

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

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**Case No. CGRF(NUZ)/020/2011**

Applicant : M/s. Image Photo Colour Lab Pvt.  
Limited,  
At Behind Chavan Traders,  
Dharampeth,  
NAGPUR.

Non-applicant : MSEDCL represented by  
the Nodal Officer-  
Executive Engineer,  
Congressnagar Division,  
Nagpur Urban Zone,  
Nagpur.

Quorum Present : 1) Shri. Shivajirao S. Patil  
Chairman,  
  
2) Adv. Smt. Gouri Chandrayan,  
Member,  
  
3) Smt. Kavita K. Gharat  
Member Secretary.

**ORDER (Passed on 05.07.2011)**

The present grievance is filed by M/s. image Photo  
Colour Lab Pvt. Limited, behind Chavan Traders,  
Dharampeth, Nagpur on dated 02.05.2011 under Regulation  
6.4 of the Maharashtra Electricity Regulatory Commission

(Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 hereinafter referred to as the said Regulation.

The applicant's case in brief is that applicant is photo lab and having permanent SSI Registration with DIC. Processing Colour Lab machine load was on industrial meter where as studio / counter load is on commercial meter no. 410013736875 having ASD to tariff. The applicant was availing facility as per Chief Engineer circular. Flying Squad Wardha visited the premises of applicant and prepared spot panchnama on 02.08.2010. They charged both the commercial tariff. Accordingly on this basis Dy. E.E. issued a bill of Rs.1,86,981/- on dated 04.09.2010. This bill is included in current bill dated 19.04.2011 for Rs. 2,23,540/- MSEDCL had assessed the bill back for one year. Under protest, the applicant deposited the bill. Therefore the applicant claim following relief.

- 1) Machine load of Colour Lab may be charged as per industrial tariff as before.
- 2) Refund arrear of bill of Rs.1,86,981/- charged as difference in tariff for last one year.
- 3) Correction in bill dated 13.04.2011 for Rs.2,23,540/-

The non-applicant denied the case of the applicant by filling their reply. It is submitted that Dy.E.E. Flying Squad Wardha has inspected the premises of the applicant on dated 18.08.2010 for change of tariff from LT-Industrial-II,

LT-commercial tariff and accordingly assessment for one year of tariff difference has been charged Rs.1,86,981/-.

Forum heard argument of both the sides and perused the record. There is SSI certificate issued by the Govt. Maharashtra Directorate of Industries on record, in the name of applicant and it is permanent. The applicant argued that there are two separate meters industrial meter is for processing colour lab machine load whereas studio is on commercial meter. This position is in existence since the circular of Chief Engineer. This Forum had already passed the order in case no. CGRF /NUZ/93/2010 and hold that developing and painting photos and processing of film is industrial work within the means of section 2 (j) of industrial dispute, as there is processing of film. Fact of the present case are also similar and identical, therefore we hold that processing color lab machine load must be on industrial tariff whereas studio load must be on commercial meter. There is registration of small scale industry. On the basis of this much evidence we hold that applicant is registered as small scale industry.

The non-applicant relied on a case decided by Hon. MERC bearing no. 116/2008. We have carefully perused said roulling of Hon. MERC. However fact of the present case are totally different and distinguishable. Therefore this authority is not applicable to the case in hand.

For these reason, forum hold that grievance application of the applicant must be allowed.

Hence the Forum proceed to pass the following order.

**ORDER**

The grievance application is allowed.

The non-applicant is hereby directed to apply industrial tariff for processing colour lab machine load of the applicant as before.

The non-applicant bill difference of tariff for last one year of Rs.1,86,981/- is hereby cancelled. The non-applicant is directed to correct the bill dated 13.04.2011 for Rs.2,23,540/-. The excess amount deposited by the applicant shall be refunded, or adjusted.

The non-applicant is hereby directed to comply this order within one month from the date of issue of this order.

<b>Sd/-</b> (Smt.K.K.Gharat)	<b>Sd/-</b> (Adv.Smt.GauriChandrayan)	<b>Sd/-</b> (ShriShivajirao S.Patil)
<b>MEMBER</b> <b>SECRETARY</b>	<b>MEMBER</b>	<b>CHAIRMAN</b>

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