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NO.EE/CGRF/BMTZ/

Date: 05/11/2014

In the matter of

Case No.: 16/2014

Date: 11/06/2014

Complainant

M/s. Mutkiri Spinning Mills Pvt Ltd.
Plat No.147/2/2, Akkalkot Road,
Solapur.

(Here in after referred As Consumer)

Versus

Executive Engineer (ADM)
M.S.E.D.C.L.,
Solapur Circle
Solapur.

Opponent


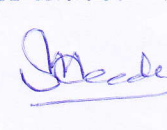
(Here in after referred As Licensee)

Quorum

Chair person
Member Secretary

Mr. Suryankant Pathak
Mr.S. M. Akode

- 1) M/s. Mutkiri Spinning Mills Pvt. Ltd is a company registered as per companies Act-1956 having office at Plot No. 147/2/2, Akkalkot Road, Solapur. The company is a spinning mill having consumer No. 330249002941. The contract demand is 950 KVA.
- 2) M/s. Mutkiri Spinning Mills Pvt. Ltd has filed the complaint on 11/06/2014 as per the provisions of section 42(5) of Electricity Act 2003 being aggrieved against the decision of IGRC Solapur dated 22/04/2014.
- 3) The consumer claimed that he was getting Electricity Bill as per Non-Continuous Tariff upto August 2007. There after he is getting suddenly the Electricity Bills as per the continuous Tariff. The consumer claims that he has not applied for change in Tariff from Non-continuous to continuous Tariff. Hence consumer pleaded that he should be changed as per non-continuous Tariff from August 2007 & all the on word bills should be revised.
- 4) The Consumer claims that the 33 kv line is tapped from 33 kv feeder. Hence it can not be claimed as Express feeder. Consumer further claims that as per the commercial circular 88 Dated 26/09/2008 specified that "only HT industries connected on express

feeder & demanding continuous supply will be deemed as HT continuous industry & given continuous supply, while all other HT industrial consumer will be deemed as HT non-continuous industry. ”

The MERC clarified that “The consumer getting supply on express feeder may exercise his choice between continuous & non-continuous supply only once in the year, within the first month after issue of the Tariff order for the relevant Tariff period.”

- 5) The Executive Engineer,(Administration) claims that before August 2007 the H.T. connection M/s. Mutkiri Spinning Mills Pvt. Ltd was connected on 11 KV gaothan feeder. Hence it was charged on the Non- continuous Tariff basic.
- 6) From August 2007 the consumer was connected on 33 KV Express feeder. Hence was charged as per continuous (HT-1 C) tariff. The consumer did not object to this & there was no complaint by consumer till 02/04/2013. In the above letter the consumer demanded the reduction of demand from 950 KVA to 500 KVA & change supply from 33 KV express feeder to 11 KV Non-express feeder.
- 7) The Executive Engineer,(Administration) denied the claim being Time barred. The complainant had made a grievance in respect of bills from August 2007 to 2014.
- 8) Further, Superintending Engineer Solapur on dt 14/10/2008 has asked the consumer to submit the choice between Continuous & Non-Continuous supply. This was asked as per CE (commercial) circular No. 88 Dated 26/07/2008, to submit the choice between Continuous & Non-continuous. The consumer did not give any choice. Hence the consumer was changed as per HT-1 C.
- 9) Also, in the application of M/s. Mutkiri Spinning Mills Pvt. Ltd dated 02/04/2013 the consumers has admitted that it is connected on the 33 kv express feeder& asked MSEDCL to give supply on 11KV Non-Express feeder.
- 10) Forum heard the arguments of Representative of M/s. Mutkiri Spinning Mills Pvt. Ltd & Executive Engineers (Administration) for MSEDCL. Forum perused entire record carefully.
- 11) The complainant had made a grievance in respect of bills during the period between August 2007 to 2013. As per clause 6.6 of MERC (CGRF& electricity Ombudsman) Regulation 2006, the forum shall not admit any grievance unless it is filed within 2 years on the date on which the cause of action has arise.

- 12) In the present case grievance is made in respect of bills issued from August 2007 to 2014. The consumer did not complaint about bill dispute not once during the entire period. Further on 14/10/2008, the consumer was asked to submit the choice between Continuous & Non-continuous. The consumer did not give any choice. Hence it was presumed that the consumer was agreed for the charging as per HT C-1. However, this forum has no jurisdiction to entertain the complaint in respect of grievance for a period exceeding 2 years from the date of Cause of action. As per the Law of Limitation, the complaint shall be dismissed if filed after the prescribed period of limitation, although limitation has not been set up as a defense. Therefore this forum shall not entertain the grievance in respect of the bills issued from August 2007 onwards as bared by limitations.
- 13) Also in the application of M/s. Mutkiri Spinning Mills Pvt. Ltd dated 02/04/2013, the consumer has admitted that it is connected on 33 KV express feeders & asked MSEDCL to give supply on 11 KV Non-Express feeders. This shows that the consumer is connected on the Express feeders.
- 14) Further the consumer has enjoyed uninterrupted supply without Load shedding for seven years. After seven years are over, the consumer is requesting non-continuous status & revise all the bills. These both requests are contradictory.
- 15) In the result, we are of the considered view that MSEDCL has not wrongly issued bills. Therefore we are not convinced with the arguments of Complainant Company. The complaint is liable to be dismissed with no orders as to cost.

ORDER

1. Grievance application is dismissed.
2. No order as to cost.



Mr. S. M. Akode
(Member Secretary)



Mr. Suryankant Pathk
(Chairperson)