

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

Case No. CGRF(NUZ)/54/2014

Applicant : Executive Engineer (E&M),
M.I.D.C. (E&M) Division,
Plot No. x-50, Hingna Road,
Nagpur: 16.

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

Quorum Present : 1) Shri Vishnu S. Bute,
Chairman.

2) Adv. Subhash Jichkar
Member.

3) Shri B.A. Wasnik,
Member Secretary.

ORDER PASSED ON 25.3.2014.

1. The applicant filed present grievance application before this Forum on 15.2.2014 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 a H.T. consumer of non applicant having 6 Nos. H.T. connection, bearing Consumer No. 410019002067, 410019004710, 43001900117,

430019003544, 430019003552, and 430019004273 at MIDC Jackwell & WTP in Hingna and Kalmeshwar, Butibori water works. Non applicant is levying H.T. – II (Commercial) tariff to all above connections from August 2012. Since MIDC is supplying water to Industrial as well as domestic purpose, it comes under category of public water supply scheme. Applicant presented grievance application before I.G.R.F. Nagpur (Urban) who has held that commercial tariff is applicable to M.I.D.C. Applicant has already appealed to Electricity Ombudsman, Nagpur to consider HT-IV tariff as against HT-I. However, the decision of Electricity Ombudsman is still awaited. Non applicant revised tariff of the applicant from H.T.-I to H.T. II (Commercial) which is not proper.

3. Non applicant denied applicant's case by filing reply dated 6.3.2014. It is submitted that at present there are 5 Nos. of HT connections in respect of Executive Engineer; MIDC for water works bearing Consumer No. 410019002067, 410019004710, 430019003544, 430019003552, and 430019004273 respectively. Out of the above, in case of connections at Hingna MIDC, water is supplied to Hingna MIDC for Industrial purpose and also to villages Nildoh & Digdoh within the premises of M.I.D.C. whereas in case of connections at Butibori MIDC, water is supplied to Butibori MIDC only for industrial purpose.

4. Prior to August 2012 all the above connections were being billed as HT-I Industrial tariff as per the letter from Chief Engineer (Commercial) vide No. – 1) PR-3-Tariff/142/19985 Dt. 23.6.2010 and 2) PR-3-Tariff/582/35318 Dt. 29.11.2011. However, as per Tariff Order

dated 16.8.2012 in Case No. 19 of 2012-13, Hon'ble MERC has specified the tariff categories as follows :-

Sr.No.	Particulars	Tariff Category
1.	Sewage Water Treatment Plant/ Common Effluent Treatment Plant owned, operated and managed by Industrial Association situated within the industrial area only	HT-I : HT- Industry.
2.	Public Water Supply Schemes and Sewage Treatment Plants (including other allied activities) owned, operated and managed by any other Agency other than Local Self Government Body (excluding Maharashtra Jeevan Pradhikaran).	HT-II – Commercial.

5. Against this categorization Petition was filed by Maharashtra Industrial Development Corporation (MIDC) under Section 61, 62 & 86 of Electricity Act, 2003 with MERC vide Case No. 82 of 2012 in the matter of seeking certain clarification and for issuing directions to the Maharashtra State Electricity Distribution Company Limited (MSEDCL) to apply the tariff category HT-IV to the petitioner and to issue all further bills for consumption of electricity as per HT IV tariff category. In the order passed in above mentioned case dated 6.8.2013 MERC has stated that **with reference to the request to clarify the applicability of the HT-IV tariff category stipulated in the Commission's Order dated 16 August 2012 which came into effect from 1 August 2012, the Commission is of the view that applicability of HT-IV Tariff category is specified in the said Tariff Order as follows :-**

“HT IV: HT-Public Water Works and Sewage Treatment Plants

Applicability

*Applicable for use of Electricity / Power supply at high Voltage for pumping of water, purification of water & other allied activities related with Public Water Supply Schemes and Sewage Treatment Plants provided such Public Water Supply Schemes and Sewage Treatment Plants are owned, operated and managed by **Local Self Government Bodies, like Gram Panchayat, Municipal Council, Municipal Corporation including Maharashtra Jeevan Pradhikaran, and cantonment boards;***

Public Water Supply schemes and Sewage Treatment Plants (including other allied activities) owned, operated and managed by any other Agency other than Local Self Government Body (excluding Maharashtra Jeevan Pradhikaran) shall not be eligible for HT IV Tariff and shall be billed as per either HT II (A) or HT (B) or as the case may be, except those covered in HT I”.

As per the above MERC orders dated 16.8.2012 & 6.8.2013 and the inspection reports by Dy. Engineer, Flying Squad, MSEDCL, Nagpur the tariff of all the above mentioned consumers was revised from HT I : HT-Industry to HT-II Commercial from 1.8.2012 in September 2013 and the differential bill were raised to the respective consumers.

“As the tariff of the above consumers have been changed to HT-II Commercial category as per MERC orders

there is no question of applying the HT IV: HT-Public Water Works and Sewage Treatment Plants to the above consumers”.

6. Hence Grievance application may be dismissed.

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

8. This Forum is of the view that the most important aspect in this matter is that whether the applicant is entitled for **applicability of HT-IV tariff** within the purview of **“definition of applicability mentioned in the tariff order of Hon’ble Commission Dated 16.8.2012 in Case No. 19 of 2012-13 and as discussed in order dated 6.8.2013 in case No. 82 of 2012”**. If this issue is settled, it is immaterial whether the consumer was previously or at present charged as per HT-I (Industrial) or HT-II (Commercial) tariff, especially when the applicant is insisting for application of HT-IV category. As mentioned in the grievance application, applicant’s say is that **“Since MIDC is supplying water to industrial as well as domestic purpose it comes under category of Public Water Supply Scheme”**, which has been contested by the non applicant in the light of Hon’ble MERC’s tariff order Dt. 16.8.2012. Forum has observed that while deciding the applicability, Hon’ble Commission has made it distinctly clear that HT-IV category will be **“Applicable for use of Electricity / Power supply at high Voltage for pumping of water, purification of water & other allied activities related with Public Water Supply Schemes and Sewage Treatment Plants provided**

such Public Water Supply Schemes and Sewage Treatment Plants are owned, operated and managed by **Local Self Government Bodies, like Gram Panchayat, Municipal Council, Municipal Corporation including Maharashtra Jeevan Pradhikaran, and cantonment boards;**

9. In the very next para of the same order, Hon'ble Commission has also made it crystal clear that "*Public Water Supply schemes and Sewage Treatment Plants (including other allied activities) owned, operated and managed by any other Agency other than Local Self Government Body (excluding Maharashtra Jeevan Pradhikaran) **shall not be eligible** for HT IV Tariff and shall be billed as per either HT II (A) or HT (B) or as the case may be, except those covered in HT I*". As such, even if it admitted, for the sake of argument, that the applicant comes under the category of public water supply scheme, it does not fall within the definition of "Local Self Government Body" as permitted by Hon'ble Commission *like Gram Panchayat, Municipal Council, Municipal Corporation including Maharashtra Jeevan Pradhikaran, and cantonment boards*. Hence only inclusion as "Public Water Supply Scheme" does not make the applicant entitled for HT-IV tariff category. This important drawback in the applicant's contention needs to be taken into consideration while deciding the matter.

10. Without prejudice to whatever is discussed above, this Forum has also observed that the applicant has filed grievance application vide No. 4/2012 before Hon'ble Ombudsman to levy HT-IV

tariff, which is still pending. Under the circumstances in Toto, this Forum is of the opinion that the non applicant is justified in charging HT II (Commercial) category to the applicant.

6. For these reasons, Forum proceeds to pass following order: -

ORDER

- 1) Grievance application is dismissed.

Sd/-
(B.A. Wasnik)
MEMBER
SECRETARY

Sd/-
(Adv. Subhash Jichkar)
MEMBER

Sd/-
(Vishnu S. Bute),
CHAIRMAN