

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

Case No. CGRF(NUZ)/011/2009

Applicants : M/s. Khamla Motors
At E 4/2, MIDC Industrial Area,
Hingna,
NAGPUR

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

Quorum Present : 1) Shri S.F. Lanjewar
Executive Engineer &
Member Secretary,
Consumer Grievance Redressal
Forum, Nagpur Urban Zone,
Nagpur.

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

ORDER (Passed on 12.03.2009)

The grievance application is filed on dated 10.02.2009 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 here-in-after referred-to-as the said Regulations.

The grievance of the applicant is in respect of (1) tariff to be changed to previous tariff (on Industrial tariff). (2) Refund of additional bill (paid under protest) from September, 2008 onwards. (3) Cancellation of additional assessment.

He has requested to revise the bill as per Industrial tariff. The Flying Squad had written in his report on dated 10.04.2007 that

- 1) The tariff may be changed from Industrial to commercial and difference of tariff may be recovered as per under section 126.
- 2) Additional security deposit may be collected.

The following correspondence made by the applicant.

- 1) Letter on dated 23.04.2007.
- 2) Letter submitted on dated 20.10.2008.
- 3) Bill payment on dated 12.11.2008 under protest.
- 4) Submission of Provisional Registration certificate.
- 5) Submission of Permanent Registration certificate.
- 6) Intimation letter to MSEDCL dated 17.01.2009.

The letters submitted by MSEDCL side.

- 1) MSEDCL letter dated 08.10.2008 and 10.10.2008.
- 2) MSEDCL letter dated 12.11.2008.
- 3) MSEDCL letter dated 11.12.2008.

The hearing was fixed on dated 26.02.2009.

The applicant's case was represented by his Shri Prafulla Rewatkar, while Shri Fulkar Executive Engineer MIDC Dn., NUC MSEDCL, Nagpur represented the non-applicant Company's side.

The applicant was argued at the time of hearing that he did not done any mistake. The painting is one of the part of our business activity and it is already mentioned in the registration certificate.

He had received a letter of Executive Engineer MIDC Dn., after a period of 18 months (letter No. 2650 dated 10.10.2008 and 2624 dated 08.10.2008), stating that he should pay the payment as per Flying Squad report.

The applicant had replied on dated 17.11.2008 that there is no commercial activity. It is a part and partial activity of his business. Hence no question arises to pay the payment of as per commercial tariff.

He also said that the provisional S.S.I. certificate was produced in which already mentioned that the automobiles, body building, denting painting repair of services work is done.

He also replied that it was already brought to notice of MSEDCL authority that the permanent S.S.I. certificate is under process (as the unit was in other name as soon as the problem will solve the same will be submitted) as soon as the said problem will solved it will be submitted..

He also said in his letter, dated 12.11.2008, written to Executive Engineer MIDC for receiving the clarification regarding the industrial activity and he is paying the bill of 30.09.2008 to 31.10.208 under protest.

The MSEDCL side Shri Fulkar Executive Engineer MIDC had replied, and that he has submitted his

written statement against letter no. EE/MIDC/00546 dated 25.02.2009. He also mentioned the following points.

- 1) On date 10.04.2007 the Flying Squad inspected the spot, they found that the billing was charging as per Industrial Tariff. They directed the billing should be charged as per commercial tariff due to painting work.
- 2) The bill was issued from November, 2006 to April 2007 for 6 months, the same should pay by consumer within 30 days.
- 3) The payment for 16 months from May 2007 to August, 2008 of Rs. 51,317/- should pay within 30 days.
- 4) As per request of consumer the grievance lodged by him in MIDC Division, he was called for hearing on dated 17.11.2008. In the hearing they found the temp registration certificate. Hence they rejected the consumer's say and they ask to submit the permanent Registration Certificate.
- 5) The MSEDCL has asked to pay of Rs.31,982/- and Rs. 51,317/- to the applicant.

It is also added that the certificate was provisional and not permanent.

The electric energy which was used for denting painting and repairing it comes under commercial activity.

By observing all the documents and discussions during the hearing, the following findings were find-out.

- 1) The bill was issued to consumer after 18 months late.
- 2) The reason which was mentioned at the time of Inspection. It is clearly mentioned in provisional certificate. Similarly Executive Engineer MIDC was written in his letter No. 546 dated 25.02.2009 for submission of permanent certificate, it is also same.

In the provisional certificate No. 111432853 dated 07.01.2004. It was mentioned the following details. Sr. No. (B) Name :- Automobile Components Sr. No. (C) General Fabrications.

(D) And in permanent certificate maintained --- Manufacturing.

In which raw material requires

- a) Name --- PAINT
- b) & M/s. FLATS SHEETS
- c) & M/s. BRASS ANGLES.

are used.

The main activity are fabrication Automobile building are already included. Hence the activities of painting, denting are included in the main activity. It is a part & partial of his activity of business. Hence the activity mentioned in the registration certificate and actual activity is not differing.

- 1) Hence, the rate as per Industrial tariff should be charged for the above unit.
- 2) The payment which is recovered by MSEDCL in terms of Industrial to Commercial Tariff should be refund/adjusted in the energy bill.

The non-applicant shall carry out this order and report compliance to this Forum on or before 30.04.2009.

Sd/-
(S.F. Lanjewar)
Member-Secretary

Sd/-
(Smt. Gauri Chandrayan)
MEMBER
CONSUMER GRIEVANCE REDRESSAL FORUM
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO LTD's
NAGPUR URBAN ZONE, NAGPUR.

Member-Secretary
Consumer Grievance Redressal Forum,
Maharashtra State Electricity Distribution Co.Ltd.,
Nagpur Urban Zone, NAGPUR.