

CONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR (RURAL)

COMPLAINT NO. 347/2011

Executive Engineer,
MIDC E/M Division,
Plot No.X-50,
Hingna Industrial Area,
Hingna, Nagpur.

.. Complainant

„VS..

1. Superintending Engineer,
MSEDCL, O & M Circle,
Bhandara.
2. Executive Engineer/Nodal Officer,
I. G. R. C., Circle Office,
MSEDCL, Bhandara.

Respondents

Applicant Represented by Mr. Dilip Jogve, Dy.Engineer,E&MDn.,MIDC,Nagpur.

Respondents represented by 1) Shri U.G.Ganar, Executive Engr.,Bhandara.
2) Shri R.M. Limje, A.E., S/Dn. Bhandara.
3) Shri P.M. Chandekar, Circle Office Bhandara.

CORAM:

Shri T. M. Mantri, Chairman.
Shri M. G. Deodhar, Member.
Ms. S. B. Chiwande, Member-Secretary.

ORDER
(Per Chairman Dtd. 16th January, 2012)

The complainant Corporation has approached this Forum vide the complaint alleging that it is statutory body established under MID Act,1961 to develop Industrial Areas. Reference has been made to activities been carried out in that behalf and further alleged that it is established Water Work at Bhandara

near Kardha village for supply of water to the industrial use for purification. It is alleged that power supply from the Respondent Licensee for the said work shall be HT-IV Category as per MERC tariff but the MSEDCL, Bhandara having HT-1N. The complaint is for having tariff on HT-IV. Reference has been made to the order passed by Electricity Ombudsman, Mumbai with other orders. It is alleged that in spite of writing letters dtd. 30.06.2011 & 22.08.2011 reply is awaited. Further it is alleged that earlier the Respondent Licensee was having HT-1N but from July, 2009 suddenly HT-II Commercial Tariff has been levied without any notice and in spite of requesting time and again reply is awaited. Reference has been made to Circular of C.E.(Comml.), Mumbai dtd. 23.06.2010. In respect of making payment for refund of excess amount paid vide letter date. 12/09/2011 reply is awaited from S.E. to refund the excess amount. Further it is alleged that there is a light load of pump house on L.T. meter for which the charges used to be at residential rate but from March, 2011 suddenly Commercial Tariff rate have been levied. According to complainant ought to have been use residential tariff and in respect of sending letter reply is awaited hence claimed refund of excess amount on this ground also.

2. As per the Rules, notice was given to the Respondent Licensee for submitting parawise comments. On 13.10.2011, accordingly the reply came to be filed on behalf of the Respondent Licensee stating that C.G.R.F. is appellate authority hence no grievance if filed directly. Hence is liable to dismiss. Further it is stated that as far as having of proper tariff it is already revised the bill of the consumer for the month of Sept., 2011 but it is without prejudice to legal right to recover the same as company is issuing detail circular in this regard. According to the Respondent Licensee the complainant is not working of public purpose so also it is not local authority. It's working is Commercial in nature, therefore, HT-1N is rightly applied. As far as the Commercial tariff was applicable during the relevant period and accordingly bills were issued so also the complainant has deposited the same therefore, it is not entitle for refund of the amount. As regards tariff for pump house, lighting load, it is stated that there are no residential

quarters and no domestic activities are performed at pump house. Previously wrongly residential tariff was applied to pump house but it has been corrected to Commercial tariff. According to Respondent Licensee the claim of the complainant needs to be rejected and accordingly pressed therefore.

3. On behalf of complainant against written submission came to file on 04.11.2011 pointing out attempts made on its behalf to the Respondent Licensee for its grievance. No commercial activity is being carried out in Water Works premises. The Respondent Licensee has charged the tariff to HT-IV in Sept.,2011. But for earlier refund its claim remains and further stated that for MIDC of Hingna, Butibori, Kalmeshwar no such change in tariff was done by MSEDCL. Reference has been made to the copies of Electricity bills.

4. Heard Ld. representative of both parties. During course of submission it has been clear that the Respondent Licensee has changed tariff in Sept.,2011 but fact remains that for the period July,2009 to July,2010 the commercial tariff has been levied by the Respondent Licensee. The submission made on behalf of the Respondent Licensee that as the complainant has deposited the amount in bills, it is not entitle for refund, can not be considered, specially in view of the copies of orders passed by the Hon'ble Electricity Ombudsman, Mumbai and other authorities copies of which are on record. In fact no tariff of commercial rate could have been levied on it ought to have been on the basis of industrial tariff. Nothing has been pointed out from the side of the Respondent Licensee in support of its stand. No different tariff has been charged as already submitted so the complainant is entitled for refund of the difference of amount on tariff for the period July,2009 to July,2010 i.e. for 13 months. As far as the controversy in respect of tariff of pump house it can not be on commercial tariff on the same line but considering the submission and user thereof it has to be as per industrial tariff i.e. uniform rate to claim made by the complainant for domestic rate can not be accepted.

4. In view of the available material on record in the result following order is passed unanimously.

ORDER

- (1) The Complaint No. CGRF/NZ-R/347/2011 is hereby partly allowed.
- (2) The Respondent Licensee is directed to refund excess amount of difference of tariff for the period form July,09 to July,2010 to the complainant by adjusting it within period of one month from the receipt of this order.
- (3) Respondent Licensee to levy tariff of industrial rate to the pump house of the complainant corporation..
- (4) In the circumstances, parties to bear their own cost.
- (5) Compliance report be submitted within stipulated time.

Sd/
MEMBER

Sd/-
MEMBER SECRETARY

Sd/-
CHAIRMAN

CONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR (RURAL)

(Order Per Chairman Dtd.: 16th January, 2012)

**CONSUMER GRIEVANCE REDRESSAL
FORUM**

NAGPUR ZONE (RURAL) M. S. E. D. C. L.

Plot No.12, Shrikrupa, Vijaynagar, Chhaoni,
NAGPUR – 440 013

Shri T.M.Mantri
Chairman
(Mb)9673215771

(O) 0712- 2022198

Shri M.G.Deodhar,
Member
(M)9422805325

NO. CGRF/NZ/R/

Date :

**Certified copy of order dtd 16th January,2012 in Case No.
347/2011 is enclosed herewith.**

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

To.

The Executive Engineer, MIDC E/M Division, Plot No.X-50, Hingna Industrial Area,
Hingna, Nagpur.

Copy S.W.Rs.to :-

1. The Chief Engineer,Nagpur Zone (Rural)MSEDCL, Vidyut Bhavan,Katol Road,
Nagpur.

Copy F.W.Cs.to:

1. The Superintending Engineer O&M Circle, MSEDCL, Bhandara

2.. The Executive Engineer/Nodal Officer., O&M Circle Office, MSEDCL.Bhandara.
..... for information and necessary action

Address of **the Electricity Ombudsman** is given as below.

Office of - **The Electricity Ombudsman,**

12, Srikrupa, Vijay Nagar,
Chhaoni, Nagpur-440 013
Ph.No.0712-2022198.

