

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

Case No. CGRF(NUZ)/081/2010

Applicant : M/s. Navbharat Press Limited
Plot No. 1,2, 10 & 11, Snehnagar,
Chatrapati Square,
NAGPUR.

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

Quorum Present : 1) Shri Shivajirao S. Patil
Chairman,

2) Smt. K.K. Gharat
Member Secretary,

3) Smt. Gouri Chandrayan,
Member,

ORDER (Passed on 16.12.2010)

This grievance application is filed by applicant M/s. Navbharat Press Limited Plot No. 1,2,10 & 11 Snehnagar, Chatrapati Square, Nagpur on dated 26.10.2010 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.

1. According to the applicant, the non-applicant should have charged electric energy charges as per industrial rate. However, the non-applicant has charged energy charges as per commercial rate. There was no inspection by Flying Squad office on 05.08.2010 therefore inspection report to that effect is false. The premises is used for industrial purposes i.e. for editing, processing, printing, publishing, etc. which is a part and parcel of printing and publishing job which is an integral part of news paper. However in order to recover the difference of any old dues, MSEDCL uses to add previous six months difference. But in this case non-applicant has sent the electricity duty with commercial rate since June 2008. Therefore the electricity charges as per commercial rate is not proper and only industrial rate is applicable. Therefore bill as per industrial rate should be issued.

2. The non-applicant, Nodal Officer submitted a reply to effect that the applicant was billed under tariff HTP-II (industrial) till the billing month of September 2006 and tariff HTP-I (N) (Industrial) from the billing month of October 2006 to May 2008 as there was no other tariff available for office use. The electricity duty applicable as per Govt. Notification from time to time for industrial purposes were charged to the consumer and paid by him. New tariff category HT-commercial was introduced by the tariff order dated 02.06.2008. The use of electricity for commercial purpose has been applicable since June 2008,

hence energy bill of consumer was revised from the billing month of June 2008 and the consumer was billed as per HT-II i.e. commercial tariff. As the category of the consumer have been changed, accordingly electricity duty rate applicable to the consumer should also have been changed from industrial (part-F) to commercial (Part-B) as per Govt. Notification. But same was not changed and the consumer was charged as per industrial rate of electricity duty only of the period June 2008 to July, 2010.

3. It is further submitted by the non-applicant that the Dy. Executive Engineer, Flying Squad inspected the premises of the consumer on 05.08.2010 and pointed out the improper billing on part of electricity duty as per inspection report no. 893 dated 05.08.2010. The supply was found to be used for commercial office purpose. Also copy of observation report no. 893 dated 05.08.2010 has already been acknowledged duly signed by consumer representative Shri Shyam Ghumde. The Dy. Executive Engineer, Flying Squad as per letter dated 07.08.2010 informed this fact to the non-applicant and requested to the recover the amount towards shortfall of electricity duty from the consumer. According to the Govt. notification from the date of connection. Accordingly the non-applicant has worked out the difference of under billing on account of electricity duty amounting to Rs.1580.17 for the period June 2008 to July 2010 from the

introduction of specified tariff and being a statutory dues recover on behalf of Government. This supplementary bill was issued to the consumer as per letter dated 24.08.2010 along-with calculation sheet. The non-applicant has submitted its prayer to the Forum that the applicant was using the electricity for office purposes, therefore there is no substance in the grievance application and hence deserves to be dismissed.

4. The matter was heard in the Forum on dated 16.11.2010. Both the parties were present. On behalf of non-applicant Shri M.S. Kele, Superintending Engineer, Nagpur Urban Circle, was present. The applicant's side was presented by Shri Pravin Salunkhe.

5. The Forum heard the arguments from both the sides and perused entire records. It is noteworthy that report of Flying Squad on dated 05.08.2010 is filed on record, it is specifically mentioned in this inspection report that the applicant is using electricity energy for commercial use for office purposes and not for industrial purposes. It is noteworthy that in column no. 18 of the inspection report, it is specifically mentioned that "the above mention details and irregularities pointed out have been checked in presence of representative of the applicant and said representative of the applicant agreed with the same". Shri. Shyam Ghumde representative of the applicant signed this inspection report. During the course of agreement also applicant admitted that representative of the applicant Shri Shyam Ghumde signed inspection

report. It is noteworthy that Shri Shyam Ghumde representative signed the report in English. The representative of the applicant during the course of arguments admitted that said representative Shri Shyam Ghumde is not a ordinary man like Peon, Watchman, but he is responsible person serving in the office. Considering this aspect, it is clear that whatever is pointed out during the inspection report was true and representative of the applicant agreed for the same.

6. It is no where mentioned on the inspection report that signature of the representative of the applicant was obtained by fraud or force. Further more representative of the applicant Shri Shaym Ghumde had not written anywhere near his signature that he don't agree with this inspection report. Considering this special aspect, Forum hold that inspection report of Flying Squad dated 05.08.2010 is a true document. Relying on this document, forum hold that applicant used electric energy in the office for commercial use and not for industrial use. In addition to this, documents on record shows that the applicant's energy bill has been revised with commercial tariff from June, 2008 but the applicant has never protested this before. The grievance is submitted only after inspection of Flying Squad and raising of supplementary bill for inadequately charging electricity duty in the month of August, 2010.

Therefore the bill papered by non-applicant with respect to electricity duty is perfectly correct and needs no interference. It is perfectly legal and valid.

7. For these reasons Forum found no substance and no merits in the present grievance application and same deserves to be dismissed. Resultantly Forum proceed to pass the following order.

ORDER

The applicant's grievance application is dismissed.

Sd/- (Smt.K.K.Gharat) Member-Secretary	Sd/- (Smt.Gauri Chandrayan) Member	Sd/- (Shri Shivajirao S.Patil) Chairman
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