

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM ,
AURANGABAD ZONE, AURANGABAD

Case No. CGRF/AZ/AUR/JLN/327/ 2011/07

Date of Filing: 17.02.2011

Date of Decision: 09.05.2011

M/s Shri Ganpati Agencies Petrol Pump,
At Rajur Tq. Bhokardan
Dist. JALNA
(Consumer No. 514400404821)

Consumer Complainant.

V/s

Maharashtra State Electricity Distribution Co. Ltd.
O&m Circle, JALNA.

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

Claim : The bill of Rs.2,18,431=62 issued on 01.12.2010 and subsequent issued notice on 04.02.2011 to make the payment within 15 days failing which supply shall be disconnected, be cancelled.

2. The case of the consumer in brief is that, the complainant is bonafide consumer of the respondent having consumer No.514400404821. The nature of connection is commercial.
3. The complainant had applied for connection of electricity supply to the respondent MSEDCL for running his petrol pump. The respondent has directed the consumer to credit the sum of Rs.16,000/- for the connection on HT line. The consumer has accordingly deposited the said amount. The supply for petrol pump was connected on 1kv line. The consumer was paying the bills regularly. He paid his last bill of Rs.23,450/- on 24.01.2011.

4. On 16.11.2010 the flying squad conducted spot inspection. During such sport inspection, it was noticed to the flying squad that, the supply to the petrol pump of the consumer is from Express Feeder. The D.L. has thereby issued a bill of Rs.2,18,432/- as a difference of tariff. The respondent then issued a notice to the consumer dated 04.02.2011 asking the consumer to pay the difference of bill of Rs.2,18,432/- within the period of 15 day, else, supply would be disconnected.
5. It is the grievance and the case of the consumer that, he had never applied for express feeder connection. It is the fault of the respondent/MSEDCL to supply the electricity from express feeder. The consumer is not liable to pay higher charges tariff of electricity consumption for which he never applied for./ The difference bill so issued by the MSEDCL on 01.12.2010 and subsequent noticed dated 04.02.2011 directing the consumer to pay the difference bill within 15 days as such is illegal one. The bill of difference in tariff so issued on 01.12.2010 and the notice dated 04.02.2011, should be therefore cancelled. The consumer also prayed for interim relief for preventing respondent from disconnecting the supply till decision of his grievance. The consumer has submitted his grievance in format "A" before this Forum on 17.02.2011 under Regulation No.6.10 of MERC Regulations 2006.
6. The copy of the grievance was forwarded to the Nodal Officer & EE (Admn.) in the office of the S.E. O&M Circle, Jalna for submitting reply to the grievance. It revealed that, the consumer did not move the I.G.R.C. for the relief, but considering nature of interim relief asked for, and considering the nature of dispute, this Forum was pleased to proceed to decide the grievance by dispensing, technical procedural track to move I.G.R.C. first, prior to seeking any relief at the hands of this Forum.
7. On hearing submissions of both the parties for granting interim relief, this Forum was pleased to grant interim relief on 18.02.2011.
8. The consumer was directed to deposit 25 % of the amount of bill of Rs.2,18,432/- forthwith. On depositing the said amount, the MSEDCL was directed to reconnect electricity supply to the

consumer. The MSEDCL was then directed to submit para-wise reply to the grievance petition.

9. The respondent has submitted the reply to the grievance petition and contested the grievance, petition mainly on the ground that, the consumer had applied for electricity connection on express feeder. The supply was accordingly given from express feeder. In the year Feb.2007, application of the consumer to shift existing commercial connection was sanctioned on 11kv express feeder under 15 % supervision charges in which consumer had independent transformer. The Bhokardan Sub-Division billing unit however not charged the consumer as express feeder tariff on 16.11.2010, the flying squad Jalna conducted sport inspection during which it was found that, the consumer was availing supply from express feeder. The tariff for express feeder supply is higher than commercial connection. The flying squad has therefore issued the bill of difference amounting to Rs. 2,18,432/- and the notice to deposit the said amount of difference within 15 days. The bill and notice of payment as such are correct.

10. Considering the nature of dispute and differences of respective submissions, the following points arise for the determination.

1. Whether the consumer has applied or demanded for express feeder connection or not ?
2. Whether the consumer has availed the benefit of express feeder connection or not ?
3. For what tariff, the consumer is liable to pay for his electricity consumption units from express feeder.
4. What illegality/irregularity if any committed by the respondent MSEDCL.
5. What relief / redressal to which the consumer is entitled ?

11. On considering the submissions so made on behalf of the parties, and on perusing the Xerox copies of the documents submitted by the parties, this Forum proceed to decide the above points as follows:

Point No.1	Yes
Point No.2	Yes
Point No.3	Tariff of LTII commercial plus 0.75 Rs. per Unit extra.

- Point No.4 L.T. commercial consumer can not be connected to express feeder, but Tech. sanction has been accorded for shifting commercial consumer on 11kv line express feeder
- Point No.5 The bill of difference issued on the basis of irregular connection of express feeder (Industrial) can not sustain. However as the consumer has availed benefit of continuous supply from express feeder, he is liable to be charged for 0.75 ps. per unit based on Zero load shedding, prevailing for Aurangabad Zone.

REASONS

Point No. 1 :-

It has been submitted on behalf of the consumer that, the consumer had never applied for express feeder. The Nodal Officer however has filed the Xerox copy of demand application made by the consumer dated 10.10.2006. On going through the contents of the application dated 10.10.2006, it reveals that, the present complainant had applied for 11kv line express DTC for his petrol pump. One letter addressed to Executive Engineer, dated 10.10.2006 was enclosed with the prescribed form of the application, showing his willingness to deposit 15 % charges. The consumer further gave an undertaking to pay supervision charges @ 15 % worked out on total estimate on 17.01.2007. The copy of such undertaking has been submitted. These three documents have not been disputed. Hence considering the copies of documents i.e. I) Application Form (ii) letter of request and (iii) Undertaking bond on Rs.100/- stamp paper, it is clear that, the consumer had applied for and demanded for electricity supply from express feeder. This Forum therefore, reject the statement and contention of the consumer that the consumer never applied for express feeder.

Point No.2 :-

The Nodal Officer has submitted the office note for according sanction for shifting existing commercial consumer on 11kv. As per contents of the copy of such office note, the case is put up for according technical sanction, by Assistant Engineer to Executive Engineer (Admn.).

The Xerox copy of such estimate proposal has been filed. Technical sanction for shifting of existing commercial consumer on 11kv line under supervision scheme appears to have been granted by SE(O&M) Circle Jalna. The copy of CMS/CPL shows that, the consumer complainant has availed the benefit of such express feeder connection. The point No.2 is thereby answered in affirmative.

Point No. 3,4, & 5 :-

The flying squad Jalna spotted the petrol pump of the consumer on 16.11.2010 and noticed that, the consumer is availing benefit of express feeder connection. Tariff being applied to the consumer is as per LT-II. The sanctioned load is 5 KW connected load found to be 11.150 KW. The flying squad observed the irregularities to be (i) supply connected on 11kv express feeder. The flying squad Dy. Engineer, Jalna therefore proceeded to issue bill dated 01.12.2010 for change of tariff from Commercial to AT&T (11kv) express feeder amounting to Rs. 2,18,431=62 ps.

The consumer did not credit the bill, so the respondent through A.E. Bhokardan issued notice dated 04.02.2011.

It is the case and submission of the consumer that, there is no provision to supply electricity from express feeder to regular LT consumer. Electricity from express feeder is to be supplied only for ht consumer. There is no prescribed tariff for electricity for LT commercial consumer from express feeder. It is therefore submitted that, the bill in dispute and consequential notice issued by the MSEDCL both are illegal and such the bill in dispute be quashed.

The Dy.Engineer, flying squad Jalna has submitted the report dated 02.04.2011. As per the contents of the report, it appears that, the Dy.Engineer, flying squad has applied tariff @ Rs.8.40 per unit to the consumed units of 51915 by the consumer. He deducted the payments made by the consumer and issued the bill of balance amounting to Rs.2,18,432/-. He applied tariff of Rs.8.40 paise per unit as per commercial circular tNo.124 dated 14.10.2010.

The commercial Circular No.124 is regarding implementation of revision in tariff which is applicable from 01.09.2010. The energy charges of @ 8.40 paise have been prescribed in the said circular for consumption slab up to 50 KW above. The said circular does not speak for tariff regarding LT commercial consumer on express feeder. On the other-hand, nothing reveals from such circular for application of any tariff for commercial consumer on express feeder. In another words no tariff is prescribed for LT-II express feeder. There is no justification as to how then the Dy. Engineer, flying squad has applied tariff @ Rs.8.40 paise to

the commercial consumer even if he has availed benefit of express feeder supply, and secondly how sanction came to accorded to shift existing commercial consumer on 11kv express feeder particularly when no tariff is prescribed for. The Forum is thereby of the view that, the commercial consumer can not be connected to express feeder. The technical sanction which has been accorded for shifting commercial consumer on 11kv. Express feeder is thereby irregulating committed by the respondent. The bill of Rs.2,18,432/- which came to be issued on the basis of such irregulating thereby can not be said to be legal or justified bill. The disputed bill and the consequential notice dated 04.02.2011 both should be cancelled. Simultaneously it is a matter of fact that, the consumer has availed the benefit of continuous supply. This Forum is thereby of the view that, additional charges of Rs.0.75 paise to the regular bill for commercial consumer be levied, as is being levied for Zero load shedding consumers, prevailing for Aurangabad Zone. There shall not be any interest or penalty on unpaid due amount found to be on application, if additional charges of Rs.0.75 paise on regular unit bills. The amount of deposit made by the consumer on the basis of interim order passed by this Forum on 18.02.2011 be adjusted in the revised bill with these reasons points 3 to 5 are answered accordingly. The Forum thus proceed to pass following order.

ORDER

1. The grievance of the consumer is hereby allowed as follows:-
2. The bill of Rs.2,18,431/- issued by the respondent MSEDCL on 01.12.2010 and consequential notice issued on 04.02.2011 to pay the bill within 15 days, are hereby set aside.
3. The respondent MSEDCL, shall issue revised bill, by applying LT-II commercial tariff plus sRs.0.75 paise per unit extra to the consumer.
4. There shall not be any penalty or D.P.C. or interest on such unpaid bill.
5. The consumer shall be permitted to exercise his option for availing supply either on express/or non express feeder for onwards tariff within one month on declaration of next tariff.
6. The amount if any deposited by the consumer in pursuance of interim order passed by this Forum dated 18.02.2011 be adjusted in the revised bill.
7. No order regarding costs.

(V.S.Kabra)
Member

(P.A.Sagane)
Member/Secretary

(V.B.Mantri)
Chairperson