of application 07.12.2013 . Refund of tariff difference between continuous and non – continuous along with interest as per bank, also the compensation as per SOP and compensation for mental agony travelling expenses etc.

The M/s. Cosmo Film Ltd is a H.T. consumer No. 490039044080 availing the H.T. supply on 132 KV line from 29.07.2013 with contract demand 4200 KVA and tariff as HT –I continuous .Consumer has applied for change of tariff H.T.- I (On express feeder) continuous to non-continuous (Not on express feeder) on dt. 06.12.2013 to S.E. (Rural) M.S.E.D.C.L, Aurangabad as per the provisions of section 9.2 of SOP regulations 2005 and now under section 4.13 of new SOP regulations published in May 2014 which states that consumer can apply any time within a year / once in a year / for change of tariff . Consumer application was pending at S.E. (Rural) M.S.E.D.C.L's office for more than 4 months and then it was learnt that they have forwarded the application for approval to C.E. (Commercial) Head Office, M.S.E.D.C.L. Mumbai being a Competent Authority . But the consumer is not in receipt of any letter from respondent . Then complainant lodged complaint in I.G.R.C. where the decision was that the application has been rejected as per M.S.E.D.C.L. rules and regulation being late i.e. not within one month after publishing the new tariff order.

Due to this complainant approached to C.G.R.F. for implementation of SOP regulations 2005 and 2014 . In support to this the complainant has produced the relevant documents supporting the change of tariff in M.S.E.D.C.L. as letters of C.E. (Commercial) PR – 3 / tariff / 08656 dt. 25.03.2013 which explains the change of tariff under Kolhapur Circle for 64 Nos. of consumers applied after 1 month and applied under other option I i.e. once in a year. Again a letter of revised load shedding program SE / LM / LS / 1000 dt. 14.01.2013 stating no load shedding to industries on industrial feeders . Another letter PR – 3 / Tariff / 10869 dt. 15.01.2013 Similar change of tariff for continuous to non-continuous category.

RESPONDANT E.E. (ADMN) NODAL OFFICER, MSEDCL RURAL
CIRCLE, AURANGABAD

In his letter SE / ARD / TS / 3778 dt. 07.08.2014 says that

M/s. Cosmo Films Ltd. Is H.T. consumer having load CD as 7500 KWA then reduction upto 4200 KWA on 132 KV line and is a continuous process industry working in 3 shifts at Shendra MIDC area, Aurangabad from 29.07.2013. This 132 KV feeder is a express feeder with another H.T. Consumer M/s. GAPS Power which is a generating power unit .

The consumer M/s. Cosmo Films Ltd. Applied for change of tariff as per provision of SOP from continuous to non-continuous category means express feeder to non-express feeder where load shedding may be implemented or a voluntary staggering day is to be observed by consumer once in a week as per MSEDCLs rules and regulations.

But M/s. GAPS Power being a generating unit the load shedding cannot be exercised on his express feeder.

Respondent says that the consumer has applied the change of tariff after the expiry of period i.e. after one month after publication of new tariff order 16.08.2013 application was made on dt. 06.12.2013 i.e. after expiry of period of one month. So the application was rejected, in I.G.R.C.

Also they have forwarded the application to CE (Commercial) H.O. Mumbai for further guideline and for approval for change of tariff, further they require consent from consumer regarding voluntarily agree to one day staggering like other industries of non- continuous category. Further the change of tariff schedule shall be effected in 2 nd billing cycle on receipt of necessary approvals

from Competent Authority and after payment of changes payable then the tariff can be changed . So no question of penalty under SOP.

OBSERVATIONS OF THE FORUM :-

Complaint has applied the change of tariff after expiry of time limit i.e. after one month from the issue of new tariff order dated 16.08.2013. The application for tariff change was made on 06.12.2013. Respondent has invited the attention on MERC,s order dated September 12, 2008 regarding the case No. 72 of 2007. The commission has clarified that the consumer getting supply on express feeder may exercise his choice between continuous and non-continuous supply only once in a year, within the first month after issue of order for the relevant tariff period . Hence this forum proceeds to hold that the complaint is not maintainable. This forum therefore proceeds to pass following order.

ORDER

- 1) The complaint is dismissed.
- 2) No order as to cost

Sd/-
Dr.Bhaskar.G. Palwe
Chairman

Sd/-
Vilaschandra.S. Kabra
Member

Sd/-
S.S. Gaulkar
Member / Secretary

