

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

Case No. CGRF/AZ/AUR/U /61/ 2007/ 30

Date of Filing: 16.10.2007

Date of Decision: 06.11.2007

M/s Bedse Paper Industries Pvt.Ltd.

Plot No. F-32, MIDC Chikalthana

Aurangabad.

(Through its Director Shri. Mahesh Yadavrao Bedse)

Consumer Complainant

V/s

Maharashtra State Electricity Distribution Co.Ltd.

Urban Circle, Aurangabad.

Coram:	Shri V.A.Hambire	President
	Shri H.A.Kapadia	Member
	Shri V.G.Joshi	Member secretary

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

1. The consumer has filed his grievance in Annexure
“ A “ before this Forum on **15.10.07** under Regulation No.
6.10 of the Regulations referred to above. A copy of the
grievance was forwarded on 17.10.07 to the Nodal officer
and Executive Engineer (Adm) in the office of the
Superintending Engineer, Urban Circle, Aurangabad with a
request to furnish his response on the grievance within a
period of fifteen days and hearing in the matter was fixed on
30.10.07

2007/30

page 1

“2”

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

The consumer is having HT connection for his factory situated at above address and the consumer number allotted is 490019003202. The consumer is engaged in production of Kraft Paper & Kraft Board. The consumer has been accorded status of continuous process industries by the General Manager, District Industries Centre, Aurangabad on 30.05.2007. The consumer further contended that even the status of his industry has been declared as continuous process, the Distribution Licensee (herein after referred to as D.L.) issued monthly bills as per rates applicable to non continuous industries. The unit rates charged to his industry is Rs. 2=85/ unit as against Rs.2=15/ unit. The consumer therefore requested the Forum to issue necessary directives to the D.L. to revise the bills and to refund the excess amount paid by him since October 2006 along with interest . The consumer has submitted statement showing the excess amount charged and payments made by him along with the other documents in support of his grievance.

3. On the date of hearing i.e. on 30.10.07 , Shri Mahesh Yadavarao Bedse was present. Shri S.G.Pawar, Nodal officer was present on behalf of Distribution Licensee.
On the date of hearing the Nodal officer filed his reply on the grievance of the consumer , a copy of same was handed over to the representative of consumer. The Nodal officer stated in his reply that the request of consumer to consider his industry as continuous process industry has been accepted by D.L. and the excess amount collected will be refunded to the consumer after receipt of approval from competent authority.
4. We have gone through the grievance of the consumer , copies of his letters addressed to D.L. copy of the certificate issued by the General Manager, District Industries Center, Aurangabad. We have also gone through the response filed by the Nodal officer and other documents filed along with response.

“ 3 “.

At the outset we would like to observe that MERC vide its tariff order dt. 20.10.06 has fixed tariff for continuous and non continuous process industries. The rate for continuous process industry is Rs.2=15/ unit and that for non continuous process industry is Rs.2=85 /unit. The M.E.R.C. by its order dt. 7.2.07 (case No. 59 of 2006) has clarified as below.

“ The Commission clarifies that the continuous and non continuous categories are differentiated based on continuous and non continuous nature of process adopted in industries and not based on whether the industries are connected to express or non express feeder.”

The Commission further clarified that the Development Commissioner of Industries or similar authorities designated by state Govt. are the appropriate Forum to certify whether an industry is continuous or non continuous process industry. The Govt. of Maharashtra in industries department vide its resolution dt.4.4.07 has designated the General Manager District Industries Center as competent authority to issue the certificate relating to continuous process .

The Nodal officer in his reply has stated that the grievance of the consumer to consider his being continuous process industry has been accepted and the same has been intimated to the consumer vide letter No. SE/AUR/Tech/05204 dt. 19.10.07. Now the only grievance of the consumer remained before the Forum is about refund of excess amount collected by the D.L. by charging excess rate during the period Oct.06 to April 07. The Nodal officer has also further stated that the excess amount will be refunded after approval of competent authority.

2007/30

page 3

In light of above observations, we are of the opinion that Consumer's industry is a continuous process industry and consumer is entitled to avail the tariff allocated for continuous process industry from 1.10.06 to 30.4.07 as next tariff order is operative from 1.5.07.

Hence the following order

ORDER

1. The Distribution Licensee shall revise the bills from Oct.2006 to April 2007 by charging the consumer at the rate of Rs. 2=15 per unit within thirty days from the date of this order.
2. The Distribution Licensee shall pay interest equivalent to the Bank rate of Reserve Bank of India on the excess amount paid by the consumer.
3. The excess payment made by the consumer shall be refunded / adjusted against next bill/bills to be due along with the interest.

The D.L.& the consumer shall comply with the above order and report compliance to the Forum.

Inform the parties and close the case.

(H.A.Kapadia)
Member

(V.G.Joshi)
Member Secretary

(V.A.Hambire)
Chairman

ग्राहक गा-हाणे निवारण मंच
महाराष्ट्र राज्य विद्युत वितरण कंपनी मर्यादित
औरंगाबाद परिमंडळ, औरंगाबाद.

जुने पावर हाऊस परिसर.डॉ.बाबासाहेब आंबेडकर रोड, मिल कॉर्नर, औरंगाबाद. - ४३१ ००१, दुरध्वनी व फॅक्स -०२४० - २३३६१७२.

Case No. CGRF/AZ/AUR/U /61/ 2007/ 30

Date:-

To,

- 1. The Executive Engineer (Adm.)
O/O Superintending Engineer
O & M , Urban Circle, M.S.E.D.C.L.
Aurangabad.**
- 2. M/S Bedse Paper Mills Pvt. Ltd.,
Plot No. F- 32 MIDC, Chikalthana,
Aurangabad.
(Consumer No.490019003202)
Sub: Grievance incase No. CGRF/AZ/AUR/R/61/2007/30
regarding electricity duty.**

**Please find enclosed herewith a copy of 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.

Yours Faithfully,

Encl: A/A

Contact Details of Electricity Ombudsman:
**The Electricity Ombudsman
Maharashtra Electricity Regulatory Commission
606-608, Keshava Building
Bandra-Kurla Complex, Mumbai 400 051
Tel.No. 022-26590339**

