

MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO.LTD
Consumer Grievance Redressal Forum
Nagpur Zone Rural,Nagpur

Application /Case No.CGRF/NZ/Rural/309 of 2011

In the matter of application of HT continuous tariff

M/s. Shrikrishna Ginning & Pressing Factory..... Appellant

V/s

Superintending Engineer, Wardha
Nodal Officer, I.G.R.C., Wardha/ Respondent

Present:

1. Shri. M.G.Deodhar, Member
2. Smt.S.B.Chiwande, Member Secretary

On behalf of the Appellant:

1. Shri. Suhas Khandekar. Representative.

On behalf of the Respondent:

1. Shri.Fadanvis, Executive Engineer
2. Shri.D.R.Bawankar, Assistant Engineer
3. Shri.S.N.Kene, Jr.Law Officer

ORDER

Date: 30th April, 2010

M/S. Shrikrishna Ginning & Pressing Factory, MIDC Deoli, the Appellant has filed grievance application in form schedule A under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (C.G.R.F & E.O) Regulations, 2006 on Dt.03.03.2011. The grievance arises out of Internal Grievance Redressal Cell(for short Cell) Wardha Circle's order issued on 25th January 2011 in which it is held that the respondent has submitted the data of the meter ,according to which it is proved that the appellant has used the power on staggering days. The Cell rejected appellant's grievance. Being aggrieved with the Cell's order, the present grievance has been filed by the Appellant. Brief details of the grievance are as under.

The Appellant is an existing HT consumer of Maharashtra State Electricity Distribution Company Limited (hereinafter referred to as the Respondant) with having Contract demand of 200 KVA & connected load of 380 KVA. In December 2010 ,the appellant received a supplementary bill of Rs.208398.00 from respondent towards the difference in rate of non express & express feeder for the period from May 2009 to October 2010. The appellant stated that they had never applied for connection from express feeder ,hence the bill served was incorrect & should be withdrawn. The appellant approached the Internal Grievances redressal Cell (for short ,the cell) ,Wardha Circle with his grievance. The cell rejected the appellants grievance about withdrawal of the supplementary bill. The appellant says that meter data sheet has not been provided by the respondent even though the appellant applied to IGR cell vide their letter dtd.07.02.2011.The appellant feels that they were not aware about the basis of decision made by the cell & hence this grievance. The appellant cited the Maharashtra State Electricity Commission (Short, Commission) Tariff Order & the Order of Hon'ble Electricity Ombudsman Dtd.03.02.2010 passed in the representation No. 146 of 2009 in support of his case.

The appellant says that the copy of Office note dtd.01.04.2009 submitted by the respondent that M/S. Power Grid Corporation (PGCIL) had asked for supply of power on an express feeder & for their convenience ,the respondent decided to give continuous supply to them through an existing feeder as a temporary measure since new feeder was expected to be commissioned within three months. This new feeder never got commissioned or the supply to M/S. PGCIL was never shifted to it, as a result ,this existing feeder was given continuous supply for 18 months as claimed by the respondent . The appellants contention is that they were not aware about the feeder to which they are connected has been converted to express feeder and the Respondent had never intimated to the appellant about the change status of this feeder during the entire period of 18 months. The appellant stated that it had never asked for continuous supply. Therefore, the Respondent cannot charge him at that tariff, hence the supplementary bill should be withdrawn. He also prayed to take necessary action against MSEDCL's officials for attempting to exploit the consumer , Rs.10000/- towards compensation for causing harassment & mental tension , Rs.5000/- towards the expenses incurred in preparation &

presenting the case and time frame in which the above amount shall be refunded to the appellant.

The respondent filed its parawise reply on Dt.15.03.2011 to the points raised by the appellant. It is submitted that the appellant is an Existing HT Consumer of MSEDCL with a sanction demand of 380 KVA and connected load of 380 KW. The respondent has given a supplementary bill of Rs.208398/- to the appellant towards the difference in rate of non express & express feeder for the period from May 2009 to October 2010. The respondents contention is that the appellant has utilized the electricity supply even on staggering day, hence utilized the benefit of express feeder facility. The respondent further adds that the appellant connection No.510019005090 is feeding through 11 KV MIDC Deoli feeder emanating from 132 KV Deoli Substation along with some other HT consumer like PGCIL, Deoli. As per the office note Dtd. 01.04.2009 of Chief Engineer ,Load Management section H.O. Mumbai for the arrangement of continuous power supply to M/S.PGCIL till the completion of 11 KV express feeder which were under construction, the Competent authority of the Respondents approved the Office note regarding exemption of 11 KV MIDC Deoli feeder from load shedding for supplying continuous supply to M/S.PGCIL on the condition that the other Industrial/ HT consumer were asked to observed the staggering day on Wednesday, w.e.f 01.04.2009.

The respondents Executive Engineer ,Wardha has pointed out that the appellant has utilized the supply on staggering day. The respondent says that as per the Maharashtra Government Notification ,the entire Industrial consumer under Vidarbha region would have to maintain staggering day on Wednesday & Industry would remain closed on that day. He further submitted that the respondent is authorized under Section 45 of the Electricity Act 2003, to recover the fix charges in addition to the charge for the actual electricity supplied to the consumer. The respondent has not change the tariff category of the appellant, they issued a supplementary bill to the appellant for the actual energy supplied, hence the order passed by the Hon'ble Electricity Ombudsman in case No.146 of 2009 is not applicable to this case. The appellant was orally informed about the conversion of feeder from non express to express feeder, in spite of that the appellant utilized the energy on staggering days, thus availing the benefit of express feeder. The respondent denied the allegations made by the appellant. The appellant has not paid the amount of supplementary bill given by the Respondent, hence question of compensation

does not arise. The Respondent prays that as the appellants has already utilized the energy supplied on staggering days, it is statutory liability of the appellant to pay the amount of supplementary bill. With this submission ,the respondent prays for rejecting the appellants grievance.

The matter was heard on 31st March 2011. Shri.Suhas Khandekar, Representative represented the Appellant, Shri.Fadanvis Executive Engineer O&M Division, Wardha , Shri.D.R.Bawankar.Assistant Engineer, Shri.S.N.Kene Jr.Law Officer were present on behalf of the Respondent. Shri. Khandekar reiterated Appellants submission made in the grievance. The respondent reiterated his submission made in the parawise comments. During the hearing the respondent submitted the page no.196 of tariff's order in case No.116 of 2008 in which it is the commission finds that the consumers who are getting preference in supply of electricity ,i.e.24X7 supply, when other consumers are being subjected either to daily load shedding or one day staggered load shedding, should be charged a higher rate as compared to the other consumers. The respondent also relied on the Commercial Circular No.80 about implementation of tariff order, the paragraph of section 12 of HT continuous/Non-Continuous is reproduced as follows:-

“Also, in some cases, there are a group of consumers who are availing uninterrupted supply without any load shedding akin to availing supply on express feeder. Utmost care may be taken to ensure that all consumers in such group shall now be categorized only under HT-I Industry and further under sub-category-Continuous Industry on express feeder.”

The respondent further says that the appellant has not followed the instructions issued in load sanction order of the respondent in which it is clearly mentioned that the appellant has to observe staggering day which is Wednesday for Wardha District. Also he has not maintained the daily information regarding Energy consumption, MD recorded in G-7 form, if the appellant produced the same & if it is observed that the appellant has not utilized the energy on staggering Day then the respondent will not charged the appellant for continuous tariff for that period only. As the appellant did not receive the copy of parawise comments of the respondent & the respondent has submitted the page No.196 of Commissions Tariff order & Commercial Circular No.80 during the hearing ,the appellant requested the forum to give time for

further submission & hearing in this matter again to present their case on the above points raised by the respondent.

In his further submission made on Dtd. 05.04.2011 ,the appellant says that the period of supplementary bill i.e. from May 2009 to Oct.2010 is covered by three different tariff order's period for the year of 2008-09,2009-10 & 2010-2011.The appellant says that in all three tariff order's, the Commission has given choice to the consumer to take supply on express feeder on continuous basis or non continuous basis. In its case ,there was no such question, as it had never asked for an express feeder supply & the feeder was non express as there were other consumers connected on that feeder right from the beginning . He adds that the respondent has neither served any notice before and after the approval of Office note about the status of change of feeder from non express to express. He further says that the respondent cannot recover any charges from the consumer under section 45 of Electricity Act 2003,however they have to abide by the regulations & the tariff fixed by the Commission. As per Electricity Act 2003,under subsection(1) of section 55 and clause(e) of section 73 read with subsection(2) of section 177 of Electricity Act,2003, the Central Electricity Authority has made the regulation about Meter reading and recording & it is the responsibility of the licensee to record the metered data, maintain database of all the information associated with the consumer meters and verify the correctness of metered data. With this submission the appellant prays for the relief from the supplementary bill raised by the respondent.

The matter was again heard on 7th April 2011.Both the parties reiterated their submissions made previously.

Having heard both the parties & on careful consideration of documents on record it is noticed that the appellant is an existing HT consumer of the Respondent with sanctioned load of 380 KVA & connected load of 380 KW. The appellant was charged on the basis of non continuous industry not on express feeder . There was no dispute in respect of the tariff until November 2010. In December 2010,the respondent issued a supplementary bill to the appellant towards difference of payments of tariff i.e. non express to express feeder for the period from May 2009 to October 2010 on the ground that the appellant has utilized the energy supplied on staggering day. The respondent says that the appellant is given supply from 11 KV MIDC Deoli feeder emanating from 132 KV Deoli Substation. Initially the said feeder was non express but as one HT consumer

namely M/S.PGCIL was in need of uninterrupted auxiliary supply from the Respondent & their express feeder work was under construction & expected to be commissioned during three months ,hence they approached respondents H.O,Mumbai for demanding continuous supply on existing 11 KV Deoli feeder till the completion of their express feeder work ,the respondents competent authority approved the same on the condition that the Industrial/other consumers are asked to observe the load shedding. Record shows that the respondent had not informed the consumers connected on that feeder about the fact by informing individually to important consumers nor published the notice about the change status of feeder as it is only a temporary measure made by the respondent . They have not even observe whether the consumers connected on that feeder were availing the benefit of continuous supply for more than 1 ½ year. There is no such letter on record.

During the hearing the respondent says that it is only in the month of November 2010 , they came to know that the appellant has utilized the energy on staggering day in the month of November 2010 & on this basis they came to conclusion that the appellant had utilized the energy on staggering day ,hence they charged the appellant for the entire period of May 2009 to October 2010 from when the respondent has sought the approval from the competent authority about exemption of load shedding on that feeder.

It is clear that in the tariff order of June 2008 & subsequent Clarificatory Order on 12th September 2008, the Commission has specified that only HT industries connected on express feeder and demanding continuous supply will be deemed as HT continuous industry and given continuous supply, while other industrial consumers will be deemed as HT non continuous industries. The Commission has clarified that consumer getting supply on express feeder may exercise his choice between continuous and non continuous supply only once in a year, within the first month after issue of the tariff order, for the relevant tariff period. In the present case, the appellant was connected on non express feeder & was receiving energy on non continuous basis. The respondents argument is that the feeder on which the appellant is supplied was time being exempted from load shedding & hence the appellant enjoys continuous supply. Hence the respondent issued the supplementary bill for that period only which is from May 2009 to October 2010.From November 2010 the said feeder is again subjected to load shedding.

On issue of maintaining the information regarding energy consumption, MD recorded on day to day basis .The Government of India has notified CEA (installation & Operation of Meters) Regulation,2006 for regulating the installation and operation of meters.As per Regulation

Meter reading and recording :-

2) Consumer meters

a) It shall be the responsibility of the licensee to record the metered data,maintain database of all the information associated with the consumer meters and verify the correctness of metered data.

b) The Licensee shall maintain accounts for the electricity consumption and other electrical quantities of its consumers.

hence, the respondents contention that the appellants should have maintain the data of energy consumption on day to day basis has no substance.

Record shows that the respondent has failed on two grounds that they had not informed about the change status of feeder to the appellant in the initial stages i.e. in the month of April/May 2009 immediately after the approval of note regarding exemption of load shedding on that feeder for M/S.PGCIL only & observing the load shedding for other consumers on that feeder. Secondly they had not observe the consumers data about energy consumption for 18 months altogether & not produced any such documents in the proceedings before the forum, about the utilization of energy on staggering day for the period from May 2009 to October 2010 by the appellant even though the forum gave fair and reasonable opportunity of hearing to both the parties.

The appellant has not opted or demanded continuous supply. In view of above it is concluded that ,the appellants existing categorization i,e, HT-I non continuous (not on express feeder) tariff, is bound to be continued in terms of the provision in the clarificatory order of the commission. The appellant has not paid the amount of supplementary bill raised by the respondent, hence the appellants claim for compensation & other expenses cannot be accepted.

With the above observations, the Forum unanimously pass the following order

ORDER

1. Application is allowed.
2. The respondent shall carry out this order & report compliance to this forum in 30 days.
3. There is no order as to cost.

Sd/-	Sd/-
Member Secretary	Member
CONSUMER GRIEVANCE REDRESAL FORUM	
M.S.E.D.C.L (NAGPUR ZONE RURAL) NAGPUR	

CONSUMER GRIEVANCE REDRESSAL FORUM

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

Plot No.12, Shrikrupa, Vijaynagar, Chhaoni,

NAGPUR – 440 013

(O) 0712- 2022198

NO. CGRF/NZ/R/

Date :

Certified copy of order Dtd. 30th April,2011 in Case No. 309/2011 is enclosed herewith.

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

Copy to:-

1. M/S. Shrikrishna Ginning & Pressing Factory,MIDC Deoli, District-Wardha.
2. The Chief Engineer,Nagpur Zone (Rural)MSEDCL, Vidyut Bhavan,Katol Road, Nagpur.
3. The Superintending Engineer ,O&M Circle, MSEDCL. Wardha.
4. The Exe.Engineer/N.O., O&M Circle, MSEDCL. Wardha for information and necessary action.

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

Office of - **The Electricity Ombudsman,**

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

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