

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
AURANGABAD ZONE AURANGABAD

Case No. CGRF/AZ/Aur/U/365/2011/45

Date of Filing 20.12.2011
Date of Decision 01.03.2012

M/s Mahaveer Steel Rerolling Mill,
Plot No, A-26/27,
MIDC, Chikalthana,,
Aurangabad.
(Consumer No. 490019000491)

Complainant

V/s

01) The Nodal Officer,
O/O Superintending Engineer,
Urban Circle, M.S.E.D.C.L.,
Aurangabad

Respondents

02) The Dy. General Manager,
GTL Ltd., CIDCO, Aurangabad.

Respondents

CORAM

Shri V.B.Mantri

Chairperson

Shri V.S.Kabra

Member

Shri Mohd.Quamarudin

Tech.Member

Claim: - Change of tariff from Non Express feeder to express feeder and
refund excess difference amount,.

JUDGEMENT

01) The case of the complainant in brief is that, the complainant is the consumer having consumer No. 49001900049. The consumer had taken 11KV H.T. connection for his factory. The tariff applied for billing purpose is HT-1 (Non Express). He was having express feeder connection prior to present Non-Express feeder connection. The MSEDCL was pleased to change category from Express to Non Express feeder, as per guidelines of MERC.

02) The complainant has submitted an application for change of category from Non-Express to Express feeder on 19.11.2010. The complainant then submitted reminder letter on 14.2.2011 and on 26.4.2011, however till today tariff has not been changed. The first bill with new tariff order was received by the complainant in November 2010. The complainant submitted application on 24.11,2010 for change of category. It is therefore prayed that, the MSEDCL may be directed to change tariff from Non-Express to Express feeder from billing month of Dec. 2010 onwards and to refund excess amount paid by the complainant.

03) The MSEDCL and GTL Ltd. both of them contested the grievance and prayer of the consumer by filing their respective say mainly on the ground that the consumer did not file its application for change of tariff within prescribed period. The request of the consumer is beyond the period of limitation.

04) This Forum heard the submissions of Mr. Kapadiya, the representative of the consumer. Heard M/s Kishori Talole for MSEDCL, & Mr. Borde Legal Manager for GTL Ltd. Hence considering, submissions of respective parties, the following points arise for our determination and our findings are as follows:-

POINTS

01.	What is the time period prescribed for exercising choice between continuous and non-continuous supply.	First month after issue of tariff order.
02.	What is the date, from which period of limitation commence to exercise the choice.	Date of issue of tariff order for relevant tariff period.
03.	Whether, the consumer has exercised its choice within the period of limitation ?	No
04.	Whether the consumer is entitled for the redressal of grievance as prayed for	No
05.	What order	The complaint is dismissed.

REASONS

05) The grievance of the consumer in nut-shell is that, even though he applied for change of category from Non-express to express feeder, the respondents did not change the feeder, and did not refund the difference amount. The respondent's objection nut-shell is that, the consumer did not exercise its choice within prescribed one month period from the date of tariff order.

06) It has been submitted by the consumer that, he had applied for change of tariff on 19.11.2010. The first bill with new tariff order was received in November 2010.

07) The consumer did not submit specifically the period of limitation and the date on which period of limitation commence, but submitted that, the application has been filed within limitation as specified by MERC. The respondents on the other hand place reliance upon commercial circular No.88 issued by Chief Engineer(Comm.) dated 26.9.2008, to which consumer did not take any objection. As per the contents of said circular No.88, the consumer getting supply on express feeder may exercise his choice between continuous and non-continuous supply only once in the year within first month after issue of the tariff order for the relevant tariff period. In case choice is not exercised within one month then existing categorization will be continued.

08) In the present case, the consumer has applied for change of tariff on 19.11.2010. The tariff order for relevant period was issued on 12.9.2010. The consumer should have exercised its choice on or before 11.10.2010. The consumer failed to exercise its choice within **such** prescribed period of one month from the date of tariff order, therefore, existing tariff would be continued. The consumer therefore can not claim change of tariff after the prescribed period. The consumer as such is not entitled for the relief as claimed. The above points are answered in view of the Circular No.88. There is no substance in the grievance. Hence same is required to be dismissed. Hence Forum proceed to pass following order.

ORDER

The complaint is hereby dismissed.

Sd/-
(V.S.Kabra)
Member

Sd/-
(Mohd.Qamaruddin)
Member/Secretary

Sd/-
(V.B.Mantri)
Chairperson

