

O/o. Chief Engineer, (BMTZ) Zone office, Plot No. P.34, Above Bank Of Maharashtra MIDC Area, Baramati. Ph. (02112)244771 Fax. 244773 E-mail: cebaramati@mahadiscom.in, cebaramati@gmail.com

Date: 22.4.14

In the matter of

Case No. 01/2014-15

M/s. Bang Data Forms Pvt.Ltd., Unit-II.
A-64, Chincholi, MIDC,
Solapur.

Date:- 24/01/2014

Complainant

(Here in after referred As Consumer)

Versus

M.S. Electricity Distribution Co. Ltd. -
Executive Engineer, Solapur

Opponent

(Here in after referred As Licensee)

Quorum

Chair person

Mr. S.D. Madake

Member Secretary

Mr. V.M.Bhattad

Member

Mr. Suryankant Pathak

1. The present complaint is filed as per the provisions of Section 42(5) of the Electricity Act-2003.
2. The complainant is company registered as per Companies Act 1956 having office at A-64, Chincholi, MIDC Opp. Solapur Pune Highway at Solapur.

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[Signature]

3. The complainant is a H.T.Consumer of M.S.E.D.C.L.vide No.331519051930 having sanctioned load 760 KW, connected load 760 KW and contract demand 500 KVA.
4. According to Mr.Pratap Hogade the rates applicable for HT-I C and HT I N are applicable since 2006 and consumer is entitle to exercise the choice regarding continuous and non continuous tariff.
5. The Mr.Pratap Hogade submitted that as per the order of Maharashtra Electricity Regulatory Commission in Case No.44/2008 dated 12th Sept.2008 Consumer is entitle to exercise his choice once in a year. In case choice is not exercised within specified period, the existing categorization will be continued. The consumer is entitle to exercise the option for application of tariff.
6. Learned consumer representative Mr. Pratap Hogade further submitted that M.E.R.C. passed order on 16.8.2012. He contended that M.E.R.C. approved tariff Schedule, and as per the schedule only HT Industries connected on express feeders and demanding continuous supply, will be deemed as HT continuous Industry and given continuous supply while all other HT Industrial consumers will be deemed as HT non-continuous Industry.
7. Mr.Pratap Hogade submitted that in pursuance of the order of M.E.R.C. dated 16.8.12 & Circular of M.S.E.D.C.L. dtd.5.9.2012 complainant specifically requested for application of non continuous tariff within one month i.e.on 3.10.2012.

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8. Mr.Pratap Hogade submitted that M.S.E.D.C.L. issued Circular dated 5.9.2012 vide circular No.175 and within 30 days, complainant filed application on 3.10.2012 requesting for application for tariff H.T. I.N.
9. Mr.Pratap Hogade submitted that M.S.E.D.C.L.is under an obligation to issue bills as per the H.T.-I N tariff from the date of application and failure to do so is deficiency in service.
10. M.S.E.D.C.L. authorities accorded sanction for application H.T. I.N.to complainant with effect from Aug.2013. The letter issued by C.E.(Commercial) dated 4.7.2013 shows that the complainant exercised choice on 3.10.2012.
11. M.S.E.D.C.L. Executive Engineer Solapur Mr.Annadate contended that complainant has availed supply on staggering day so company is not entitle for tariff HT-I N. However the circular No.35 dated 5.10.2011 issued by Director Operation, Mumbai show that, the Industrial load shedding on staggering day is to be withdrawn. In view of this Circular there is no convincing ground to deprive the complainant from application of HT-I N category.
12. As M.S.E.D.C.L.considered the request of consumer on the basis of application dated 03.10.2012 and also consumer never demanded for continuous tariff the act of M.S.E.D.C.L.to apply tariff with effect from Aug-2013 is unreasonable we are of the considered view that complainant is entitle to pay the bills as per rates applicable for H.T.-I.N.from the date of exercise of choice on 3.10.2012.
13. The M.S.E.D.C.L. is liable to pay interest as per the provisions of Section 62(6) of Electricity Act-2003 on the excess amount recovered from complainant.

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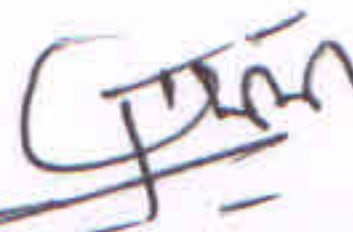
M.S.E.D.C.L.is liable to pay interest equivalent to the Bank rate till the date of payment.


14. In the result we pass the following order :

ORDER

1. M.S.E.D.C.L.is directed to issue electricity bills as per H.T.-I.N.Tariff with effect from 3.10.2012.
2. M.S.E.D.C.L.is directed to refund the excess amount recovered with interest equivalent to bank rate as per S.62(6) of the Electricity Act-2003 within 30 days.
3. No order as to cost.


Mr. S.D. Madake
(Chairperson)


Mr. V.M. Bhattad
(Member Secretary)


Mr. Suryankant Pathak
(Member)

Date: 22/04/2014

