



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/247/273 OF 09-10 OF M/S HANIL ERA TEXTILE LIMITED REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT EXCESSIVE BILLING.

M/s. Hanil Era Textile Limited (HETL)
Village Vanivali, Taluka – Khalapur,
Dist – Raigad,

(Here in after
referred to
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its Superintending
Engineer, Pen Circle, Pen

(Here in after
referred to
as Licensee)

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 (MERC) 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. The consumer registered grievance with the Forum on 16/05/2009 for excessive energy billing. The details are as follows: -
Name of the consumer : M/s. Hanil Era Textile Limited (HETL)
Address: - As above
Consumer No : 031189018366
Reason for Dispute : - Excessive Billing
- 3) The consumer in it's grievance application prayed for an interim order restraining the licensee from taking coercive steps and disconnecting the electric supply in pursuance to the notice dt. 30/04/09 threatening disconnection for non payment of the bill dt. 16/04/09 till final decision in this grievance application. Therefore, this Forum directed the licensee not to disconnect the electric supply to the consumer for non payment of disputed amount vide stay order dt. 16/05/09.
- 4) The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/462 dt. 16/05/2009 to Nodal Officer of Licensee through Nodal Officer MSEDCL Pen Circle filed reply vide letter No. SE/PC/HTB/CGRF/3391 dated 01.06.09 .
- 5) Grievance application was fixed for hearing on 02/06/09 at 16.00 hrs. However, on that day, none appeared for the consumer and Shri D. R. Bansode, Ex. Engr. Pen Circle (Nodal Officer) attended the said hearing. The Forum heard Shri D. R. Bansode, Nodal Officer and the submissions made by him are recorded in the minutes of hearing which are kept on the record. The case was then fixed for second hearing on 11/06/09 @ 16.00 Hrs. in order to give an opportunity to the consumer to make it's oral submissions. Notices of such second hearing were sent to the parties.

Shri P. T. Gopalkrishnan, Consumer's Representative & Shri D. R. Bansode, Nodal Officer, representative of the Licensee attended such second hearing on 11/06/09 at 16.00 hrs. The Forum heard them and oral submissions made by them have been recorded in the minutes of hearing which are kept on the record. Oral submissions made by both the parties shall be considered while considering the grievances of consumer and hence the same are not reproduced in order to avoid the repetition.

- 6) The undisputed facts made out from the documents on record which are necessary to be noted for the proper decision in this grievance application, are as under :

The consumer in it's earlier grievance application vide case No. K/E/134/155, before this Forum, raised various grievances against the licensee in respect of the demand of Rs. 6,04,17,350 and the additional security deposit (ASD) of Rs. 66,12,720 with threatening to disconnect the electric supply if the said amount was not paid within 15 days. This Forum held the concerned bill for July 2008 as proper and consequently rejected other prayers made by consumer but granted compensation of Rs. 1200 to the consumer from licensee vide order dt. 04/12/08. The consumer challenged the said order before the Hon. Electricity Ombudsman vide representation No. 09 of 2009. The Hon. Electricity Ombudsman disposed off the said representation vide order dt. 23/03/09. Thereafter the consumer filed review application No. 46 of 2009 before the Hon. Electricity Ombudsman praying for the review of earlier order dt. 23/03/09 in representation No. 9 of 2009. The said review application has been finally decided by the Hon. Electricity Ombudsman vide order dt. 15/05/09. The licensee had also earlier filed Petition No. 47 of 2009 before the Hon. Electricity Ombudsman seeking clarification in the order dt. 23/03/09 in

representation No. 9 of 09. The Hon. Electricity Ombudsman finally decided the said Petition No. 47 of 2009 vide order dt. 18th May 2009. Thereafter the consumer has filed the present grievance challenging the electric bill dt. 16/04/09 for the month of April 09 and notice dt. 30/04/09 threatening to disconnect the electric supply if the consumer does not pay the amount of the said bill within 15 days.

- 7) The consumer claims that the Hon. Electricity Ombudsman by its reasoned order dt. 23/03/09 in representation file by it not only quashed the demand of Rs. 6,04,17,344.70 and demand of ASD but ordered the licensee to effect the sanction of additional load of 1000 KVA and 1500 KVA for the consumer's power loom from the date it was sanctioned. The Director of Industries, Govt. of Maharashtra, through its District Industry Centre, vide its letter dt. 06/04/09 confirmed that the consumer's power loom unit were eligible for the concessional rate of electricity as per the MSEDCL's circular No. 42, dt. 19/08/06. The Hon. Electricity Ombudsman also directed the licensee to issue revised bills as per the directions in the above referred order without delayed payment charges and interest within one month. It further claims that the licensee will have to give refund of crore of rupees to it after such revision of earlier electric bills and if the licensee gives effect to the above referred letter of Director of Industries, such amount of refund would be more than Rs. 10 crore. The licensee, however issued electric bill dt. 16/04/09 for the month of April 09 without following the directions given by the Hon. Electricity Ombudsman in the above referred order dt. 23/03/09 in representation No. 9 of 09 and without giving effect to the above referred letter dt. 06/04/09 issued by Director of Industries, Govt. of Maharashtra, and also issued notice dt. 30/04/09 directing the consumer to pay the amount of above referred electric bill within 15 days and threatening to

disconnect electric supply to the consumer if it fails to do so. Therefore, the consumer has filed the present grievance application with a prayer for ad-interim order as stated above and directions to the licensee to revise the above referred electric bill for the month of April 09, other earlier bills and issue future electric bills, taking into consideration the above referred letter dt. 06/04/09 of Director of Industries, applying the concessional power rate and taking into consideration the other directions given by the Hon. Electricity Ombudsman in the above referred order dt. 23/03/09 in the representation No. 9 of 2009, and to restrain the licensee from disconnecting electric supply until all such earlier electric bills are revised and refund as claimed by the consumer is given to it.

- 8) The licensee vide its reply dt. 1st June 09 gave details in respect of various applications made by the consumer for electric supply, additional load, purpose for such electric supply and additional load etc. which it is not necessary to be mentioned in detail as the same are relevant for deciding the point in dispute in this grievance application and hence the same are not mentioned in detail. The licensee further claims that the consumer has approached the licensee for concessional rate for power applied to the power looms for the first time vide letter Dt. 27/10/07. As regards the letter dt. 06/04/09 issued by DIC, it claims that the DIC has not been given any authority to decide the applicability of tariff applicable to the power looms. The Commercial Circular Nos. 11, dt. 27/05/05 and Comm. Cir. No. 42, dt. 19/08/06 are not applicable to the consumer. It further claims that as per the directions given by the Hon. Electricity Ombudsman vide order dt. 23/03/09 in representation No. 9, it has revised the electric bill for April 09 considering the load 1000 KVA stand by demand and 1500 KVA additional demand w.e.f. 01/08/06 and 15/12/06 resp. and monthly energy bill for May

09 is issued accordingly without prejudice to its right to challenge the above referred order of the Hon. Electricity Ombudsman before the higher appropriate authority. The monthly energy bills from Aug. 06 to March 06 are also revised and the consumer has been intimated about it vide letter dt. 29/05/09. The energy bill for April 09 was issued on 18/04/09. The said bill is also revised in terms with the directions of the Hon. Electricity Ombudsman and such revised bill for Apr. 09 and also bill for the month of May 09 have been issued to the consumer. The above referred bills have been issued as per the industrial tariff as the consumer is not entitled for concessional tariff applicable for power loom as it does not satisfy the conditions as per comm.. cir. No. 11, dt. 27/05/05. It further claims that after the adjustment of the amounts of revised bills for the months of April 09 and May 09, the net credit balance of consumer is Rs. 59,87,876.98 till May 09. Therefore, the disconnection notice issued earlier is treated as non operative and the consumer is also informed to that effect vide letter dt. 01/06/09. It therefore, claims that there is no substance in the grievance application and hence the same be rejected.

- 9) Considering the contentions of both the parties as above, the following points arise for determination and considering the oral submissions made by the parties and the documents on the record, the findings thereon are given against each of it, for the following reasons :

Points	Findings
(i)Whether the licensee has issued revised Bills for the month of April 09 and earlier period as per the directions given by Hon. Electricity Ombudsman vide order dt. 23/03/09 in representation No. 9 of 09 and	Yes

other connected petitions ?	
(ii)Whether the consumer is entitle to be charged at the concessional rate applicable to the power looms ?	NO
(iii)What Order ?	As per Final Order

Reasons

As to Point No. (i) : The licensee in it's reply claims that it has revised the concerned electric bill for the month of April 09, earlier bills, and also issued electric bill for the month of May 09 as per the directions given by Hon. Electricity Ombudsman in representation No. 9 of 09 and other connected petitions and upto the bill for May 09, an amount of Rs. 59,87,876.98 is at credit with the consumer, reserving it's right to challenge the concerned order of Hon. Electricity Ombudsman before the competent Court. The LR repeated the above referred contention at the time of hearing. The consumer did not dispute the above referred contention of licensee at the time of hearing. Hence the finding in affirmative on this point as above.

As to Point No. (ii) : The CR submitted during the hearing that the consumer is entitle to be charged at concessional rate applicable to the power looms as per the letter dt. 06/04/09 issued by Director of Industries, Govt. of Maharashtra, through it's District Industry Centre. As against this the LR submitted that the Hon. Electricity Ombudsman has considered and finally rejected such prayer of consumer in it's order dt. 23/03/09 in representation No. 9 of 09 and also order dt. 15/05/09 in review application No. 46 of 09. He further submits that moreover, the consumer has approached the licensee for such concessional rate for power loom for the first time vide letter dt. 27/10/07 and the DIC has not been given any authority to decide the applicability of the tariff and therefore, the consumer

is not entitle to be charged at such concessional rate applicable for power loom on the basis of the said letter dt. 06/04/09.

- 10) It is clear from the order dt. 23/03/09 in representation No. 9 of 09 that the Hon. Electricity Ombudsman has considered the prayer of the consumer regarding power loom tariff in para No. 54 and after considering the provisions of circular No. 42, tariff orders dt. 05/05/2000, 01/01/2002, 01/12/2003, lastly observed as under :

“Therefore, now if the appellant claims that it should be given benefit of subsidized tariff, for whatever reasons it may be, it is at liberty to seek remedy with the respondent and/or the State Govt. as the case may be. It’s prayer to direct the respondent (i.e. licensee) to apply power loom tariff to it’s waiving activity, is rejected as being beyond the scope of decision by this Electricity Ombudsman”.

- 11) It is clear from the order dt. 15/05/09 passed by Hon. Electricity Ombudsman in review application No. 46 of 09 that the Hon. Electricity Ombudsman considered the effect of the concerned letter dt. 6th April 09 issued by District Industry Centre relied upon by the consumer and held that the said letter from District Industry Centre or any other authority was not at all relevant for arriving at the decision conveyed in it’s earlier order dt. 23/03/09 in representation No. 9 of 09.

- 12) the consumer regarding power loom tariff in para No. 54 and after considering the provisions of circular No. 42, tariff orders dt. 05/05/2000, 01/01/2002, 01/12/2003, lastly observed as under :

“Therefore, now if the appellant claims that it should be given benefit of subsidized tariff, for whatever reasons it may be, it is at liberty to seek remedy with the respondent and/or the State Govt. as the case may be. It’s prayer to direct the respondent (i.e. licensee) to apply power loom tariff

to it's waiving activity, is rejected as being beyond the scope of decision by this Electricity Ombudsman".

- 11) It is clear from the order dt. 15/05/09 passed by Hon. Electricity Ombudsman in review application No. 46 of 09 that the Hon. Electricity Ombudsman considered the effect of the concerned letter dt. 6th April 09 issued by District Industry Centre relied upon by the consumer and held that the said letter from District Industry Centre or any other authority was not at all relevant for arriving at the decision conveyed in it's earlier order dt. 23/03/09 in representation No. 9 of 09.
- 12) Thus the claim of consumer about applicability of tariff for power loom at concessional rate was earlier rejected by this Forum and has also been rejected by the Hon. Electricity Ombudsman by the above referred orders and therefore, the contention of the consumer that the licensee should have applied concessional rate of power loom to it while revising the concerned bills is rejected. Hence the finding in negative on this point as above.
- 13) There has been sudden increase in filing of grievances since last three months and therefore, there has been delay of two days in deciding this case.
- 14) In view of the affirmative finding on Point No. (i) and negative finding on Point No. (ii), it is not necessary to issue any directions to the licensee in that behalf. The licensee in it's reply itself claimed that it was treating the notice of disconnection issued by it as inoperative in view of the subsequent revision of bills by it and the licensee has already revised the bills as per the directions given by Hon. Electricity Ombudsman as discussed above, the consumer is not entitle for any stay order regarding the disconnection. The earlier Interim Order by which the licensee was

directed not to disconnect the electric supply to the consumer will also have to be vacated. Hence the Forum unanimously passes the following order.

O-R-D-E-R

- 1)Consumer's prayer for directions to the licensee for applying concessional rate applicable for power loom is rejected.
- 2)Consumer's grievance regarding revision of bills as per the directions of Hon. Electricity Ombudsman stands resolved.
- 3)Stay Order issued by the Forum vide No. EE/CGRF/KLN/464, dt. 16/05/2009 stands vacated from the date of this decision.
- 4)The Consumer can file representation against this decision with the Ombudsman at the following address.

*"Office of the Electricity Ombudsman, Maharashtra Electricity
Regulatory Commission, 606/608, Keshav Building,
Bandra Kurla Complex, Mumbai 51"*

Representation can be filed within 60 days from the date of this order.

Date : 17/07/2009

(Sau V. V. Kelkar)
Member
CGRF Kalyan

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(M.N.Patale)
Chairman
CGRF Kalyan