

# BEFORE THE CONSUMER GRIEVANCES REDRESSAL FORUM

## M. S. ELECTRICITY DISTRIBUTION CO.LTD.

### (NAGPUR ZONE – RURAL) NAGPUR.

Application/Case No. CGRF/NZ/Rural/ **29** of 2006

- Applicant : M/S. Shyam Rice Industries, Mill Toli, Gankhera,  
Manohar Chowk, Bapabodi Mill compound, Gondia .  
Through - Shri Sanjay Agrawal,  
-- VS --
- Non-applicants. : 1.Executive Engineer,C.C.O&M Dn., MSEDCL,  
Gondia.  
2.Executive Engineer/Nodal Officer, Internal Grievance  
Redressal Unit, Circle Office, MSEDCL, Gondia .
- Presence : 1.Shri N.J.Ramteke,Chairman  
2.Shri M.G.Deodhar,Member  
3.Shri M.S.Shrisat,Member/Secy.
- Appearance. : 1. Shri Sanjay Agrawal,  
2. Shri Pramod Agrawal,  
Representatives of Applicant. .  
3. Shri C.M.Khandalkar,E.E.  
For Non-Applicants.

### O R D E R

( Passed this 21<sup>st</sup> day of June, 2006)  
( Per Shri N.J.Ramteke, CHAIRMAN)

The Applicant presented this application in form Schedule 'A' under Regulation 6.4 of the M.E.R.C. (CGRF&O) Regulations, 2006 (hereinafter called the Regulations) on 12/5/2006. These Regulations have come into force on 20/4/2006 and, therefore, present proceedings are under the new Regulations of 2006. The Applicant sought relief from this Forum that recovery of amount of Rs. 96,852/- to be credited alongwith interest and D.P.C. incurred thereupon. The amount of excess connected load penalty to be adjusted as not applicable to consumer for stand by meter connected through change over switch as per MERC approval. The amount of excess load penalty already paid by the consumer may please be refunded alongwith interest and D.P.C. The Applicant sought the above relief on the grounds that during the billing month of Feb, 2001, the billing department of M.S.E.D.C.L. (for short, D.L.) Bhandara debited lumpsum amount for the sum of Rs. 96,852/- . There is no calculation sheet of details of any kind is ever shown to Applicant inspite of several requests. Applicant also approached the Rice Millers Association. The MERC dealt with the Rice Mill Association petition in its order dated 15/12/2005 (Record

Page 10) Applicant also approached the Internal Grievance Redressal Cell, Bhandara (For short, IGRC) Applicant got no relief from I.G.R.C. and, therefore, he approached this Forum for relief of his grievances as mentioned above.

The facts in brief in this case are that Applicant is the electricity consumer of the D.L. and the consumer No. is IP-203 432680000431, sanctioned Load 65 H.P. under LTPG for running Rice Mill Industry. The bill of Rs. 1,75,240/- was given to Applicant (Record Page 7). This bill shows the current bill and the arrears. Applicant challenged the same before the District Consumer Disputes Forum, Bhandara. The District Consumer Disputes Forum, Bhandara passed the order on 23/1/2002 and cancelled the bills of Rs. 34,656/- and Rs. 96,853.24 (Record Pages 19-20). The D.L. challenged this order of District Consumer Disputes Forum before the Consumer Dispute Redressal Commission, Maharashtra State, Mumbai. The Commission granted interim stay to the D.L. vide order dated 3/4/2002.

On receipt of this application, the Forum issued acknowledgement, registered the case, sent copy of application alongwith set of papers to non-applicants for their parawise comments. The non-applicants submitted their parawise comments on 12/5/2006, the Forum issued notices to both the parties for hearing. The Forum heard both the parties on 8/6/2006 and 15/6/2006. Thus reasonable and fair opportunity of hearing is given to the parties.

The main contention of the Applicant is that the bill of Rs. 96,852/- is illegal. The non-applicants should have taken into consideration the order of the MERC in case of Rice Mill Association. The Nodal Officer (IGRC) also did not give any relief to Applicant. The dispute of excess connected load is the matter to be considered on the grounds as mentioned elaborately by Applicant in para B (Record Page 2 and 3). Applicant also submitted second set of documents as per the list on 15/6/2006.

The non-applicants contended in their parawise comments that the Consumer Disputes Redressal Commission, Maharashtra State, Mumbai (For short, State Commission) granted the interim stay which is still in operation and, therefore, the question of relief about Rs. 96,852/- does not arise. The non-applicants inter-alia further contended that the Applicant has no legal right to compliance of the order of the District Consumer Disputes Redressal Forum, Bhandara. The D.L. has rightly charged the recovery of Rs. 34,656/- for the period 3.7.2000 to 4.11.2000 and 26.5.2000 to 3.7.2000, the meter was found slow by the Flying Squad on one phase and, therefore, recovery of Rs. 63439.72 for the period April,96 to March,97 against the Applicant. The Applicant is a wrong doer and he was admittedly found while using 14.5 HP excess load than sanctioned load without knowledge and sanction from the D.L. The Applicant is liable to face the action as provided in condition No. 31 M ii of Conditions of supply.

On perusal of the record and hearing both the parties, the Forum come to the conclusion and decide unanimously as under.

It is seen from the record that the District Consumer Disputes Forum, Bhandara had cancelled the bills of Rs. 36,656/- and Rs. 96,853.24 . The State Commission has already granted interim stay in the appeal against the above order. Since the issue is already decided in respect of the above bills by the Competent Authority under the Consumer Protection Act, 1986, there is no scope or authority to this Forum to deal with the matter again. Section 175 of Electricity Act,2006 provides that provisions of this are in addition to and not in derogation of any other law for the time being in force. It means, the matter which is already decided by the District Forum under Consumer Protection Act, this Forum can-not interfere into the matter about the recovery of Rs.96,853.24 and Rs. 34,656/-. Moreover, the State Commission has already granted interim stay and, therefore, the matter is pending with the Competent Authority. The I.G.R.C. has also given the relief in respect of amount of Rs. 34,656/- to Applicant under its order dated 3.3.2006 (Record Page 18).

The only issue remains before this Forum is about dispute of measured connected load penalty. As per the statement about the balance receivable from the D.L. , the amount is Rs. 97,639.27. It has been clearly laid down in its directives in the order in case No.2 of 2003 by the MERC that if exceeding sanctioned has been measured by maximum demand recorded by the meter, then 2 times the tariff applicable for the exceeded portion of the load(maximum demand minus sanctioned load). No penalty will be application if exceeding of sanctioned load is claimed on the basis of connected load method. In the instant case, the D.L. is charging both the connected load penalty at Rs. 120/- H.P. on 14.5 HP plus excess fixed charges at double the applicable rate i.e. instead of Rs. 30 is applying at Rs. 60 per HP for 79.5 HP. The Applicant has rightly and correctly pointed out that the rate of penalty applied for excess connected load is not in line with tariff order approved by the MERC. Applicant has also rightly pointed out that the MERC vide above order clarified in para 33 (b) that any demand notice or other charges arising out of the above shall be withdrawn forthwith ,with an intimation of the consumers and as per No.33 (f) MSEB shall refund amount collected on account of invocation of connected load. Thus the MERC has given very clear and specific directive about the connected load and penalty thereof. The non-applicants have not followed the directives of the MERC as given in case No.2 of 2003. Applicant is entitled for the credit of Rs. 97,737.27 in future bills. There is sufficient justification for allowing to waive of the penalty of para B as mentioned in application (Record pages 2 , 3 ) . The fixed charge has been charged by the double rate by the D.L. which is not correct as per MERC order . For applying double rate base is taken as connected load. As per MERC order base is to be taken as recorded MD on MD meters and, therefore, penalty not be charged as LTMD meters not

recorded the exceeded demand. Hence the penalty needs to be waived. However, the non-applicants should check up the details of Rs. 97,737.27 as per the statement given by Applicant (Record page 76) . The Forum allows this demand of Applicant about credit of the above amount.

With above observations, the Forum pass the order unanimously as under.

### **ORDER**

- 1) Application is partly allowed.
- 2) The amount of Rs. 97,737.27 to be credited to Applicant and adjusted in the future bills with due verification within 30 days from receipt of this order.
- 3) No order about Rs. 96,852 as this issue is already decided by District Forum, Bhandara.
- 4) Parties to bear their own cost.

CHAIRMAN

MEMBER

MEMBER-SECY.

CONSUMER GRIEVANCE REDRESSAL FORUM  
M.S.E.D.C.L., NAGPUR ZONE(RURAL)NAGPUR.

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CGRF/NZ/R/ 119

Date:: 23<sup>rd</sup> June,2006

Certified that this is the true and correct copy of the above order.

Member-Secy/ Exe.Engineer,  
C.G.R.F.(NZ-R)MSEDCL  
N A G P U R

Copy to:

1. M/S. Shyam Rice Industries, MILL Toli, Gankhera, Gondia.
2. The Chief Engineer,Nagpur Zone (Rural)MSEDCL,Nagpur.
3. The Exe.Engineer/N.O., O&M Circle Office, MSEDCL. Gondia, --  
for information and necessary action. .
- 4.The E.E.,C.C.O&M Dn., MSEDCL, Gondia for information and necessary action.

Address of the Ombudsman is given as below.

Office of - The Ombudsman,  
Maharashtra Electricity Regulatory Commission,  
606-608, Keshava Building,  
Bandra-Kurla complex,  
MUMBAI- 400 051

TEL.- 022 - 26592965 (Direct)  
022 - 26590339 (Office)