

Date of Admission. 25.09.2013.
Date of decision. 20. 11 .2013.

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
AURANGABAD ZONE, AURANGABAD.

Case No. CGRF /AZ/U/469/2013/53

To,

1. M/s Cosmo Films Ltd,
Plot No. B 14,MIDC,
Waluj, Aurangabad.

COMPLAINANT.

VERSUS.

1. Executive Engineer,(Adm.)
Nodal Officer,
O&M Urban Circle,
MSEDCL, AURANGABAD.
2. M/s GTL LTD.T-9 IT Park,
MIDC, Chikalthana,
Aurangabad.

RESPONDENT.

CORAM:

Shri V.S.Kabra Member.

Shri S.K.Narwade Member/Secretary.

REDRESSAL - DECISION.

The complainant is a consumer of MSEDCL and has taken 33KV supply for his factory situated at above mentioned address. The consumer number allotted by respondents bears sr. no. 490019004195

The electricity supply was released to the complainant in the year 1988 and since then the complainant is regular payer of all electricity bills. It is submitted that initially as per directives of the Maharashtra Electricity Regulatory Commission the electricity consumed for administrative office was charged as per commercial tariff rates.

However Hon'ble commission, vide its tariff order directed MSEDCL to levy industrial rates for administrative, sales office canteen etc. The said order came into effect from 01/09/2010. It is further submitted, in spite of above directives from Commission, respondents continued to levy commercial tariff for electricity used at administrative and sales office. Accordingly complainant has brought in to notice of respondent to withdraw the commercial tariff.

The complainant further submit that Respondent No.2 has also levied electricity duty on the amount of units charged as per commercial tariff which is incorrect and required to be refunded.

In view of above, the complainant prays as under.

Respondents may be directed to recalculate the units as per industrial tariff and without levying electricity duty from 1/09/2010 till today

Respondents may be directed to give refund / credit of excess amount paid by complainant towards commercial tariff and electricity duty paid on same with 18% interest

Respondent No.2 may be directed to pay Rs. 1/- towards violation of tariff order and MSEDCL circular

The applicant applied to M/s GTL on 13/06/2012 for change of tariff of production & administrative offices. As per application these two premises are billed on commercial tariff & the same should be billed on industrial tariff as per MSEDCL circular no 124 dtd 14/10/2010 effective from 01/09/2010

The respondent MSEDCL submitted in reply that, and would like to bring to the kind notice of Hon forum that the application was made on 13/06/2012. It is not possible to inspect the premises for

Past period as the usage can be changed by any consumer without informing the distribution licensee.

From above it is clear that whatever change of tariff is to be done the same can be applicable from 13/06/2012 i.e. the date of application only. The applicant can't be given benefit for past period.

The respondent MSEDCL also submitted that, the area of Aurangabad Urban circle was handed over to M/s GTL Ltd w.e.f. 01/05/2011 M/s GTL will submit the say for the period from 01/05/2012

Hon forum is requested to take decision based on available documents & above facts.

GTL Ltd has took over charge from MSEDCL in May 2011. After May 2011, GTL Ltd has followed same billing procedure which was followed by MSEDCL.

The circular no 124 mentioned by the appellant in his petition is dated 14/10/2010 Regarding applicability of this circular GTL Ltd humbly submits that, GTL Ltd is ready to follow all circulars/ guidelines issued by MERC and MSEDCL.

The forum heard both the parties and also gone through the record put before forum. The complainant submitted application on 13/06/2012 for correct application of tariff i.e. industrial tariff. The MERC and MSEDCL issued directives to bill the premises of office canteen etc as per industrial tariff w.e.f.01/09/2010.This fact is well known to the complainant, i.e. introduction of this tariff came in to force; however the complainant has not submitted any application for wrong implementation of tariff. The complainant has applied near about two year later to correct the tariff. Therefore the benefit of this tariff cannot be given from 01/09/2010; however the industrial tariff can be made applicable from date of his application i.e. 13/06/2012.therefore forum issues following order.

ORDER

1. The respondent GTL to issue revise bill as per industrial tariff w.e.f. 13/06/2012 and excess amount be refunded or credited in next bill within one month from this order.
2. Excess electricity duty to be refunded w.e.f.13/06/2012 within one month from date of this order.
3. No order as to cost.

(S.K.Narwade.)
Member/Secretary

(V.S. Kabra.)
Member