

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

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**Case No. CGRF(NUZ)/297/2014**

Applicant : M/s. Luk Plastcon Ltd.,  
Plot No. G-00, M.I.D.C.,  
Butibori,  
Nagpur.

Non-applicant : Nodal Officer,  
The Superintending Engineer,  
Nagpur Urban Circle,  
MSEDCL,  
NAGPUR.

Quorum Present : 1) Shri Shivajirao S. Patil,  
Chairman.  
  
2) Adv. Subhash Jichkar  
Member.  
  
3) Shri Anil Shrivastava,  
Member / Secretary.

**ORDER PASSED ON 19.1.2015.**

1. The applicant filed present grievance application before this Forum on 21.11.2014 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as Regulations).

2. The applicant's case in brief is that applicant is the consumer of M.S.E.D.C.L. connected on 33 kV. Applicant has a contract demand of 700 kVA. Applicant applied for supply at 33 kV vide application dt. 25.1.2010 to M.S.E.D.C.L. with contract demand of 700 kVA. Applicant's

demand of 700 kVA was sanctioned as per letter dated 15.10.2010. Applicant was charged HT-I tariff applicable for express feeder since beginning i.e. from November 2011 and applicant regularly paid energy bills at express feeder tariff. In tariff order applicable from June 2008, and thereafter revised tariff applicable from the month of September 2010 and revised tariff applicable from August 2010. M.S.E.D.C.L. filed application for clarification of the order applicable from 1.6.2008 and requested the Hon'ble Commission to clarify the matter. Hon'ble Commission ruled in Case No. 44/08 that there is no justification for removing the clause "demanding continuous supply from the definition of HT-I continuous category". M.S.E.D.C.L. on the basis of above order issued a circular No. 88 on 26.9.2008, highlighting the above features of Hon'ble Commission's order. *"Only HT industries connected on express feeders and demanding continuous supply will be deemed as HT continuous industry and given continuous supply, while all other HT industrial consumers will be deemed as HT non-continuous industry"*.

*"The consumer getting supply on express feeder may exercise his choice between continuous and non – continuous supply only once in the year, within the first month after issue of the Tariff Order for the relevant tariff period"*. As per tariff order of Hon'ble Commission, definition of express feeder and circular No. 88 of M.S.E.D.C.L. the applicant should be charged non express feeder tariff. M.S.E.D.C.L. charged express feeder tariff to the applicant since beginning. Hence applicant applied for change of tariff category as per letter dated 26.2.2014. Therefore applicant filed present grievance application with a request to issue directions to M.S.E.D.C.L. to change the tariff of the applicant to non continuous tariff (non express feeder) and revise all energy bills of the applicant from November 2011 till the date considering and applying non express feeder tariff.

3. Non applicant denied applicant's case by filing reply Dt. 17.1.2015. It is submitted that applicant is HT consumer connected on 33 kV on Dt. 11.11.2011 with connected load 1125 kW and contract demand 700 kVA. The tariff category of applicant consumer is 55 HT-I C i.e. consumer have continuous power supply without load shedding even on staggering days. The consumer is connected on 33 kV Morarji Express Feeder emanating from 220 kV Butibori Sub-Station.

4. Applicant filed present grievance application to revise their energy bills from 11.11.2011 till the date of considering and applying non continuous tariff as per directions of the Hon'ble Commission issued in tariff order and claimed refund of excess amount.

5. Consumer is having H.T. connection on 33 kV connected on 11.11.2011 with contract demand 700 kVA connected on 33 kV Morarji Feeder. Morarji feeder is express feeder emanating from 220 kV Butibori to Morarji Textiles Mill. The consumer has agreed to avail power supply by tapping this feeder at the time of connection to save expenses incurred for erection of new express feeder from Sub-station and it is mutually agreed between M.S.E.D.C.L. and applicant and consumer has given consent for the same.

6. In the application for new H.T. power supply dated 25.1.2010 (Annexed Annexure 'A' with reply), the consumer requested for connecting his supply on 33 kV level stating that his connected load was of continuous nature. The consumer was aware of the fact that laying new feeder will be too expensive for them. Therefore consumer requested to tap the line from existing express feeder nearest to the consumer's premises i.e. 33 kV Morarji feeder near Bajaj Steel Industries Ltd. The consumer in letter

dated 23.7.2010, had reiterated stressed for continuous supply only elaborating various reasons (enclosed as Annexure 'B' with reply). The consumer was aware that if he demanded separate express feeder power supply at the time of connection he would have to bear the cost of new feeder from the nearest sub-station which would be many times more than extending service line from 33 kV Morarji feeder and the work would delay in having power supply and his project would be delayed. Hence to save upon capital expenditure and the time, the consumer requested supply on 33 kV Morarji feeder. The consumer himself carried out the work of extending the service line from 33 kV Morarji feeder (enclosed as Annexure 'C' with reply).

7. To get the power supply from existing express 33 kV Morarji feeder, the consumer had also given his consent on stamp paper of Rs. 100/- Dt. 31.5.2010 for energy charges applicable as H.T. Industry continuous tariff (enclosed as Annexure 'D' with reply). As it was consumer's request to connect his power supply on 33 kV level with connected load of 1125 kW and contract demand 700 kVA, the Superintending Engineer, Nagpur Rural Circle had taken the approval from the Regional Executive Director Nagpur to connect power supply of this consumer at 33 kV level (enclosed as Annexure 'E' with reply).

8. Other than M/s. Luk Plastcon Ltd. i.e. the applicant, there are 4 other H.T. consumers connected on 33 kV Morarji feeder emanating from 220 kV Butibori S/s. Other 4 Industrial consumers are billed on continuous tariff. 33 kV Morarji feeder is considered as an express feeder which provides continuous power supply without load shedding even on staggering days to above consumers.

9. There is no 33 kV non express feeder in the vicinity from where the consumer can be given non express feeder supply. As the consumer is connected on express feeder as per their request and is rightly charged tariff 55 HT-I C. If all the H.T. consumer on the feeder opt for non continuous tariff that too within time specified by Hon'ble M.E.R.C. in its clarificatory order dated 12.9.2008, the feeder can be converted to non continuous feeder and all the consumers will be charged as per non express tariff. In the clarificatory order passed by Hon'ble MERC Dt. 12.9.2008, or related M.S.E.D.C.L's circular No. 88 dt. 26.9.2008, has clarified that choice is to be exercised **"within the first month after issue of tariff order for the relevant tariff period"**. The consumer submitted his application for change of tariff from continuous (on express feeder) to non continuous (non express feeder) on 26.2.2014. Tariff order for the period 2012-13 still being applied was issued by Hon'ble MERC on 16.8.2012. It is clear that consumer's application is not within specified time period. Grievance application deserves to be dismissed.

10. Forum heard arguments of both the sides and perused the record.

11. M.S.E.D.C.L. has produced copy of application filed by the applicant for new H.T. power supply Dt. 25.1.2010. It is Annexure 'A' with reply. On careful perusal of this application of the applicant Dt. 25.1.2010, it is crystal clear that the applicant consumer requested for connecting his supply on 33 kV level stating that his connected load was of continuous nature. The consumer was aware of the fact that laying of new feeder will be too expensive for them. Therefore he requested to tap the line from existing express feeder nearest to the consumer's premises i.e. 33 kV Morarji feeder near Bajaj Steel Industries Ltd.

12. M.S.E.D.C.L. also produced another important letter issued by the applicant consumer Dt. 23.7.2010 addressed to Superintending Engineer, Nagpur Urban Circle, vide Annexure 'B' filed alongwith reply. In this letter in first and beginning line, applicant has specifically mentioned that *"We need power supply continuously without any interruption"* Therefore the consumer in letter dated 30.6.2010 had reiterated and stressed for continuous supply only, elaborating various reasons. The consumer was aware that if he demanded separate express feeder power supply at the time of connection he would have to bear the cost of new feeder from the nearest S/s. which would be many times more than extending the service line from 33 kV Morarji feeder and the work would delay in having the power supply and his project would be delayed. Hence to save upon the capital expenditure and time applicant consumer requested for supply from 33 kV Morarji feeder.

13. M.S.E.D.C.L. produced another important letter from the applicant Dt. 1.11.2011 addressed to Superintending Engineer (NRC), MSEDCL, Katol Road, Nagpur vide Annexure 'C' with reply. In this letter, it is specifically mentioned by the applicant that "They have started the work of erection of line for M/s. Bajaj Steel Industries and M/s. Luk Plastcon Ltd. Butibori (Applicant). The 33 kV line is to be extended from Morarji Textiles Ltd. Butibori. They are remitting the amount of Rs. 13,31,234/- (Rs. Thirteen Lacs Thirty One Thousand Two Hundred Thirty Four) only, for M/s. Luk Plastcon Ltd., within another 30/45 days. Therefore this important document at Annexure 'C' shows that it is the applicant who carried out the work.

14. M.S.E.D.C.L. produced another very important document i.e. consent letter executed by the applicant on stamp paper of Rs. 100/- vide Annexure 'D'. In this consent letter Dt. 31.5.2010, in para 1, it is

specifically agreed by the applicant that *“Even in case load shedding is required to be carried out due to unavoidable circumstances, energy charges will be applicable as HT-I Industry continuous (on express feeder, and we will have to pay energy charges as applicable to HT-I industry continuous (on express feeder)”*. In para No.2 of this consent letter on stamp paper, the applicant again agreed that *“all the expenditure for release of such connection will be borne by them on non refundable basis”*.

15. M.S.E.D.C.L. produced another important document vide Annexure ‘E’. It is letter dated 20.9.2010 written by Regional Executive Director, M.S.E.D.C.L. Nagpur to Chief Engineer, MSEDCL, NUZ, Nagpur and as per this letter, M.S.E.D.C.L. took approval as per consumers request.

16. In the clarificatory order by Hon’ble MERC Dt. 12.9.2008 or related M.S.E.D.C.L’s circular No. 88 Dt. 26.9.2008 has clarified that the choice is to be exercised *“within first month after issue of tariff order for relevant tariff period”*. It is evident from the record that consumer submitted his application for change of tariff from continuous (on express feeder) to non continuous non express feeder) on Dt. **26.2.2014**. The tariff order for the period 2012-13 still being applied was issued by Hon’ble MERC on Dt. **16.8.2012**. It is clear that consumer’s application is not within that specified time period. Therefore prayer of the consumer can not be considered at all. It is pertinent to note that new SOP – 14 is applicable from publication of official gazette i.e. on 20.5.2014.

17. It is pertinent to note that in grievance application applicant claimed change of tariff to non continuous tariff (non express feeder) and to revise all energy bills of the applicant from November 2011. Present grievance application is filed on 21.11.2014. According to regulation 6.6 of

the said regulations, the Forum shall not admit any grievance unless it is filed within 2 years from the date on which cause of action has arisen. Therefore application for revision of the bill since November 2011 is barred by limitation according to the said provisions. Learned representative of the applicant argued before the Forum that there is continuous cause of action. However, we do not agree with this argument. There is no concept of continuous cause of action in given set of circumstances. If such type of argument is accepted, whole purpose of incorporating regulation 6.6 will be frustrated and defeated. It is the flimsy ground of consumer that cause of action is continuous.

18. For these reasons, this Forum is of the considered opinion that there is no force and no merits in present grievance application and application deserves to be dismissed. Resultantly Forum proceeds to pass following order :-

### ORDER

- 1) Grievance application is dismissed.

Sd/-  
(Anil Shrivastava)  
MEMBER  
SECRETARY

Sd/-  
(Adv. Subhash Jichkar)  
MEMBER

Sd/-  
(Shivajirao S. Patil),  
CHAIRMAN