



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph: – 2210707 & 2328283 Ext: - 122

Date of Grievance : 25/05/2012
Date of Order : 13/08/2012
Period taken : 80 days

**ORDER IN THE MATTER OF GRIEVANCE NO.K/E/607/718 OF
2012-13 OF M/S. ORIENTAL POWER INDUSTRIES, KUDAVALI
REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM
KALYAN ZONE, KALYAN ABOUT EXCESSIVE ENERGY BILL**

**M/s. Oriental Power Industries
M-39, MIDC, Kudavali
Murbad - 421401,
Dist. Thane**

**Here-in-after
referred
as Consumer**

Versus

**Maharashtra State Electricity Distribution
Company Limited through its
Executive Engineer, Kalyan Zone
Kalyan II, "Tejashree" Karnik Rd.
& Asstt. Engineer, Murbad Sub-Division**

**Here-in-after
referred
as Licensee**

(Per Shri. Sadashiv S. Deshmukh, Chairperson)

1. This Consumer Grievance Redressal Forum has been established under "Maharashtra Electricity Regulatory Commissioner (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievance of consumers. The regulation has been made by the Maharashtra Electricity Regulatory Commission vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, 2003 (36 of 2003).

2. The consumer is a L. T. II-B Industrial consumer of the licensee. The Consumer is billed as per industrial tariff. Consumer registered grievance with the forum on 25/05/2012 for Excessive Energy Bill.

The details are as follows –

Name of the consumer :- M/s. Oriental Power Industries

Address : As given in the title

Consumer No : 018861000849

Reason of dispute : Excessive Energy Bill

3. The set of papers containing above grievance was sent by forum vide letter No.EE/CGRF/Kalyan/0414 dated 28/05/2012 to Nodal Officer of licensee. The licensee filed reply vide letter No.SE/KC-II/Tech/2904 dated 25/06/2012 through Nodal Officer Kalyan Circle – II.

4. We the Members of the forum heard both sides in the meeting hall of the Forum's office on 25/06/2012, 28/06/2012, 07/07/2012, 25/07/2012. Licensee is represented by Nodal Officer Shri.Giradkar, Shri. V. H. Kasal, Asstt. Engineer, and for Consumer Shri. N.C. Bagade.

5. This consumer is an industry having meter and classification of tariff is LT-IIB. It is contended that connection is available to the consumer from 19/10/2001 and till 07/03/2012 consumer was getting supply and it was treated as industrial use and tariff was made applicable. However, officers of Flying Squad of Licensee visited consumer's unit on 09/01/2012 and noticed that there is a change in the use. They treated it as commercial as repairing of transformers is done in the said unit. Accordingly, bill dated 07/03/2012 was issued seeking payment on or before 21/03/2012. Accordingly, tariff was changed from industrial to commercial and it is demanded for the period from January-2010 to December-2011 to the tune of Rs.14,636/-. Part of the said amount paid and letter was issued on 29/03/2012 on behalf of consumer showing protest. However, amount claimed is deposited on 31/03/2012.

6. Though amount is deposited, now consumer approached this forum on 25/05/2012 contending that in the consumer's unit activity is industrial and it cannot be treated as commercial. On the other hand, representatives of licensee replied on 25/06/2012 and reiterated their contention that during visit of Flying Squad aspect of use is disclosed as repairs of transformers. There was no manufacturing activity hence tariff applied, amount demanded is correct.

7. In this matter, we heard Shri. N. C. Bagade, representative of Consumer and Shri. Giradkar, Nodel Officer, Shri. V. H. Kasal, Assistant Engineer, representatives of Licensee are heard. Both sides maintained their rival contentions as stated above. Main question herein comes up whether activity undertaken in the consumer unit is of industrial or it is commercial. There is no dispute that previously consumer is treated as industrial user and tariff was made applicable. But after visit of Flying Squad it was noticed that activity is of repairs and hence it attracts

commercial tariff. On behalf of Licensee heavy reliance is placed on the letter issued by Chief Engineer (Commercial) dated 09/02/2012 and at this stage, we find, the sum and substance of the letter relied on by the officer of licensee is of utmost importance and relevant portion reads as under -

"In this action, this office received the reports from S.E. Bhandara and Nagpur Circles wherein it is informed that present tariff applicable to transformer repairs is industrial tariff (LT-V). However, during the inspection of the Repairing Transformers Units by Flying Squad, they stated as it is not industry and therefore assessment made as per LT-II (Commercial Tariff).

Similarly, representations from transformer repairers in Bhandara and Nagpur Circles were received to this office requesting not to charge commercial tariff as assessed by Flying Squad units during their inspection for the transformer repairers and shall be considered their repair units as industry.

All such facts were to be put up before the recovery committee at H.O. on 29/12/2011.

The Recovery Committee at H.O. in its meeting dated 29/12/2011 discussed the issue and decided as under -

'Considering the explanation given by MERC in tariff order, the tariff made applicable by Flying Squad to the transformer repairers is correct and same be uniformly applied to all such consumers and assessment thereof shall be recovered.'

All Field Officers are therefore requested to take note of the decision of the Recovery Committee and take necessary action accordingly....."

8. Accordingly, now it is maintained by the officers of Licensee that there is no manufacturing in the unit of consumer and hence action is correct. Further it is added that though initially on 29/03/2010 word 'under protest' is stated, but on 31/03/2012 total amount is deposited. It is further contended that no independent any grievance is lodged with IGRC.

9. As against it, though on behalf of consumer aspect of industrial use is agitated, but no any material is placed on record to show in fact any industrial activity is being done and there is any manufacturing of articles. In spite of matter adjourned for placing on record those details, those were not placed on record either on 27/07/2012 or 31/07/2012. Matter was taken up on 28/06/2012, 07/06/2012 and as noted above on 20/07/2012, 27/07/2012 and 31/07/2012. Accordingly, consumer failed to place on record that any manufacturing activity is done in the unit attracting industrial tariff. In result, the factual aspects stated above and relied on by the officers of licensee is clear in itself and when there is a pure repairing of transformers, the tariff applicable will be commercial and hence the bill issued by the Licensee's officer is correct. It needs no any interference. There is no any merit in the grievance.

Hence the order –

ORDER

Grievance application is rejected. Action of officers of licensee is upheld.

(Mrs.S. A. Jamdar)
Member
C.G.R.F. Kalyan

(R. V. Shivdas)
Member,
C.G.R.F. Kalyan

(Sadashiv S. Deshmukh)
Chairperson,
C.G.R.F. Kalyan