

(A Govt. of Maharashtra Undertaking)

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Consumer Grievance Redressal Forum  
"Vidyut Bhavan", Gr. Floor,  
L.B.S.Marg, Bhandup (W),  
Mumbai – 400078.

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REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/

Date

**Case No. 566**

Hearing Dt. 10/04/2015

**In the matter of express feeder of consumer No. 0286590399540**

**M/s. Green Valley Homes Developers**

- Applicant

Vs.

**M.S.E.D.C.L. Vashi Circle.**

- Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri. Anil P. Bhavthankar, Chairperson, CGRF, Bhandup.
- 2) Shri.S.B. Bhalshankar, Member Secretary, CGRF, Bhandup.
- 3) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Appellant

- 1) Shri. Suraj Chakraborty – Consumer Representative

C - On behalf of Respondent

- 1) Shri. S.B.Kachare, Executive Engineer, Vashi Circle, Nodal Officer.

**ORDER (10/4/2015)**

Consumer No. 028659039540, Connected Load - 44.90KVA,  
Sanction Load - 53.42KW, Demand 53.42 to 2500KVA

1. Above named consumer has filed this compliant. For a consumer who falls under category LT-1, commercial tariff applied by the utility from the date of connection 2002. It is contention of consumer that letter was given to Executive Engineer, Kharghar on 22/08/2012 to convert his connection to express feeder from the date of application. Further he requested to change the said connection

category to non-continuous supply and on new express feeder due to frequent break down in the supply provided by utility from this feeder. The consumer had also requested to refund amount charged for express feeder from the date of supply and apply of feeder as non express. The said complaint was made to IGRC on 05/7/2014 hearing was done by IGRC on 23/07/2014.

- 2.** It is contention of utility that under the agreement entered by consumer on 28/06/2013 said supply was given through express feeder as mentioned in clause 7 of agreement HT-II on express feeder.. The contention of consumer is that the supply is obtained for running the mall. On the request of consumer the installation cost was incurred by utility to provide the current frequency cycle per 11KV sector. Before the consumer was charged as per the tariff as per express feeder. The supply taken into consideration of sanction load and connected load. There after Consumer had requested to surrender supply through express feeder. Without any proper application he has applied for ordinary feeder and to pay deposit and shifting charges and surrendering the express feeder connection. As per procedure he is required to make application. As earlier connection was given as per contract and agreement dated 31/07/2012 and per request letter dated 26/07/2012. Therefore prayer of refund of excess amount collected by utility is not tenable. Nodal officer IGRC passed an order on 22/08/2014 against the consumer.
- 3.** Being aggrieved by the said order consumer had filed this complaint stating that utility had directed the change of supply to ordinary feeder due to frequent interruption of supply. Consumer filed this grievance before Forum on 01/12/2014. After filling the said complaint notice was issued to respondent. After service of notice utility appeared and filed their reply on 22/01/2015.

4. It is contention of utility that the supply is given to consumer as per his agreement and request letter. There is no proper application for surrendering express feeder connection and cost for changing the feeder not deposited. The connection is given through express feeder on the request of consumer and bill is issued as per record. Charging the tariff was done properly. For changing of express feeder through non express feeder, consumer is required to make application to competent authority of SE, Vashi and further also required and follow the processor and rules. Consumer is also required to pay proper security deposit, which is not deposited. Hence there is no reason to refund security deposit.

*“Only H.T. 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”.*

5. It is further submitted that on the application filed by MSEDCL for clarification of the tariff order applicable from 1.6.2008, the Commission ruled in case No. 44 of 2008 that there is no justification for removing the clause “demanding continuous supply from the definition of HT-I continuous category”. Commission further said that,

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*“..... it is clarified that the consumer getting supply on express feeder may exercise his choice between continuous and non-continuous supply only once in the year, within the first month after issue of the tariff order for the relevant tariff period. In the present instance, the consumer may be given one month time from the date of issue of the order for exercising his choice. In case such choice is not exercised within the specified period, then the existing categorization will be continued”.*

6. The MSEDCL, on the basis of the above order, issued a circular No. 88 on 26th September, 2008, highlighting the above features of the Commission's order.

*“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”.*

*“The consumer getting supply on express feeder may exercise his choice between continuous and non continuous supply only once in the year, within the first month after issue of the Tariff Order for the relevant tariff period”.*

As per the tariff order of Commission, definition of express feeder and circular No. 88 of MSEDCL, the applicant should be charged non express feeder tariff. Applicant also submitted that Commission revised tariff with respect to TOD charges for FY 12-13 on Dt.

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26.12.2012 which was applicable up to 31.3.2013. This order amounts to a new tariff order with respect to TOD charges.

7. Since express feeder tariff (continuous industry) was applied to the applicant from beginning, the applicant submitted his request to change the tariff category to non continuous tariff vide letter dated 25.1.2013 to change his tariff to non continuous tariff and said that as per Commission's order only HT industries connected on express feeder 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. Applicant at any time never demanded a continuous supply.

- 8.** Along with other submissions, the applicant prayed that interim relief should be provided by changing tariff to non express feeder tariff from the month of January 2013. It is also submitted to change the tariff of the applicant to non continuous tariff (non express feeder) and revise all the energy bills of the applicant from December 2012 till date considering and applying non express feeder tariff as per directives of the

Commission issued in the tariff order and clarification order

- 9.** Consumer filed document correspondence made by utility on dated 05/07/2014, 22/08/2012, 06/03/2013, 12/09/2013, 28/04/2014 and given date and time there was of frequent failure of power supply to premises. Commercial Circular No.88 is filed. I have gone through the entire document filed by consumer carefully. I have also perused say of utility and document filed by utility connection checking format 29/07/2010 request for sanction load and connected load and capacity. Utility also filed request application of consumer laying of HT cable and further request of express feeder sanction order by competent authority of utility technical details mention in 04/12/2010 reports include payment details, agreement dated 06/05/2010, test certificate, test result and approval which is informed to consumer vide letter dated. 11/04/2008. Sanction of revised estimate for installation of connection cost Rs. 9,73,210/- All these documents disclose that connection and process was followed by utility on the request of consumer only.

- 10.** The contention of consumer that by giving simple application to convert his connection to non continues through ordinary feeder and application for change tariff conversion in such or name is not permitted. The consumer is required to give proper application for changing tariff category and pay charge of shifting of power supply form continuous to non continuous through express feeder to non

express feeder by giving application to proper authority. It is pointed out by utility consumer only made allegation against the utility and not followed processor non deposited any cost consumer is also not surrender his connection through express feeder by making application to proper authority. Forum finds that this is also a supplementary order to the last tariff order for 2012-13 was passed by MERC on 16.8.2012 which is still in force. Hence it is not possible to allow the applicant to exercise the option to change the tariff from continuous to non continuous, within one month after issue of every supplementary order by the Commission on various issues.

**11.** Without prejudice to above, it is also pertinent to note that Hon'ble Electricity Ombudsman, in order Dated 9.1.2014 has held that – *“clarificatory order dated 12.9.2008, as well as Commercial Circular No. 88 are, restricted to the detailed Tariff Order dated 20.6.2008 in Case No. 72 of 2007. The said Tariff Order was in existence from 1.6.2008 till 31.7.2009 because tariff order dated 17.8.2009 in Case No. 116/2008 became applicable w.e.f. 1.8.2009.*

***The option to change the Tariff Category from HT-I Continuous to non continuous industries was not there in the subsequent Tariff Orders in Case No. 116/2008, 111/2009 and 19/2012. The clarificatory order dated 12.9.2008 in Case No. 44/2008 will not “automatically apply” to the subsequent Tariff Orders. Obviously the appellant could not give his choice for change of tariff category from HT-I continuous to non continuous industries”.***

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**12.** It is therefore clear from the above discussions that the applicant should exercise his option for change of tariff from continuous to non continuous tariff after one month from the issue of original tariff order for the relevant tariff period, and not within one month from the issue of any subsequent supplementary orders.

**13.**For these reasons, Forum finds no substance in the present grievance application and the application deserves to be dismissed. Hence the following order: -

**ORDER**

1. The grievance application is dismissed.

Proceedings closed.

Both the parties be informed accordingly.

Compliance should be reported within 45 days.

The order is issued under the seal of Consumer Grievance Redressed Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup

Note:

- 1) If Consumer is not satisfied with the decision, it may proceed within 60 days from date of receipt of this order to the Electricity Ombudsman in attached "Form B".

Address of the Ombudsman

The Electricity Ombudsman,  
Maharashtra Electricity Regulatory Commission,  
606, Keshav Building,  
Bandra - Kurla Complex, Bandra (E),  
Mumbai - 400 051

- 2) If utility is not satisfied with order, it may file representation before the Hon. High Court within 60 days from receipt of the order.

**DR. ARCHANA SABNIS**  
**MEMBER**  
**CGRF, BHANDUP**

**ANIL P. BHAVTHANKAR**  
**CHAIRPERSON**  
**CGRF, BHANDUP**

**S.B.BHALSHANKAR**  
**MEMBER SECRETARY**  
**CGRF, BHANDUP**