



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

**IN THE MATTER OF GRIEVANCE NO. K/E/0139/0160 OF**  
**08-09 OF M/S. SUCHAK PAPER MFG. CO. PVT. LTD.**  
**REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL**  
**FORUM KALYAN ZONE, KALYAN ABOUT EXCESSIVE**  
**BILLING.**

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M/s. Shri Suchak Paper Co. Pvt. Ltd. Plot No. C/8 – 1, Phase - I, MIDC., Dombivali (East)	(Here in after referred to as consumer)
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**Versus**

Maharashtra State Electricity Distribution Company Limited through its Superintending Engineer, Kalyan Circle - I	(Here in after referred to as licensee)
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1) Consumer Grievance Redressal Forum has been established  
Under regulation of "Maharashtra Electricity  
Regulatory

Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006” to redress the grievances of consumers. This regulation has been made by the Maharashtra Electricity Regulatory Commission vide powers conformed 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 H.T. consumer of the licensee connected to their 22 KV network. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on dated 20/10/2008 for excessive energy bill.

The details are as follows: -

Name of the consumer : M/s. Suchak Paper Mfg.Co. P. Ltd.

Address: - As above

Consumer No: - 020029007820

Reason of dispute : Refund of Tariff Benefit

- 3) The batch of papers containing above grievance was sent by

Forum vide letter No EE/CGRF/Kalyan/294 dated 20/10/2008 to Nodal Officer of licensee. The licensee replied vide letter No. SE/KCK-I/Tech/CGRF/4795, dt. 07/11/2008.

- 4) The hearing was scheduled to be held on 14/11/08 at 14.00 hrs. but on request of Nodal Officer, Kalyan Circle – I, vide letter No. SE/KCK-I/Tech/CGRF/4795, dated 07/11/2008 the hearing was preponed on 12/11/08 at 14.00 hrs. The same was informed to both the parties vide this office letter No. EE/CGRF/Kalyan/324, dt. 07//11/2008.

- 5) The Member Secretary & Member of the Forum heard both the parties on 12/11/2008 @ 14.00 Hrs. in the meeting hall of the Forum's office. Shri Pradeep Shah, & Shri B. R. Mantri, Consumer's representatives & Shri D. B. Nitnaware (N.O), Shri S.M. Jadhav (A.E), Shri M. A. Atre (A.E) Shri E. N. Salunke, (A.M.) Shri L. D. Khairnar (A.A), representatives of the licensee attended hearing.
- 6) Consumer stated that Suchak Paper Mfg. Co. Pvt. Ltd. is a manufacturer of paper. The consumer is having a certificate regarding subsidy concession in tariff issued by Govt. of Maharashtra. On that basis the consumer has submitted his application to Licensee for subsidy concession in tariff. After receipt of consumer's application for tariff concession, the Licensee's representatives inspected the consumer's factory for technical feasibility. As per inspection report the factory is in non-continuous process. From the opening of the factory the subsidy benefit is not given to the consumer. For the period of six month i.e. from October 2006 to April 2007 Maharashtra Electricity Regulatory Commission (MERC) had granted subsidy benefit but the consumer could not avail it. The factories situated at Vashi are availing the same benefit as per letter No. SE/VC/Tech/, dated 21/05/2008 signed by Nodal Officer, IGRC Unit Vashi Circle. (Copy of the same is submitted by the consumer).
- 7) Licensee stated that after physical verification of Superintending Engineer, the proposal is forwarded to Head

Office on 12<sup>th</sup> September 08 for approval of the Advisory Committee which is formed by Development Commissioner.

At present the proposal is under consideration of Advisory Committee & their decision is still awaited. The meeting of the Advisory Committee is held after two or three months. On 11<sup>th</sup> September the last meeting of Advisory Committee was held. The final decision received by the Advisory Committee will be

binding to the Licensee & as per their directives the action for subsidy benefit in respect of the consumer will be taken.

- 8) Forum further stated that overwriting on any paper submitted to the forum will not be allowed. Since forum have to mention Letter No. & Date in the decision, such type of papers will not be considered by forum at the time of decision. So Licensee and consumer both should be careful in future regarding this issue.
- 9) Forum asked to consumer to submit a copy of decision issued from IGRC Washi. & instructed Licensee to inform the decision of the Advisory Committee. Licensee stated that whatever decision will be received by the Advisory Committee, the same will be followed by Licensee.

10) During hearing consumer submitted one copy of decision of Bhandup CGRF regarding similar matter & consumer gets the benefit for the same.

11) **Forum Findings :**

Following points are noted by the forum :

a) Consumer's factory received the certificate from Govt. of Maharashtra regarding continuous process Industry. MERC declared/issued a tariff benefit for continuous process industry for a period from Oct. 06 to April 07 (6 months). The consumer approached to the licensee on 06/08/08 for refund of excess payment as per tariff benefit for a period of Oct. 06 to April 07.

b) In response to above letter the licensee officials inspected the factory & submitted their report vide letter No. SE/KCK-I/Tech/HT/4057, dt.12/09/08 to Head Office.

**Commercial Circular No. 52 Subject Categorisation of H.T. I consumers in continuous & non-continuous**

In view of the interpretation of the MERC Clarificatory Order and the Government Resolution, following guidelines issued for implementation.

(1) All the HT I category consumers will have to produce the necessary certificates of continuous or non-continuous i.e. in case the consumer wants to avail the continuous industry tariff certificate will be necessary from the competent Authority as

per earlier provisions or as per G.R. dated 04/04/2007 (i.e. G.M., DIC and above).

(2) MSEDCL will be following the provisions of Circular No. 47 only for a further period of 45 days from the date of the issue of this circular (upto 15<sup>th</sup> June 2007).

(3) These provisions will be followed only in respect of the billing period from 1st October 2006 to 31<sup>st</sup> March 2007 as stipulated in the tariff order.

(4) After the period of 45 days in case of industries who have not submitted the continuous process industries certificate, the same will be treated as non-continuous industry and will be charged accordingly for the period from 1st October 2006 to 31<sup>st</sup> March 2007.

(5) In case a certificate is submitted by a consumer from the General Manager, DIC as per the G. R. or by a Competent Authority as per earlier provisions, the same should be vetted by the S. E. by way of physical verification, if necessary, and if satisfied, the status can be confirmed to the I. T. Department. This verification very crucial, since this will have a direct bearing on the application tariff.

(6) In case of any doubt or difference of opinion with regards to continuous nature of the industry, the same shall submitted to the concernend area Executive Director in H. O. in the attached proforma alongwith observations of Superintending Engineer of the Circle Office within a period of

15 days from the date of receipt of certificate by the Circle Office. The debit/credit for disputed cases will be passed on to the consumers only after the final decision of the committee which has been constituted vide letter dated 09.04.2007 of the Development Commissioner.

(7) In case the Development Commissioner of Industries has issued any certificate with regards to continuous nature, the effect of the same shall be given immediately.

(8) In case of any credit/debit entries, the effect of the same shall be passed on to the consumer within the next billing cycle.

(9) In case of any dispute or difference of opinion between S. E. if the Circle and the certificate given by G. M. DIC or by a Competent Authority as per earlier provisions and the cases of which are referred to area E.Ds. in H.O., the debit/credit will be passed on to the consumers only, after the final decision of the committee which has been constituted vide letter dated 09.04.2007 of the Development Commissioner.

(10) It is once again informed that these provisions shall be intimated to all the HTI consumers, about the necessity of producing the certificate within a period of 45 days and in case the same is not submitted by the HTI consumer, then the industry will be treated as non-continuous process industry & the bills will be revised (if necessary only) on lines of MERC tariff order dated 20.10.2006.

Committee Report in the matter of –

Change in category from non-continuous to continuous in respect HT-I consumer viz. M/s. Suchak Paper Mfg. Co. Pvt. Ltd. The S. E., Kalyan Circle – I has given the guide lines under HO Commercial Circular No. 52 dated 07/05/2007 constituted a committee comprising of the following members.

Superintending Engineer, Kalyan Circle–I Head of Committee.

Executive Engineer, Testing Dn. Kalyan Member

Executive Engineer Kalyan East Divn. Member

Assistant Manager (F&A), Kalyan Circle-I Member

All the committee members visited the factory on 02/09/2008.

Observations on site visit :

M/s. Suchak Paper Mfg. Co. Pvt. Ltd. is the HT consumer at MIDC Phase-I, Dombivali (East) connected on 22 KV feeder No. 4 from 100/22 KV Dombivali S/Stn. The connection has been given on a common (non express/non dedicated) MIDC feeder. The manufacturing process involves production/manufacturing of Kraft Paper.

The personnel available at the factory briefed the entire manufacturing process of paper manufacturing to the committee members. In the entire process of paper manufacturing interruption of power supply could lead to interruption in process which increases the processing cycle and amounting to indirect loss to some extent (only loss of electricity as raw material including water is recycled). The interruption in power supply, however, does not pose any threat to the processing cycle or does not lead to any hazardous



chemical reaction/s or does not pose any threat to the personnel working around.

The consumer has availed the HT supply from a common MIDC feeder. No alternative standby arrangement has been made either in terms of a standby feeder or a generator set for manufacturing process which can justify the continuous nature of the industry.

In view of above, the undersigned is of the opinion that the instance case does not fall under the category of a continuous process industry. (Signed by S.E.)

c) The licensee has forwarded the above inspection report to the Advisory Committee formed by Development Commissioner. The decision is awaited & based on the decision benefit (if any) will be passed on to the consumer.

- 12) In the above circumstances as the case is under study of the higher Technical Authorities appointed by Development Commissioner.
- 13) Forum unanimously decided that as it is a technical matter, already under consideration to Advisory Committee, hence the case is disposed off. No order has been passed by the forum.
- 14) Consumer can file appeal against this decision with the Ombudsman at the following address.  
*“Maharashtra Electricity Regulatory Commission,  
606/608, Keshav Building, Bandra Kurla Complex, Mumbai 51”*  
Appeal can be filed within 60 days from the date of this order.

**Date :- 19/12/2008**

**(Sau V. V. Kelkar)**

**(R.V.Shivdas)**

**Member**

**Member Secretary**

**CGRF Kalyan**

**CGRF**

**Kalyan**