

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
AURANGABAD ZONE, AURANGABAD

Case No. CGRF/AZ/AUR/R /324/ 2011/ 04

Date of Filing: 31.01.2011

Date of Decision: 10.05. 2011

M/s R.L. Steels Ltd.,
Gat No.78-81, Pangra Shivar,
Chitegaon, Paithan Road, Tq.Paithan,
Aurangabad.

(Consumer No. 493149040240)

Consumer/ Complainant.

V/s

Maharashtra State Electricity Distribution Co.Ltd.
Rural Circle, Aurangabad.

Respondent

Coram: Shri V.B.Mantri President
Shri V.S.Kabra Member
Shri P.A.Sagane Member secretary

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

1. The consumer has submitted this Consumer Grievance Petition in the format "A" before this Forum under Regulation No.6.10, feeling aggrieved by the Debit adjustment bill of Rs.8,27,48,571=06 issued by the Superintending Engineer(Rural) Aurangabad against the consumer on account

of so called under billing occurred due to application of tariff HT-I-N instead of HT-I-C

2. It is the case and grievance of the complainant that, the consumer, M/s R.L. Steels Pvt. Ltd. is the HT Industrial consumer having contract demand of 19934 KVA. Regular consumption of the complainant is @ 9.5 million to 10.5 million units. Regular bill of the complainant is @ Rs.500 Lakh to Rs. 550 Lakh per month.

3. In the month of October 2010, the complainant received regular bill for the month of October 2010 on 18.10.2010. The complainant along with bill of October received a debit adjustment bill of Rs.8,27,48,571=06 issued by the Superintending Engineer, Rural Circle, Aurangabad. The bill was forwarded to the consumer along with a forwarding letter dated 19.10.2010. It is contended in the letter that, the said bill is issued on account of under billing occurred due to application of tariff HT-I-N instead of HT-I-C. The said revised tariff is made applicable w.e.f. June 2008. As per the contents of letter dated 19.10.2010, such change of tariff is made applicable due to non-follow up of the conditions imposed and communicated to the consumer as per office letter No.603 dated 01.02.2010.

3. It is the case and grievance of the consumer that, the adjustment bill so issued by the S.E. Rural Circle, Aurangabad is totally false, illegal and as such, the same is not acceptable to the consumer. The reasons assigned for such adjustment bill are also furthermore illegal, null and void. The statements enclosed to the said bill are also false one.

4. The complainant has submitted three letters to the D.L. requesting to revoke the said bill, as the consumer had never made demand of HT-I-C and unless consumer makes demand for HT-I-C specifically, the D.L. can not classify the consumer in the category of HT-I-C. The D.L. has accordingly committed illegality in classifying the consumer in HT-I-C instead of HT-I-N. The adjustment bill so issued on such illegal classification in absence of any demand to that effect as such is illegal one.

5. The complainant submitted that originally the complainant was on HT-I-C category. The complainant was not in-need of continuous supply. The consumer/complainant therefore after change of tariff order dated 20.06.2008 by virtue of Circular No.88, date 26.09.2008 exercised its option for HT-I-N category. The D.L. has accepted the option so exercised by the consumer.

6. It is the case of the complaint that, the Distribution Company has accepted the request of the complainant for classification from HT-I-C to HT-I-N with effect from November 2008. The Distribution Company further more has issued the bills from June 2008 to September 2010 as per HT-I-C category. The Superintending Engineer (Rural) Aurangabad, however has issued debit bill of Rs.8,27,48,571=06 erroneously holding that the complainant did not follow conditions as per the letter dated 603 dated 01.02.2010. The S.E. Aurangabad has issued the adjustment bill on erroneous assumption that, the consumer did not abide conditions so imposed by virtue of letter No.603 dated 01.02.2010. The said bill as such is not acceptable to the complainant. The D.L. is making recovery of such erroneous bill. The complainant therefore prayed for interim relief to the effect that the respondent MSEDCL should be directed to stop the recovery of supplementary bill. The adjustment bill so issued by the S.E. Rural should be quashed and set-aside.

7. The complainant contended that he has submitted his grievance application to IGR Cell Rural Circle, Aurangabad but the IGR Cell has rejected the grievances. The IGR Cell did not consider submissions made by the complainant. The complainant has therefore submitted this grievance petition before this Forum.

8. This Forum issued notice to the Nodal Officer, and directed to submit Para wise reply to the grievance petition.

9. The Nodal Officer on behalf of the Distribution Company has appeared and submitted Reply to the petition. The Nodal Officer has objected the grievance petition, mainly on the ground that the consumer was already on express feeder. He was availing the facility of continuous supply. The unit of the consumer is of and requires continuous supply. The consumer however has applied for non-continuous supply on express feeder only to avail tariff relief. Low tariff relief has been given to the consumer of non-continuous supply w.e.f. June 2008. The relief in tariff has been given to the consumer who is not availing continuous supply, and in case consumer voluntarily agree to observe staggering load relief. The request of complainant for re-classification from HT-I-C to HT-I-N was accepted by the D.L. only on the condition that the complainant should observe weekly staggering and all other shut down/planned/un-planned implemented on the feeder. The consumer however has failed to observe the condition of weekly staggering so imposed on him. The D.L. as such has issued the adjustment bill due to breach of condition.

10. It is submitted that, the duty and responsibility to observe one day staggering voluntarily and to give load relief to MSEDCL is on the consumer. The relief of low tariff has been given as against the relief of weekly staggering. The consumer however has failed to observe weekly staggering and used the Electricity continuously including even on weekly staggering days. The facility of HT-I-N tariff was therefore withdrawn and debit amount of Rs.8,27,48,571=06 was charged to the complainant treating him to be in HT-I-C category with effect from the date of change of tariff. There is as such no substance in the grievance. The grievance petition should be therefore rejected.

11. Both the parties have submitted copies of documents in support of their submissions.

12. This Forum heard submissions of Mr. Pratab Hogade, the learned representative on behalf of the complainant. Mr. A.R.Patil, Nodal Officer, made his submission on behalf of the Distribution Company.

13. Considering the submission so made on behalf of the respective parties and considering the copies of the documents the following points arise for our determination and our findings to those points are as follows:-

POINTS

FINDINGS

- | | | |
|----|--|--|
| 1. | For what classification, the CONSUMER/ Complainant is entitled for, either HT-I-C Classification Category or HT-I-N Category ?AND, from which Effective date ? | The consumer is entitled for HT-I- N Category w.e.f.1 st .June 2008 |
| 2. | Whether IGR is right in rejecting the Grievance of the consumer ? | No. |
| 3. | What order ? | The grievance of the consumer is allowed |

REASONS

1. It has been submitted on behalf of the consumer that, the HT Industries connected on Express Feeders and demanding continuous supply only can be deemed as HT continuous Industry. While all other HT consumers shall be deemed as HT

non-continuous industries. Reliance has been placed on tariff book-let in support of the same submissions. It is submitted that MSEDCL has issued commercial Circular No.88 date 26.09.2008 for implementation of the said tariff.

2. In the present case there is no dispute that the present consumer formerly was on HT-I-C category. It is further an undisputed fact that, the consumer has applied to MSEDCL and requested for Non-continuous category. There is no dispute that the MSEDCL has approved the request of the consumer and the category was reclassified. The consumer was accordingly classified in HT-I-N category.

3. There is no dispute regarding the factual position that, the change in tariff classification from HT-I-N to HT-I-C or vice versa can be done only once in a year by exercising its option to that effect. In case the consumer is getting supply on express feeder, and in case such choice is not exercised then existing category shall be continued.

4. It has been submitted on behalf of the consumer that the consumer has exercised its choice of HT-I-N in the month of

September 2008. The D.L. has approved such choice of the consumer. The consumer never asked for any power supply on staggering day. The consumer never demanded for continuous supply. Unless there is demand of continuous supply, the consumer can not be categorized in HT-I-C classification.

5. In the present case Nodal Officer did not produce any document by which it can be gathered that the consumer had ever demanded for continuous supply. HT industries connected on Express feeder can be classified as HT-I-C only in case the concern consumer has made demand for continuous supply. In the present case, it is rather an undisputed fact that the consumer did not ask for or did not make demand for continuous supply. The Nodal Officer could not explain as to how in such circumstance, the present consumer can be classified in HT-I-C category.

6. The sole objection of the Nodal Officer with respect to the grievance petitioner in nut shell is that, the consumer has used Electric Supply continuously. The consumer did not observe staggering days. He submitted that the benefit in tariff is given

to the consumer who voluntarily agrees to observe weekly staggering. The option of the consumer was accepted only on the condition that the consumer should observe weekly shut down. The present consumer has violated the condition. The Nodal Officer explained that there would not be any difference in the consumer who are paying more for continuous supply and in the consumers who are availing benefit of low tariff for non continuous category but availing benefit of continuous supply, in case consumers of HT-I-N are allowed to enjoy benefit of continuous supply, as if he is on HT-I-C. It is the duty of the consumer to observe staggering and weekly shut-down, even if there is continuous supply from the feeder.

7. The counter submission made on behalf of the consumer is that the duty to shut down or load shedding is on the D.L. and not on the consumer. The industry of the consumer was the only industry on the feeder. It was dedicated feeder. The D.L. could have thereby shut down the supply on staggering days. It is the duty of the D.L. and not of the consumer to implement load shedding. The Learned Representative of the consumer submitted and pointed out that, many times the MSEDCL itself

declares withdrawal of load shedding. He pointed out the circulars issued by the MSEDCL to that effect. It is submitted that in such cases to avail power even on staggering days would not be the fault of the consumer.

8. In the present case no doubt the record speaks that the consumer has used Electricity on weekly staggering days. There however appears no record or express condition imposed on the consumer specifically speaking that the consumer should observe weekly staggering and on failure to do so he will be classified to HT-I-C or to higher tariff category. The sole reliance kept by the Nodal Officer in support of his objection is upon the letter addressed by the Chief Engineer(Comm.) to the S.E. while accepting the option of the consumer for change of classification from Ht-I-C to HT-I-N. The relevant text of the letter is reproduced here for ready reference.

“ Weekly staggering & all other shut down planned/unplanned will be implemented on this feeder. All present and future loads shedding protocol will be follows”.

9. Plain reading of the above text does not reflect term imposed on the consumer that, it is he, who on his own accord should shut down the supply, failing which he shall be classified as if in HT-I-C category requiring him to pay higher level of tariff. Nothing is spelled out regarding consequence of non observance of staggering or shut down, or shut down is duty to be observed by the consumer. On the other hand it reveals from the letter of the MSEDCL dated 13.02.2010 that it will be at liberty of the D.L. to implement staggering shut downs and load shedding protocols for which consumer can not make grievance about it. Hence it reveals that the duty to implement shut down is on the shoulder of the D.L. and not on the shoulder of the consumer. Moreover the present consumer is admittedly on Express/dedicated feeder. The D.L. could have in such case shut down the supply of the consumer, to which the officials of the D.L. failed.

10. In the present case supplementary bill of Rs.8,27,48,571=06 has been issued on 28.10.2010 only on the basis of assumptions of the fact of that the consumer did not

follow conditions communicated to the consumer as per the office letter No.603 dated 01.02.2010. It is however pertinent to note that, the conditions so communicated to the consumer vide said letter No.603 dated 01.02.2010 are not specific definite making the consumer liable to shut down the supply on his own accord else, he will be charged as per HT-I-C. More over no opportunity of hearing has been given by the MSEDCL to the consumer as to why he should not be billed for treating him to be HT-I-C due to breach of conditions. The supplementary bill has been issued without giving any opportunity to explain for . The MSEDCL as such has condemned the consumer unheard in violation of principles of Natural Justice.

11. The revised tariff is made applicable w.e.f. 1st June 2008. The circular No.88 was issued on 26.08.2008. The consumer applied for change for classification and the said request was allowed by the D.L. on 20.09.2008. The D.L. since then proceeded to issue bills treating the consumer to be in HT-I-N category. The consumer is paying the bills accordingly and the D.L. is accepting the bills continuously till 28.10.2010. The Officers of the MSEDCL must be aware that the consumer was

using the electricity even on staggering days during such long period, but the MSEDCL did not object for the same and continued to issue bills as per HT-I-N category and continued to accept the bills. It is the auditor who has raised the objection and on the basis of such objection it appears that the supplementary bill of Rs.8,27,48,571=06 came to be issued. The letter issued by the S.E. dated 01.02.2010 addressing to the consumer clearly speak that the benefit of change of tariff from HT-I-C to HT-I-N has been withdrawn w.e.f. June 2008 due to non observing condition as pointed out during Govt. audit.

12. The Representative of the consumer has placed reliance upon the judgment of Electricity Ombudsman in M/s Paul Strips Tubes Pvt. Ltd. V/s M.S.E.D.C.L. in Representation No.146/2009. It is held in this case that there are two requirements to be fulfilled before any industry is charged at Continuous/non-continuous tariff. Firstly H.T. has to be connected on Express Feeder and secondly, such HT industries have to demand continuous supply. In the present case there is no demand of the consumer for continuous supply. The above case as such is applicable to the present case.

13. It is the submission of Mr. Hogade that retrospective Effect can not be given for recovery of arrears. In support of his said submissions he has placed reliance upon case No.24 of 2001 decided by M.E.R.C. On 11.02.2003. In the said case the Commission was pleased to direct as follows:

“ No retrospective recovery of arrears can be allowed on the basis of reclassification of a consumer even though the same might have been pointed out by the auditor. Any reclassification must follow a definite process of Natural Justice and the recovery, if any would be prospective”

14. The next reliance of the consumer is upon case No.4/2010 in the matter of M/s Mundra Steel and Alloys Pvt. Ltd. V/s M.S.E.D.C.L. decided by M.E.R.C. on 03.10.2010. In this case it has been directed to give credit/refund of tariff difference along with interest.

15. The Nodal Officer on the other hand has submitted that the consumer has accepted to pay bills and requested for installments. He has executed such undertaking on the stamp paper of Rs.100/-. The Nodal Officer has produced such stamp paper. On going through the contents of such document it reveals that the consumer has agreed to pay amount in controversy under

protest keeping his rights reserved. Therefore no importance can be attached to such document. No other point has been urged on behalf of the respondent MSEDCL in order to reject the grievance petition.

16. It appears that Internal Grievance Redressal Cell proceeded to reject the grievance of the consumer on the basis and holding that the consumer has committed breach of conditions. The Cell did consider aforesaid aspects and thereby the Cell appears to have come to the wrong conclusion. The finding of the Cell therefore required to be set aside. Hence for the above reasons the grievance of the consumer succeeds. The supplementary bill issued by the S.E. Rural Circle, Aurangabad vide letter No.28.10.2010 is required to be set aside. Any recovery if made on the basis of such bill is required to be adjusted in future bills of the consumer. The consumer complainant petitioner is entitled to application of HT-I-N category classification w.e.f. 01.06.2008. The adjustment bill so issued by the S.E.(Rural Circle) Aurangabad is required to be declared as null and void. The respondent M.S.E.D.C.L. shall adjust the payments if made by the consumer in compliance of the said bill in future bills.

The above point No.1 is therefore answered accordingly. The respondent M.S.E.D.C.L. shall proceed to issue bills as per HT-I-C. Considering facts and circumstances and controversy that arise in the petition of grievance, we think that there should not be any cost or compensation. With these observations and findings, we the following members of the Forum in majority proceed to pass following order.

ORDER

1. The grievance of the consumer is hereby allowed
2. The category of the consumer shall be classified as HT-I-N w.e.f. 1st June 2008.
3. The adjustment bill of Rs.8,27,48,571=06 issued by the S.E. Rural Aurangabad against the consumer on account of under billing is hereby set aside.
4. The respondent M.S.E.D.C.L. shall adjust the payments if made by the consumer in compliance of the said bill in future bills.
5. No cost and compensation.

(V.S. Kabra)
MEMBER

(V.B. Mantri.)
CHAIRPERSON

I the P.A.Sagane, Member Secretary write my difference of opinion as belows:

The grievance of the consumer should be rejected on the following grounds.

1. Before June 2008 consumer was using electricity as per HT-I-C category which was less than HT-I-N category.

2. After the tariff order of Commission dated 20.06.2008 effective w.e.f. 01.06.2008, consumer applied for HT-I-N category which was Rs. 3.95/KWH against Rs. 4.30/KWH of HT-I-C category .

3. The Hon'ble MERC gives the ruling and clarification in case No.44/2008 dated 12.09.2008.

“ The Commission’s Ruling and Clarification.

The Commission is of the view that MSEDCL should not ignore the benefits of load relief that could be achieved, in case certain HT-I continuous industries, who are presently not subjected to load shedding, voluntarily agree to one day staggering like other industries located in MIDC areas.

Hence, the HT industrial consumer connected on express feeder should be given the option to select between continuous and non-continuous type of supply”.

From the above clarificatory order it is clear that, the HT consumers connected on Express Feeders and giving a choice for Non-continuous tariff will voluntarily observe one day staggering giving load relief to MSEDCL. Hence they should be given benefit of low tariff i.e. non-continuous tariff. If alternately means that All HT consumers connected on Express Feeder and giving choice for non-continuous tariff must observe one day staggering voluntarily and should give load relief.

4. Consumer is very well known that he is using the low rate power on the cost of observations of the staggering day and load shedding protocol as per the condition imposed by Chief Engineer(Comm.) vide letter dated 24.10.2008. But he had not observed the staggering day and used the electric power as if the HT-I-C category consumer which is clear cut

violation of the above H.O. order the MERC directives given in the order dated 12.09.2008

5. In this case data retrieval report shows that the substantial amount of power units are consumed by the consumer on every staggering day. S.E.(Rural) Circle, Aurangabad had issued letter on dated 01.02.2010 and brought to the notice of consumer that he is not observing the staggering day as per the condition imposed on him during change of tariff HT-I-C to HT-I-N, as such the benefit is hereby withdrawn w.e.f. June 2008. Record shows that on receipt of this letter consumer had not stopped the use of energy on staggering day. This shows that the consumer is knowingly and intentionally used the power as per the HT-I-C category consumer and got the benefit of low rate tariff i.e. HT-I-N. If the consumer is allowed to use the continuous electric power with low rate tariff i.e. HT-I-N then there would not be any difference in the consumers who are paying more for continuous supply and in the consumers who are availing benefit of low tariff for non-continuous category but availing benefit of continuous supply.

6. After issue of supplementary bill Rs. 8,27,48,571=06 consumer knows that he had used the continuous power and he has to pay the bill as per HT-I-C category. Accordingly consumer has applied for installments and got 30 installmentsn, issued 30 blanks cheques and make the agreement on stamp paper. After payments of 4 installments he approached to IGRC and then to this Forum for refund of amount.

7. From above facts on record, I come to the conclusion that the grievance of the consumer should be dismissed.

**(P.A.Sagane)
Member/Secretary**

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

जुने पावर हाऊस, पोलीस आयुक्तालयासमोर, डॉ.बाबासाहेब आंबेडकर रोड, औरंगाबाद.-

No. Case No. CGRF/AZ/AUR/R /324/ 2011/ 04

Date:-

To,

1 M/s R.L. Steels Ltd.,
Gat No.78-81, Pangra Shivar,
Chitegaon, Paithan Road, Tq.Paithan,
Aurangabad.
(Consumer No. 493149040240)

2. The Executive Engineer (Adm.)
O/O Superintending Engineer
O & M , Rural Circle, M.S.E.D.C.L.
Aurangabad.

Subject :- Grievance Case No. CGRF/AZ/AUR/R /324/ 2011/ 04

Dear Sir,

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.

Encl: As above

Copy submitted w.r.to:-

The Chief Engineer(AZ)
MSEDCL,Aurangabad.

Member/Secretary,
CGRF(AZ) MSEDCL,
Aurangabad.

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)

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM

AURANGABAD ZONE, AURANGABAD

Case No. CGRF/AZ/AUR/R /324/ 2011/ 04

Date of Filing: 31.01.2011

Date of Decision: 10.05. 2011

M/s R.L.Steels Ltd.,
Gat No.78-81, Pangra Shivar,
Chitegaon, Paithan Road, Tq.Paithan,
Aurangabad.

(Consumer No. 493149040240)

Consumer Complainant.

V/s

Maharashtra State Electricity Distribution Co.Ltd.
Rural Circle, Aurangabad.

Coram:	Shri V.B.Mantri	President
	Shri V.S.Kabra	Member
	Shri P.A.Sagane	Member secretary

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

The consumer has submitted his grievance in the format "A" before this Forum under Regulation No.6.10 against the Debit adjustment bill of Rs.8,27,48,571=06 issued by the Superintending Engineer, on account of under billing occurred due to application of tariff HT-I-N instead of HT-I-C.

It is the case and grievance of the complainant that, the consumer, M/s R.L.Steels Pvt. Ltd. is the HT Industrial consumer having contract demand of 19934 KVA. Regular consumption of the complainant is @ 9.5 million to 10.5 million units. Regular bill of the complainant is @ Rs.500 Lakh to Rs.550 Lakh per month.

In the month of October 2010, the complainant received regular bill along with debit adjustment bill of Rs.8,27,48,571=06 issued by the Superintending Engineer. The bill was forwarded with a letter dated 19.10.2010. It is contended in the letter that, the said bill is on account of under billing occurred due to application of tariff HT-I-N instead of HT-I-C. The said tariff is made applicable w.e.f. June 2008. As per the contents of letter dated 19.10.2010, such change of tariff is made due to non-follow up of the conditions imposed and communicated to the consumer as per office letter No.6603 dated 01.02.2010.

It is the case and grievance of the consumer that, the adjustment bill is totally false, illegal and as such it is not acceptable to the consumer. The reasons assigned for such adjustment bill are also illegal, null and void. The statements enclosed to the said bill are also false one,

The complainant has submitted three letters to the D.L. requesting to revoke the said bill, as the consumer had never made demand of HT-I-C and unless consumer make demand for HT-I-C, the D.L. can not classify the consumer in the category of HT-I-C. The D.L. has accordingly committed illegality in classifying the consumer in HT-I-C instead of HT-

I-N & issued the adjustment bill accordingly in absence of the such demand.

- 01) The complainant further submitted that originally the complainant was in HT-I-C category. After the MERC order dated 20.06.2008 & by change of tariff order dated 20.09.2008 by virtue of Circular No. 88,dt.00.00.00 the complainant exercised its option for HT-I-N category as the complainant was not in-need of continuous supply.
- 02) It is the case of the complaint that the Distribution Company has accepted the request of re-classification from HT-I-C to HT-I-N with effect from November 2008. The Distribution Company further more has issued the bills from June 2008 to September 2010 as per HT-I-N category. The Superintending Engineer, Rural however has issued debit bill of Rs. 8,27,48,571=06, erroneously holding that the complainant did not follow conditions as per the letter dated 603 dated 1.02.2010. The complainant therefore prayed that the respondent MSEDCL should be directed to stop the recovery of supplementary bill . The adjustment bill issued by the S.E. Rural should be quashed and set-aside.
- 03) The complainant contended that he has submitted his application and grievance to IGR Cell Rural Circle, Aurangabad but the IGR Cell has rejected the grievance. The IGR Cell did not consider his submissions made by the complainant . The complainant has therefore submitted his grievance to this Forum.
- 04) The complainant has prayed for interim relief pending disposal of this grievance petition.
- 05) This Forum issued notice to the Nodal Officer on 02.02.2011 and directed to submit parawise reply to the main grievance petition as well as to the prayer of the complainant for interim relief.
- 06) The Nodal Officer on behalf of the Distribution Company has appeared and submitted the parawise to the petition and contested the main grievance as well interim relief.
- 07) The Nodal Officer has objected the grievance mainly on the ground that the consumer was already on express feeder. He was availing the facility of continuous supply the unit of the consumer is of continuous supply. The consumer however applied for non-continuous supply on express feeder for tariff relief as the tariff relief was given to the consumer of non-continuous supply w.e.f. June 2008. The relief in tariff was to the consumer only because the consumer voluntarily agreed to observe staggering load relief . The requested of re-classification from HT-I-C to HT-I-N was accepted only on the condition that the complainant should observe weekly staggering and all other shut down/planned/un-planned implemented on the feeder. The request of re-classification was permitted only if the consumer only is on the feeder. The consumer however felt to observe the condition so imposed on him. The D.L. as such has rightly issued the adjustment bill

- 08) It is submitted that it is the duty of the responsibility of the consumer to observe one day staggering voluntarily and to give load relief to MSEDCL for which purpose only the relief in tariff has been given. The consumer however he will the enjoy the supply continuously including weekly staggering days. The facility of HT-I-N was therefore withdrawn and debit amount of Rs. 8,27,48,571=06 was charged to the complainant treating him to be HT-I-C . There is as such no substance in the grievance .The grievance petition should be therefore rejected.
- 09) Both the parties have submitted copies of documents in support of the their submission.
- 10) This Forum heard submissions of Mr. Pratab Hogade, the learned representative on behalf of the complainant. Mr.A.R.Patil, Nodal Officer, made his submission on behalf of the Distribution Company.
- 11) Considering the submission so made on behalf of the respective parties and considering the copies of the documents the following points arise for our determination and our findings to those points are as follows:-

Points	Findings
What classification should be treated to be of the consumer w.e.f.	
For what classification, the bill is required to be issued to the consumer	
What error if any committed by the IGR while deciding the grievance petition.	
What order	

The grievance of the consumer is as stated below: -

- 01) The consumer had taken 33kv HT supply for his factory situated at above-mentioned address from M.S.E.D.C.L., Distribution Licensee (hereinafter referred to as D.L.).The consumer M/s R.L.Steels Ltd., company has presented its grievance to represent Consumer Grievance Redressal Forum monthly grievance that the debit adjustment and supplementary bills of Rs.8,27,48,571=06 issued with October 2010, on 18.10.2010 should be set-aside. The consumer further prayed the MSEDCL should be direct to refund excess amount which kept to be recovered from the consumer.
- 02) The consumer further prayed for Interim Relief to be effect that the effect of supplementary bill and the payment of its instalments should be state till final disposal of present grievance petition.
- 03) Notice for issued to the respondent MSEDCL, returnable on 09.02.2011.
- 04) The respondent MSEDCL appeared through Nodal Officer, has submitted reply to the prayer for interim relief supported by the documents.
- 05) The Forum heard arguments of M/s Hogade the learned representative of the consumer , Mrs. Bharati Executive Engineer(Admn.) Aurangabad argued on behalf of the respondent MSEDCL.

- 06) Considering the submissions so made on behalf of the representative parties and on perusing the documents submitted on behalf of the parties the following points arise for our consideration.
- 07) Whether the consumer complainant is entitled for interim relief to stay payment of supplementary bill or payments of instalments as prayed for ?
- 08) Considering the submission so made on behalf of the parties we the Member of the Forum are of considered opinion let the consumer complaint is not entitled for Interim Relief as prayed for on the following grounds.

REASON

It has been submitted on behalf of the consumer that the consumer M/s R.L.Steels Ltd., is the HT (Industry) consumer having contract demand of 19934 KVA their regular consumption is around 9.5 Million to 10.5 Millions Units. The company initially was in HT-I-C category. The company then applied to MSEDCL and opt for category of non-continuous industry. The company was accordingly billed as per HT-I-N category. It is the grievance and the submission of the consumer. The Superintending Engineer(Rural) Circle Office, Aurangabad all of sudden issued debit adjustment bill of Rs.8,27,48,571.06 and the bill was annexed with a letter of Superintending Engineer(Rural) Circle, MSEDCL, Aurangabad. It revealed from the letter the said adjustment the bill was issued on account of under billing occurred due to application of tariff HT-I-N instead of HT-I.C . The said bill was made applicably to June 2008, which was a date of revision of tariff.

The learned representative of the consumer submitted that the adjustment bill was issued illegally,. The company it is not acceptable to the company. It has been argued that only HT Industry connected as express feeder and monthly demand for continuous supply could only be deemed as HT continuous industry. The present consumer, however is on HT Non-continuous industry.

The learned representative Mr. Hogade further argued that recover arrears cannot be with retrospective effect.

The Nodal Officer Mr.Bharati on the other hand argued that the consumer was billed as per HT-I-C category till the month of October 2008. The consumer then opted for continuous tariff. He submitted that during normal checking of monthly reading it was found that Co. was using supply even on Friday i.e. weekly staggering days. Mr.Bharati argued that the company was knowingly and intentionally was using continuous power supply his facility of HT-I-N was therefore withdraw the supplementary bill was therefore issued amounting to Rs.8,27,45,571.06.

It is a question of fact to be enquired in detail during regular enquiry in this proceeding and it is to be determined as to whether the present consumer is liable either for HT-I-N tariff or HT-I-C tariff. But simultaneously it reveals that the consumer has given an undertaking on stamp paper of Rs.200/- whether prejudice to the right of the consumer to make of payment debit adjustment of Rs.8,27,48,571.06 in instalments. The consumer has further more issued post dated cheques.

At the out set the consumer did not come before the Forum with specific case that the company M/s R.L.Steels Ltd. Is not connected on express feeder. It is not specific case of the Co. that the Company did not make any demand for continuous supply the only submission so made on behalf of the company is that the MSEDCL did not give continuous supply to the company for which at present there is no evidence the consumer company as such failed to make out of prima-facie case for granting interim relief.

It is not the case of the company that the MSEDCL is likely to disconnect the power supply in case interim relief is not granted on the other hand it has made clear that in case the consumer make the payment of instalments even if with out prejudice to its rights then no power supply is likely to be cut-off. The payment if made even on protest could be considered as an advance payment if it is found that during final disposal of the case that the consumer is not entitled to make payment the said advance payment would obviously carry interest as per the rules therefore no irreparable loss can be said to have been caused hence in any case the present consumer is not entitled for interim relief as prayed for . This Forum therefore unanimously passed the following order.

ORDER

The petition of interim relief is hereby dismissed.