



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph- 2210707, Fax – 2210707, E-mail : cgrfkalyan@mahadiscom.in

No. K/E/746/899 of 2013-14

Date of Grievance : 17/12/2013
Date of order : 12/02/2014
Period Taken : 58 days.

**IN THE MATTER OF GRIEVANCE NO. K/E/746/899 OF 2012-13 IN RESPECT OF
M/S. SASTHA TYRE INDUSTRIES PV.LTD. PLOT NO. J 0219,MIDC TARAPUR,
BOISAR, DISTRICT-THANE, REGISTERED WITH CONSUMER GRIEVANCE
REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING NOT GIVING NEW
SUPPLY.**

M/s.Sastha Tyre Industries Pvt. Ltd,
Plot No.J 0219,MIDC Tarapur, Boisar,
District – Thane

(Consumer No.073010015364) (Hereafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its

Dy.Exe. Engineer, Vasai Road Sub-Divn. (Hereinafter referred as Licensee)

Appearance : For Consumer – Shri Harshad Seth.

For Licensee - Shri Sankhe -Deputy Executive Engineer,

(Per Shri Sadashiv S.Deshmukh, Chairperson)

Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003.(36/2003). Hereinafter for the sake of brevity referred as 'MERC'. This Consumer Grievance Redressal Forum has been established as per the notification issued by MERC i.e. "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/3003).

Hereinafter it is referred as 'Regulation'. Further the regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission (Electricity Supply Code and other conditions of supply) Regulations 2005'. Hereinafter referred as 'Supply Code' for the sake of brevity. Even, regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005.' Hereinafter referred 'SOP' for the sake of convenience.

2] Consumer is having LT-V connection supply but consumer is billed as per LT-II tariff, hence the consumer registered grievance with the Forum on 17/12/2013, disputing the right of MSEDCL to apply LT-II category to consumer's unit which is engaged in Tyre retreading.

3] In this matter, the papers pertaining to above grievance were sent by this Forum vide No. EE/CGRF/Kalyan/0528 dated 18/12/2013 to the Nodal Officer of Licencee, Licencee filed reply on 10/1/2014, 10/2/2014 and consumer placed on record additional submissions dated 10/2/2014.

4] We heard at length consumer representative as well as Dy.Executive Engineer. Both of them crystallized the dispute explaining the position. Hence following conclusion are arrived at:

5] It is claimed that consumer Sastha Tyre Industry is engaged in Tyre retreading and Licencee charged it by applying tariff LT-II commercial from August 2012, is, not proper and it is against the order of MERC. Relying on the order in case No,118/2012 of MERC, it is contended that it is the duty cast on the Licencee to implement each and every order of Commission in it's letter and sprit. Further, it is observed that Licencee can interpret the order of commission and if any doubt arises

about the interpretation, they should seek clarification for the correct implementation of order.

CR submitted that in this matter the Tyre Industries was previously in LT-V, as per the order tariff passed with effect from 1/9/2010. However, from August 2012, it is now taken in LT-II commercial. The Ld. CR tried to contend that no doubt, approved tariff schedule which is part and parcel of tariff Order No. 19/2012, speaks about the tariff approved which was proposed by Licencee and in the said tariff order more particularly under the head LT-II, LT non-residential or commercial, while stating applicability under Clause (A) 0-20 kW at Sr. No.'e' Tyre Retreading or Vulcanizing units is included. CR vehemently contended that this inclusion though seen in the approved tariff schedule, this finds no place, in any part of petition filed by Licencee or this aspect never cropped up before MERC, during the public hearing etc. Accordingly, he contended that this aspect is brought up and as it is not covered in the petition, not discussed in the public hearing, it is not to be read as applicable.

In short, contentions of CR revolves around said tariff schedule approved by MERC, is, only on the basis of proposed tariff schedule of MSEDCL and hence lacks legal sanctity .

We find when there is inclusion of approved tariff schedule in the order of MERC, then it is not possible to accept the contention of Ld. CR raised before this Forum. If, at all, he finds any such flaw in the order of MERC i.e. approved schedule of tariff it is open for seeking clarification and challenging it by way of an appeal and hence, we find, this aspect is not available for any discussion on that order by this Forum.

6] Second point of dispute pertains to present consumer, billed treating it under LT-II-C i.e. noting supply more than 50 kW. It is contended that appropriate classification applicable is LT-II(B), which is for the supply of 20kW and less than 50

kW. This aspect raised by consumer. However, on behalf of Licencee, it is considered from December 2013 and consumer is treated as LT-II(B) instead of LT-II(C).

However, consumer contended that applicability of LT-II-C is during the period from September 2012 to November 2013. However, this is an impression which consumer has carried, on the basis of bill issued in July 2013 wherein classification is shown as LT-II(C) for the first time. It is, now explained by the Officers of Licencee that from September 2012 to June 2013 in fact the bills are issued regularly, classification was shown as LT-V only, which was applicable as per the previous tariff order. But this is rectified in July 2013, but at that time mistake continued and instead of entering classification LT-II(B), it was entered as LT-II(C). Though from September 2012 to June 2013 LT-V was shown, but actually subsequently it is rectified, bill is prepared, applying classification of LT-II(B) and said amount is paid by consumer. Further from July 2013 to November 2013, classification though continued as LT-II(C). It is also considered by Licencee in the month of December 2013. That aspect is corrected in the bill of December 2013 and from December 2013 classification LT-II(B) is written and it is continued. Accordingly, now, it is clear that proper applicability of classification of tariff i.e. LT-II(B) is done by Licencee and corrected it, till December 2013. There is no dispute on that point as in December 2013 total dues are worked out and adjusted in the bill. However, it is submitted by consumer that still there is some negligible portion required to be rectified and it is placed before this Forum in the additional submissions and Officer of Licencee Mr. Sankhe-Dy.Exe. Engineer, is agreeable to the suggestions to rectify it conveniently as per MERC order. Hence, that aspect is now clear, no any directions are required on it.

7] Thirdly, dispute is pertaining to noting of contract demand as per provision of Tariff Order. However, LT-V classification was applicable, consumer was having 67 HP load with the contract demand of 58 KVA. However, as per subsequent tariff order, when consumer is brought in the tariff classification of LT-II though 67HP load continued. During the inspection by Flying Squad on 23/6/2013, in

the report, it is mentioned as 46.63 kW. Consumer disputed this particular aspect of 46.63 kW and claimed that it's KVA conversion should be 58 KVA on the basis of dividing 46.63 kW by 0.8 PF. However, on behalf of Licencee, it is submitted that by dividing standard PF which is 0.9, the KVA conversion comes to 52 KVA. CR conceded to this position. Accordingly, both sides agreed.

In view of the above all disputed points are clear and nothing survives in the grievance.

Hence the order.

ORDER

In view of the above, all the three disputed points are now not surviving for any further order. Out of these three points, two of the points remedied during the pendency of this proceeding and one aspect which is pertaining to the allegation of the classification of Tyre retreading is not correct, is not amenable for any direction. Accordingly, this grievance is allowed partly.

2] Officer of Licencee is directed to appropriately consider the claim as per calculation worked out by the consumer's representative in his statement Exh.3 submitted with reply dated 12/2/2013.

Rectification in further bills considering demand as 52 KVA be carried out and its compliance be reported on or before 30/3/2014.

Dated:12/02/2014

I agree

I agree

(Mrs.S.A.Jamdar)
Member
CGRF,Kalyan

(Chandrashekhar U.Patil)
Member Secretary
CGRF,Kalyan

(Sadaashive S.Deshmukh)
Chairperson
CGRF, Kalyan

Note

- a) The consumer if not satisfied, may file representation against this order before the Hon. Ombudsman within 60 days from the date of this order at the following address.

“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”.

- b) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” at the following address:-

“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”

- c) It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.