

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

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**Case No. CGRF(NUZ)/016/2010**

**Applicant** : M/s. Kendriya Kapas Anusandhan  
Sansthan,  
Post Bag No. 2,  
Shankarnagar, post office,  
NAGPUR.

**Non-applicant** : MSEDCL represented by  
Executive Engineer  
Division No. II,  
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 D.G. Gawnar  
Executive Engineer &  
Member Secretary,  
Consumer Grievance Redressal  
Forum, Nagpur Urban Zone,  
Nagpur.

**ORDER (Passed on 01.04.2010)**

This grievance application is filed on 05.02.2010 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 applicant has filed his grievance before this Forum challenging the category of the applicant's institute. It is the complainant's case that the complainant is under the control of Indian Council of Agricultural Research. The institute is established in 1976. It is taking up purely the activity of Research Development in Agricultural sector. The complainant was having the connection at HT-V Agricultural. The non-applicant has arbitrarily change the category of the connection as HT-II commercial from 01.06.2008. It is submitted that though the category is arbitrarily change the non-applicant has given with retrospective effect to the change. The complainant was informed about the change was effected in the month of April 2009 without giving any notice to the complainant.

It is complainant's case that the complainant's Institution does not fall within the category of HT-II commercial as define in the tariff order. The complainant Institute is doing Research work in the field of Agriculture. It is producing Certified Seeds for the Seed Corporation of State Government. There is no commercial activity the Institution engaged in Agriculture activity and was rightly charges under HT-V (Agriculture) up to the April 2009. Therefore the change of tariff is not justified.

The complainant has submitted that the non-applicant has treated issue notice for payment of huge electricity bills. The complainant has already paid the bill dated 03.09.2009. The complainant has prayed that the non-applicant be directed to retain

the complainant's category as HT-V Agriculture. The excess amount recovered from the complainant should be refunded along-with interest. The complainant has also prayed for compensation caused due to illegal disconnection of electricity supply.

The non-applicant has filed his reply on 03.03.2010, the non-applicant has stated that the applicant has asked the electric supply for Laboratory building for Cotton Research, the complainant is running A.C. plant & other Research Equipment.

The Flying Squad has observed the complainant is utilizing the supply for Research purpose and the majority of the load is applied for research equipment and not for agriculture purpose. According to the non-applicant the research activity does not fall under the agriculture activity. It is clearly from the list of equipment that the instruments are not use in preserving and process of agriculture production. The Agriculture tariff is applicable only to the crop cultivator and not for engineering, research or processing purpose. The non-applicant has rightly category under HT-II commercial tariff. Hence is not liable to refund the amount from 01.06.2008 till date, the applicant's claim may be rejected.

The complainant has filed list of activities of the complainant institution and has filed other documents on record. The non-applicant has admitted in its reply that the complainant Institute is an institutional for Cotton Research having contract demand of 498 KVA. The institute is carrying on research work on the Cotton seeds and to produce Hybrid seeds according to the complainant its activity does not fall under the category of HT-II commercial. According to the

non-applicant the complainant's activity does not fall under the category of HT-V agriculture.

The non-applicant has categorized the complainant as HT-V commercial. Both the parties having filed tariff order dated 10.05.2008 and commercial circular of the non-applicant dated 07.07.2008 which define HT-II commercial category at Sr. No. 8. The careful perusal of all the category mentioned in the said definition. The complainant Institute is not Education Institute or Charitable Institution. The complainant has filed a document on record. The complainant has also filed a documents of Certificate of Registration on dated 14.06.2006 which is shown the complainant Institute is registered with the Department of Scientific & Industrial Research (DSIR) for purposes of availing customs duty and Central Excise duty. The complainant institution is thus recognized at Research Institution.

It is submitted by the non-applicant that the complainant is not doing any agriculture activities but is using several equipment like A.C. plant, Microwave Oven, Hot air Oven and other machines admitted the complainant Institution is not doing the activity of cultivation or actual farming process on its research activity for the department of agriculture. The institution is working under the Central Government. It is non-applicant contention that the list of his instrument being used by the applicant clearly shown that the electricity is being use for cultivation while considering of electricity in the institution. We cannot over look the fact that the electricity is being use for the research in different laboratories for Tissue Culture Centre Lab, Soil Testing lab, Plant Tissue Culture Centre lab, Plant Lab etc. The

entire list of the activity of the complainant institute clearly shows that objection of research is to improve agriculture activity in the country.

It is clear that the applicant is carry out the activity under the supervision and guidance of the agriculture research Institute.

The non-applicant has not pointed out the complainant's any activity which can be termed as commercial activity. The complainant has categorizedly is being carried out in the Institution. The non-applicant has fail to satisfied the Forum as to how the complainant Institute comes within the definition as HT-II commercial category.

It is submitted by the non-applicant that provision 8.6 of the commercial circular of MSEDCL on dated 07.07.2008 giving discriminatory power to the field office to modify the category's in the consumers no where the field officer are improved to modified the category's arbitrary the provision 8.6 is meant for erstwhile LT-IX, (multiplexes and shopping malls) category and not for any other activities. The change of category appears to the arbitrary.

While considering the applicant contention it will be necessary to go through the definition of agriculture tariff. The definition is as under.

As agriculture tariff is applicable to high-tech agriculture consumers were the purpose is directly concerned with crop cultivation process and further provided that the post is not utilized for any engineering or industrial process. In the present case the complainant research activity is directly connected that the improvement of crop cultivation process, the purpose of research is do improve the cultivation process. The applicant has stated in details that the

Institution is taking up the activity of Research & Development in agriculture sector that a view to held the farming community. The object of the Institution is (I) the conduct basic and strategic research on cotton to improve yield, fibre quality and by-product. (II) New genetic variability for location-specific adoption in cotton based cropping systems. (III) To assist in the transfer of modern cotton production technology to various user agencies.

The Commission has clearly categorization of the tissue high-tech agriculture purpose as agriculture, hence the non-applicant stand by change the tariff category of the complainant is justify.

The documentary evidence produced by the complainant clearly show that the complainant Institution is an Institute running by mandatory as of Government of India. Institution is involved in research activity, the said institution is established that object to improve the yield and to find out transfer of modern technology for Cotton production technology to various user agencies.

We are satisfied by the complainant's activities are based on Research & Development in Agricultural sector. Therefore they cannot be treated as commercial.

We have already observed all the non-applicant's stand of taking shelter of commercial circular no. 80 & 81 is having no based. We are already observed that the activity of the complainant's Institution are clearly under the category of agriculture. The non-applicant's order of change of category is therefore not proper.

The non-applicant should have continued the applicant's category as HT-V Agriculture.

The complainant has submitted that though tariff is change in the month of April, the non-applicant has given retrospective effect to the category from 01.06.2008. The non-applicant has not denied this position. We are surprise to note this fact no where the law has authorized. The non-applicant to give retrospective effect to the change of category. It has to be from the date of order in any case. We have observed that there is no reason for the non-applicant to arbitrary change of complainant's tariff category. The applicant has proved by filing supporting documents that the tariff meant for HT-V agriculture should have been retained. The complainant should have been retained in HT-V agriculture category.

After considering the arguments of both the parties and document on record, the grievance applicant therefore partly allowed.

The non-applicant has directed to treat the applicant's as HT-V agriculture tariff category w.e.f. 01.06.2008.

The non-applicant is directed to charge tariff rate as HT-V agriculture category from the said date, the energy bill issued to the complainant be revised accordingly.

The non-applicant is further directed to refund the excess amount recovered from the complainant along-with interest at Bank rate.

The non-applicant should carry out this order immediately and report compliance to this Forum on or before 30.04.2010.

Sd/- <b>(D.G. Gawnar)</b> Member-Secretary	Sd/- <b>(Smt. Gauri Chandrayan)</b> MEMBER	Sd/- <b>(Smt. Khadakkar)</b> CHAIRMAN
<b>CONSUMER GRIEVANCE REDRESSAL FORUM MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO LTD's NAGPUR URBAN ZONE, NAGPUR.</b>		

**Member-Secretary**  
Maharashtra State Electricity Distribution Co. Ltd.'s  
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