

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

Case No. CGRF(NUZ)/028/2009

Applicant : M/s. Ramsons Castings Pvt. Ltd.,
At-301-A, Neeti Gaurav,
Central Bazar Road,
Ramdaspath,
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. Gouri Chandrayan,
Member,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.

(ORDER Passed on 30.06.2009)

The present grievance application has been filed on dated 16.05.2009 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 the Implementation of Change in category w.e.f. date of application i.e. 22 June 2008.

He is not agreed with Internal Grievance Redressal Cell's decision. He further stated that he had received a bill of higher amount in the month of June 2008. He paid the said bill under protest. He said that he had applied to MSEDCL on dated 26.06.2008 regarding to change the category from continuous to non-continuous.

He did not get any response from MSEDCL, hence he again applied on dated 09.09.2008. He had again given the application on dated 30.12.2008 stating that conversion to continuous to non-continuous type Industry (Ramsons-Sharda 33KV Feeder). He further added that we would like to state that there are two consumers over the above mentioned feeder viz. Ramsons Casting Pvt . Ltd. & Sharda Ispat Ltd., Both of us are Interested in conversion of our Industry & feeder to non-continuous type with one day staggering shutdown.

He also written a letter on dated 24.02.2009 to S.E. MSEDCL stating that the DIC office did not issued a certificate.

In the said letter plot no. 2 he stressed on circular no. 88 from MSEDCL side, mentioned that who will demand the type of power as per their choice opted to them in the prescribed period. We fulfill those entire requirement.

The non-applicant had submitted his parawise report vide his letter no. 3243 dated 01.06.2009. The following points were clarified.

- 1) The said consumer is a H.T. consumer & connected on dated 17.06.1993 on plot no. 9/10 with connected load of 5300 KW and C.D. 5250 KVA. The consumer was connected on 33KV line and consumer no. 410019004167.
- 2) The non-applicant denied that the bill which was issued in the month of June was not on higher side but it was based as per meter reading and the existence tariff at that time. The bill was paid under protest, requesting to issue bill for non-continuous tariff.
- 3) It is also point out the consumer was availing the facility of continuous type and consumer has availed the facility of express feeder without any load shedding in supply on staggering holiday.
- 4) M/s. Ramsons Casting Pvt. Ltd., & M/s. Sharda Ispat Ltd., are two consumers on the same feeder & both are interested for conversion to non-continuous type Industry.

It is also point-out that as per request of both the consumers express feeder facility was extended and both the consumers were well known the fact for submission of DIC certificate SE, Nagpur Urban Circle was informed to consumer vide Letter No. 1094 dated 11.02.2009. The consumer was billed on tariff applicable for continuous type Industry with effect from October, 2006 and the consumer has availed the facility of express feeder without any load shedding in supply on staggering holiday.

In point No. (i) it is clarified that the G.M. of D.I.C. Nagpur has given the Letter No. DICN/Cont-process/07/5901 dated 30.07.2007. In this certificate the G.M. has clearly mentioned the para is as "On the strength of Technical details submitted by the Unit, we confirm that the manufacture of mild steel Angle Rounds flats squares TNT bars is a continuous process Industry and requires an uninterrupted power supply and the certificate is issued as per request of the Unit.

He also point-out the consumer's contention the D.I.C. Nagpur cannot issue such certificate is totally incorrect. Due to above reason the certificate was asked, the action was correct and in line.

In circular no. 88 dated 26.09.2008 only H.T. Industries connected on express feeder and demanding continuous supply will be deemed as H.T. continuous Industry and given continuous supply. While all other H.T. Industrial Consumer will be demand as HT non-continuous industry.

The said thing is applicable for the single consumer connected on the express feeder & not for the group of consumers connected on a feeder where express feeder facility is extended. It is also added the which was mentioned in para 8 (f) of Hon'ble Managing Director review meeting held on dated 21.03.2009 circular by Chief Engineer (Distribution) vide L. No. CE/Dist/MDRM/9606 dated 01.04.2009 mentioned that in case of more than one consumer on express feeder the consent of all consumers is required for the benefit of non-continuous industry tariff.

The revised tariff was made applicable from 01.06.2008 and after receipt of clarifications from the Hon'ble MERC had received letter and same was circulated by MSEDCL vide circular no. 88 dated 26.09.2008.

In point no. (h) it is point out that the M/s. Ramson Casting had applied in time but the other consumer M/s. Sharda Ispat Ltd which is connected on same feeder was also required to submit his application to categorized him as non-continuous industry. After getting the clarification from H.O. both the consumers were required to submit their application otherwise either of the consumer is not entitled to get the benefit of non-continuous tariff.

The non-applicant categorized the consumer from March 2009, because M/s. Sharda Ispat Ltd the other consumer connected on this feeder has submitted his application on dated 30.12.2008 to categorized his unit as non-continuous.

They had also elaborated the things in details.

- 1) It is incorrect to say that the non-applicant had failed in their services. As more than one consumer were connected on the feeder unless & until all consumers applies, facility of non-continuous cannot be extended to the consumer connected on the said feeder.
- 2) The circular no. 88 does not speak clearly about express feeder with group of consumers the action taken in line & it was cleared in M.D. review meeting on dated 21.03.2009.
- 3) There was no clear instructions how to deal the cases of group of consumers connected on express feeder the

matter was discussed with the higher authority for want of more clarification. It was cleared on dated 21.03.2009.

- 4) The consumer has availed the facility of express feeder, by availing the supply even on the staggering day, he is entitled to pay the charges applicable for the relevant category of express feeder. Hence, he is not at huge financial losses.
- 5) In Commercial Circular no. 80 dated 10.05.2008 point no. 12. It has to be very explicitly monitored and ensured that the consumers on express feeders, the load shedding for all other consumers shall be strictly in line with the principals and protocols of load shedding and no deviation / withdrawal of load shedding for this category shall be restored to, for any reason whatsoever. Also in same cases there are group of consumers who are availing uninterrupted supply without any load shedding and to availing supply on express feeder. Almost care may be taken to ensure that all consumers in such group shall now be categorized only under HT-I Industry and subcategory continuous Industry on express feeder.

As the application of M/s. Sharda Ispat Ltd., other consumer on that feeder was received on dated 30.12.2008 the question of extending the non-continuous tariff before this application dated 30.12.2008.

As the applicant consumer had submitted D.I.C. certificate earlier along-with the application on dated 21.08.2007 to categorized his unit as continuous industry Unit,

it was become necessary for the office to ask the applicant consumer to submit the non-continuous industry certificate from DIC office.

The matter was heard on dated 03.06.2009, 05.06.2009 & 12.06.2009.

The applicant's case was presented before this Forum by his nominated representative one Shri Sanjay Vijay Naidu while the Shri Kele S.E., Shri Kamble, A.E. NUC & Executive Engineer MIDC Division represented the non-applicant Company.

During the course of hearing the consumer pleaded that he should get the relief of non-continuous since 22.06.2008 and accordingly give the tariff effect and refund the amount.

He also argued that he had applied to get the relief of non-continuous from dated 22.06.2008 but even continuous follow-up he did not get the relief. He got the benefit from March 2009. Which is to delay. He is also not agreed with the decision of Internal Grievance Redressal Cell decision.

He had submitted the reference of the applications dated 26.06.2008 to MSEDCL Annexure (c)

Another letter dated 09.09.2008 Annexure (d)

Another letter dated 30.12.2008 Annexure (e)

Another letter dated 24.02.2009 Annexure (f)

Reference of circular no. 88 Annexure (g)

The non-applicant had clarified that the detail pointwise reply is submitted and cleared all the points which is raised by the applicant. He also stressed on the following points.

- (1) The applicant's connection is connected on 33 KV Ramson feeder throughout which the supply to other consumer M/s. Sharda Ispat Ltd., is also given.
- (2) As per request from both the consumers express feeder facility was extended to both by giving supply even on the declared staggering day.
- (3) Both consumers availed the benefit and facility of express feeder without any load shedding on staggering day.
- (4) The consumer has submitted his application no. REPL/07-08/158 dated 21.08.2007 along-with certificate no. DICN/Cont.-process/07/5901/ dated 30.07.2007 for getting the benefit of continuous industries tariff which was already availed by the consumer.
- (5) The provisions of clarificatory order dated 12.09.2008 were circulated by H.O. vide circular no. 88 dated 26.09.2008 under the clause (1) applicability of HT-1 (Continuous Industry) is given as. The consumer getting supply on express feeder may exercise his choice between continuous & non-continuous power supply only once in the year within the first month after issue of the tariff order for the relevant tariff period. Otherwise existing categorization will be continued.

- (6) As the two consumers were connected on the above feeder it was required to apply by both the consumers for change of categorization from continuous to non-continuous tariff. Applicant consumer applied for change of categorization but other consumer not applied for the same. The other consumer M/s. Sharda Ispat Ltd applied for the change of categorization from continuous to non-continuous tariff only on dated 30.12.2008 and after clarification from the corporate office the application of both consumers were processed for change of categorization from continuous to non-continuous tariff is extended to the consumer w.e.f. March 2009 vide office letter on dated 17.03.2009.
- (7) Accordingly only one staggering holiday is observed with effect from 17.03.2009 onwards.
- (8) Prior to 17.03.2009 there was staggering holiday observed and the consumer was treated as express feeder, the consumer has enjoined the facility & benefit of express feeder upto 17.03.2009.

Therefore the consumer was charged on the tariff applicable for continuous industries & he is bound to pay the charges as per tariff applicable for express continuous industry the order passed by Nodal Officer Internal Grievance Redressal Cell dated 30.04.2009 is therefore in order.

Hence the say of consumer may be rejected.

By observing all the documents submitted by both the parties. Applicant & non-applicant's argument made by the representatives at the time of hearing.

There are two consumers on same feeder, the second consumer had applied on dated 30.12.2008. The consumer is liable the benefit of non-continuous tariff from next billing cycle, as per MERC SOP Regulations. The consumer should not get any continuous supply facility after this date, the In-charge authority should verified the same by spot inspection.

Decision

The consumer should give the tariff benefit from the date of second consumer application i.e. 30.12.2008 from next billing cycle.

The non-applicant shall carry out this order and report compliance to this Forum on or before 16.08.2009.

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.