

**Maharashtra State Electricity Distribution Co. Ltd.'s  
Consumer Grievance Redressal Forum  
Nagpur Urban Zone, Nagpur**

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**Case No. CGRF(NUZ)/072/2009**

Applicant : M/s. Shree Steel Casting Pvt. Ltd.,  
At Plot No. T-38/1,  
MIDC Hingna,  
Nagpur.

Non-applicant : MSEDCL represented by  
the Nodal Officer-  
Executive Engineer,  
MIDC Division, Hingna,NUZ,  
Nagpur.

Quorum Present : 1) Smt. Meera Khadakkar  
Chairman,  
Consumer Grievance Redressal  
Forum,  
Nagpur Urban Zone,  
Nagpur.

2) Smt. Gouri Chandrayan,  
Member,  
Consumer Grievance Redressal  
Forum,  
Nagpur Urban Zone,  
Nagpur.

3) Shri S.F. Lanjewar  
Executive Engineer &  
Member Secretary,  
Consumer Grievance Redressal  
Forum, Nagpur Urban Zone,  
Nagpur.

**ORDER (Passed on 10.03.2010)**

The present grievance application has been filed on dated  
24.12.2009 under Regulation 6.4 of the Maharashtra Electricity

Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulation, 2006 here-in-after referred-to-as the said Regulations.

The applicant has filed his present grievance application for revision of energy bills considering and applying non-express feeder tariff to the applicant.

The applicant was charged HT-I tariff as per the tariff order applicable from 01.06.2008. The applicant's feeder is not express feeder. It is tapped feeder from existing 33KV line having one more consumer on the same line.

It is submitted by the applicant that the non-applicant was requested for charging the applicant as per the non-express tariff as he is not getting power supply from express feeder. The non-applicant did not take cognizance of the complainant's request, the complainant therefore approached this Forum for the relief. The complainant has prayed for revision of all the energy bills from 01.06.2008 till the date considering and applying non-express feeder tariff.

The non-applicant has filed the reply on 06.01.2010. It is submitted by the non-applicant that the applicant is a HT consumer. He has enjoyed continuous power supply without load shedding. The consumer is getting supply as the express feeder. The consumer has not expressed his option within the period of first month after the issue of tariff order for the relevant tariff period. He cannot be granted the non-continuous industry tariff. As the other consumer has not opted for change of tariff the applicant's request for change of tariff cannot be considered.

The non-applicant has submitted that in view of the clarificatory order of MERC. The consumer has to express his choice between continuous and the non-continuous power supply only one year within the first month. After the issue of tariff order for the relevant tariff period, the consumer's request cannot be considered. Hence the applicant's application is therefore liable to be rejected.

Heard both the parties, it is a matter of record that the applicant is the Company at MIDC Hingna and HT consumer. It is also an admitted fact that another consumer namely M/s. Nagpur Alloy Casting is also getting power supply from the same feeder i.e. 132 KV Hingna-II Sub-Station alongwith present applicant. It is submitted by the learned consumer representative that in view of the above fact the applicant cannot be considered as a consumer on express feeder.

The Definition of express feeder mentioned in MERC (Electricity Supply Code and Other Conditions of Supply) Regulation 2005.

“Dedicated distribution facilities means such facilities, not including a service line, forming part of the distribution system of the distribution Licensee which are clearly and solely dedicated to the supply of electricity to a single consumer or a group of consumers on the same premises or contiguous premises”.

It is submitted by the applicant that since one more consumer is getting supply from the same feeder and his premises is not a contiguous premises, he cannot be considered as on express feeder. The non-applicant has not specifically denied this statement, hence it will have to be expected that M/s. Nagpur Alloy Casting is not

group of consumer on the same premises or contiguous premises with the applicant.

We are of the opinion that the consumer feeder is not express feeder.

The learned Member-Secretary has expressed his opinion that the applicant as well as M/s. Nagpur Alloy Casting are connected on the same feeder. He is a charged as per HT-I-C tariff because he is connected on express feeder. The Majority of the Forum feels that the consumer feeder cannot be considered as express feeder only because he is charged as per HT-I-C category. The consumer must satisfy the requirement of the definition of express feeder as stated in MERC Regulations 2005.

We have already discussed and observed that the present application does not fit in the category of express feeder, hence he will have to be consider on non-express feeder.

It is submitted by the learned consumer representative that the non-applicant has wrongly charged tariff for express feeder from 01.06.2008. The non-applicant should revise all the energy bills and should charge him after applying non feeder tariff the applicant has requested for refund of excess amount paid by the him along with the interest.

It is submitted by the non-applicant that in view of the MERC's clarificatory order dated 12.09.2008. The applicant should have exercised his choice between continuous and non-continuous supply only once in year within a first month after issue of tariff order.

We have carefully read above order, it is clear that the above order is applicable "only HT industry connected on express feeder

and demanding continuous supply” since the applicant is not connected on express feeder the observation made in the MERC’s order relied upon by the non-applicant is not applicable.

It is a matter of record that the applicant is charged express feeder tariff from 01.06.2008 in fact he should have been charged after applying non-express feeder tariff from the said date. The non-applicant has wrongly charged the tariff after considering the consumer on express feeder. The non-applicant is directed to revise the energy bills from 01.06.2008. The applicant is also entitled to get refund of the excess amount paid by him.

After considering the arguments of both the parties and documents on record the applicant’s applicant is allowed.

The non-applicant is directed to revise all the energy bills of the applicant from 01.06.2008 till this date after considering and applying non-express tariff to the applicant as per the MERC’s directives.

The non-applicant is directed to refund excess amount paid by the applicant along-with interest at Bank rate by adjusting in future bills.

The non-applicant shall carry out this order and report compliance to this Forum on or before 15.04.2010.

Sd/-	Sd/-	Sd/-
<b>(S.F.Lanjewar)</b>	<b>(Smt.Gauri Chandrayan)</b>	<b>(Smt. Khadakkar)</b>
Member-Secretary	MEMBER	CHAIRMAN

**CONSUMER GRIEVANCE REDRESSAL FORUM**  
**MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO LTD's**  
**NAGPUR URBAN ZONE, NAGPUR.**

**Chairman**  
Maharashtra State Electricity Distribution Co. Ltd.'s  
Consumer Grievance Redressal Forum,  
**Nagpur Urban Zone, Nagpur.**