

CONSUMER GRIEVANCE REDRESSAL FORUM
(Established under the section 42 (5) of the Electricity Act, 2003)
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION COMPANY LTD.
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No. / CGRF /Nashik/Nagar Circle /Sangamner Dn./616/07-2017-18/

Date:

(BY R.P.A.D.)

In the matter of

Change Of Tariff Category from HT Continuous to HT Non-Continuous

Date of Receipt : 20/04/2017

Date of Decision : 23/05/2017

1 M/s. . Malpani Health Club,
Kasara Dumala, Tq. Sangamner
Dist. Ahmednagar
(Con.No. 155049006670)

Complainant

2 Nodal Officer ,
Maharashtra State Electricity Distribution Com. Ltd.,
Circle office, Ahmednagar,

Distribution Company

3 Executive Engineer,
Maharashtra State Electricity Distribution Com. Ltd.
Sangamner Divn. Office
Dist. Ahmednagar.

DECISION

M/s. Malpani Health Club (hereafter referred as the Complainant), Sangamner is the HT Commercial Consumer of the Maharashtra State Electricity Distribution Company Ltd. (hereafter referred as the Distribution Company). The Complainant has submitted grievance against MSEDCL for not allowing change of tariff category from HT Continuous to HT Non-Continuous to the Internal Grievance Redressal Cell (IGRC) of the Maharashtra State Electricity Distribution Company Ltd. . But not satisfied with the decision of the IGRC , the consumer has submitted a representation to the Consumer Grievance Redressal Forum in Schedule "A". The representations is registered at serial No. 76 of 2017 on 20/04/2017.

The Forum in its meeting on 20/04/2017, decided to admit this case for hearing on 05/05/2017 at 11.30 am in the office of the forum . A notice dated 20/04/2017 to that effect was sent to the appellant and the concerned officers of the Distribution Company. A copy of the grievance was also forwarded with this notice to the Nodal Officer, MSEDCL, Circle Office Ahmednagar for submitting para-wise comments to the Forum on the grievance within 15 days under intimation to the consumer.

Shri. N.A. Patil, Dy.Executive Engineer represented the Distribution Company during the hearing. Shri B.R. Mantri appeared on behalf of the consumer.

Consumers Representation in brief :

1. MERC has issued the tariff order on date 26/06/2015 and changed the earlier restriction ruling for a change of tariff HT IC to HT IN. In this tariff order, MERC has withdrawn the restriction of within one month after tariff order and revised it to change the tariff HT IC to HT IN anytime during the financial year but only once in the financial year with one-month prior notice.
2. Hon'ble Commission has decided the above ruling in tariff order in Case No.121 of 2014 order date 26/06/2015 on page no. 232 of 381, held that:

"6.10 Merger of Continuous and non-continuous category: The Commission clarifies that the consumer availing supply on express Feeder may exercise his option to choose between Continuous and non-Continuous supply anytime during a financial year but only once in such financial year with one month prior notice. Such consumer shall be required to submit a written request to MSEDCL, giving one month's notice and the Tariff applicable to non-Continuous supply shall apply, from the ensuing billing cycle.

3. With reference to Commission's revised concept, we have given a request for change of tariff HT IC to HT IN on date 30/11/2015. We have given the reminder on date 10/10/2016 for the effect in billing. But our application is pending with MSEDCL.
4. After the tariff order, MSEDCL has issued the circular No.246 dated 11/08/2015 for implementation of Commission's revised concept for applicability of tariff Continuous and non-continuous.

"Change of categorization is to be implemented with effect from ensuing billing cycle after expiry of one month notice period i.e. change of categorization from Continuous to Non-Continuous in respect of consumer who has made application in the period 26th June 2015 to 30th June 2015 shall be made effective from 1st August 2015 as HT billing cycle starts from 1st of month, and the consumers who applies from 1st July to 31st July will be effective from 1st Sept.

Similar procedure for actual implementation of change of categorization shall be followed for application received thereafter.

5. Meanwhile, MERC has issued the order on date 19/08/2016 for to consider the earlier applications which were submitted for change of tariff HT IC to HT IN with reference to SoP regulation.

As per MERC SoP Regulations, the change of tariff category is to be effected within the period of second billing cycle.

6. Recently, MERC has issued the tariff order dated 03/11/2016, in which HT IC & HT IN both tariffs has merged.
7. As per MSEDCL circular No. 246, as we have applied on date 30/11/2015, the change of tariff should be effected from 1st Jan.2016.

Relief Sought

To allow our request application and give order for refund of the excess collected amount against tariff difference HT IC to HT IN from the month of Jan.2016 to Oct.16 with interest from the date of deposit to till the date of refund.

Arguments from the Distribution Company:

The Distribution Company submitted a letter dated 04/05/2017 from the Nodal Officer Ahmednagar Circle. MSEDCL, CPL and other relevant correspondence in this case. The representatives of the Distribution Company stated that:

- 1- es ekyl k.kh gYFk Dyc xkt-da 1550490066701 nj xkgd 11 ds0gh- Express Feeder oj tkm.kr vkysyk vl u l nj fQMjoj brjgh 5 xkgd tkMsys vkgs xkgdkpk oht tkm gk R; kP; k fourhud kjp 11 ds0gh- Express Feeder oj nskr vkysyk vkgs l njpk fQMj gk Group Express Feeder vl Y; kus brj xkgdkplgh Non-Express Feeder oj oht

t kM. khI k Bh I ærh ?kr ysyh ukgh- rI p vtI nbl ; r xtgdkps fcy gs HT-IC Industrial Exp. Fdr. I æk. ks vkdIjys tkr vkgS rI p xtgdkI Mfg. Process Continuous ekU; vI Y; keG s rs fcy Hkjr vkgr-

- 2- xk-d 155049006670] 155049006680] 155049004640] 155049011500 o 155049004600 gs I ol xtg d , d k p x i f Q M j o j v k g r - o j h y x t g d k c j k c j p b r j x t g d I n j g q f Q M j o # u C o n t i n u o u s S u p p l y ? k r v k g r - I o l x t g d k P ; k e k x . k h u d k j o R ; k P ; k I æ r h u d k j p E x p r e s s F e e d e r o # u f o t i j o B k n s k r v k y k v k g s , [k k n ; k x t g d k p h N o n - C o n t i n u o u s e k x . k h v I Y ; k l v k f . k t j I k b p s v I Y ; k l R ; k a u k u f t d P ; k N o n - E x p r e s s F e e d e r o # u f o t i j o B k d j r k ; d q ' k d r k s x t g d k P ; k f B d k . k k p h i f j f L F k r h o # u R ; k a u k t j N o n C o n t i n u o u s S u p p l y g o k v I Y ; k l R ; k a u k u f t d P ; k N o n E x p r e s s F e e d e r o # u t k M . k h d j . k s I k b p s v k g s o R ; k i æ k . k s R ; k a h L o r æ v t l d j k o r v l s d G f o y s v k g s i j a q x t g d k d M u ; k c k r h r d B y k g h i f r l k n f n l u ; r u k g h - x t g d k a h r l s v t l d s y s f n l u ; r u k g h r o R ; k p f Q M j o # u C o n t i n u o u s S u p p l y o k i j y s y k v k g s r o g k x t g d k l n s ; k r v k y s y h C o n t i n u o u s T a r i f f i æ k . k p h n s d s ; k X ; v k g r -

Action by IGRC:

1. Internal Grievance Redressal Cell Ahmednagar Circle conducted hearing on 21/01/2017 for the complaints submitted by M/s Malpani HHealth Club and others on 07/12/2016 .
2. After hearing both the parties IGRC gave decision as per letter dated 25/01/17 as under:

Lknjh y x t g d k p h o x b k j h o x t g d k l v k d k j . ; k r v k y s y h f o t n s d ; k X ; o c j k c j v k g r - R ; k p i æ k . k s x t g d d a 155049004600 ; k o h t t k M . k h I y k o . ; k r v k y s y s T r a n s m i s s i o n & W h e e l i n g c h a r g e s g s e d ; d k ; k y ; k P ; k I p u i æ k . k p y k o . ; k r v k y s y s v k g r o r s ; k X ; v k g r -

Observations by the Forum:

1. The complainant is availing power supply from 11 KV Express Feeder with supply date as 23/10/2008. It is noted by the Forum on scrutiny of the CPL and the bills that the complainant is not an industrial category consumer. It is Commercial category consumer being billed under Commercial [HT-II (A) Express Feeder] category.
2. However , the complainant in his representation to the Forum has mentioned that they want change of tariff from HT-IC to HT-IN in view of the provision 6.10.7 in the MERC tariff order dated 26/06/2015 in the Case No.121 of 2014. The complainant had also applied for change of tariff to HT-IN from HT-I C by an application dated 30/11/2015 to the Superintending Engineer, Ahmednagar Circle (ANC) . These applications are irrelevant and erroneous as the complainant is not being applied HT-IC tariff but HT-II in terms of tariff order dated 26/06/2015.
3. Surprisingly , the Distribution Company in its reply dated 04/05/2017 through its Nodal Officer has also stated that " x t g d k p s f c y g s H T - I C I n d u s t r i a l E x p . F d r . i æ k . k s v k d I j y s t k r v k g s " Hence there is also an error in the reply on the part of the Distribution Company.
4. As per the MERC tariff order dated 26th June 2015 [In Case No. 121 of 2014] applicable from 1st June 2015, the provision at para 6.10.7 regarding the change of tariff from Continuous to Non-Continuous is as under :

The Commission clarifies that the consumer availing supply on express Feeder may exercise his option to choose between Continuous and non-Continuous supply anytime during a financial year but only once in such financial year with one month prior notice. Such consumer shall be required to submit a written request to MSEDCL, giving one month's notice and the Tariff applicable to non-Continuous supply shall apply, from the ensuing billing cycle.

The plain reading of the relevant paras of the said tariff order reveals that , the above provision 6.10.7 is related to HT –Industrial Consumers. The concept of "Continuous and non-Continuous" existed for industries. It has no relevance to the HT-II (Commercial) consumers. Hence the facility of exercising the option to choose between Continuous and non-Continuous tariff category pertains

to the industrial consumers only. The correct line of action on the part of the complainant would have been to apply for change of tariff category from HT-II (A) Express Feeder to HT-II (B) Non-express Feeder. In that case the , the Distribution Company could have shifted the consumer from the Express Feeder to a Non-express Feeder.

5. In this case the complainant has **agreed, availed and paid** for the supply in HT-II (Commercial) Express Feeder category since date of supply. The complainant then first time requested to change the tariff from HT-IC to HT-IN (though it was not at all in HT-I C category) by an application to the Superintending Engineer, Ahmednagar submitted on 30/11/2015 in view of the MERC tariff order dated 26/06/2015. The Distribution Company has not taken any action on the said application. During the course of hearing the Forum has asked the Distribution Company to submit the reply given on the application dated 30/11/2015. But there is no feedback given by the Distribution Company. The complainant remained silent for almost 2 years and then approached IGRC on 07/12/2016 with the same request.
6. According to the tariff order dated 26th June 2015 two sub-categories existed for HT-II (Commercial) consumers namely from (A) Express Feeder and (B) Non-express Feeder. The complainant was applied HT-II (A) tariff category as the supply was given from Express Feeder. The option to change from HT-II (A) to HT-II (B) is not provided in the above mentioned tariff order on the lines of "Continuous to Non-Continuous."
7. Now as per the prevailing MERC tariff order dated 03/11/2016 [In Case No. 48 of 2016] applicable from 1st November 2016, the Commission has merged the HT-II (A) Express Feeder and HT-II (B) Non- Express Feeder sub-categories of HT-II consumers. Hence after 01/11/2016 all the HT Commercial Consumers are applied the same tariff (HT-II) whether they are on Express Feeder or Non- Express Feeder .

After considering the representation submitted by the consumer, comments and arguments by the Distribution Company , all other records available, the grievance has no merit and deserves to be rejected with the observations as elaborated in the preceding paragraphs and the following order is passed by the Forum:

ORDER

1. The grievance is rejected .
2. If aggrieved by the non-redressal of his Grievance by the Forum, the Complainant may make a representation to the Electricity Ombudsman, 606, 'KESHAVA', Bandra Kurla Complex, Bandra (East), Mumbai 400 051 within sixty (60) days from the date of this order under regulation 17.2 of the MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006.

(Rajan S. Kulkarni)
Member

(Sandip D. Darwade)
Member-Secretary
& Executive Engineer

(Suresh P.Wagh)
Chairman

Consumer Grievance Redressal Forum Nashik Zone

Copy for information and necessary action to:

- 1 Chief Engineer , Nashik Zone, Maharashtra State Electricity Distribution Company Ltd. , Vidyut Bhavan, Nashik Road 422101 (For Ex.Engr.(Admn)
- 2 Chief Engineer , Nashik Zone, Maharashtra State Electricity Distribution Company Ltd. , Vidyut Bhavan, Nashik Road 422101 (For P.R.O)
- 3 Superintending Engineer, Maharashtra State Electricity Distribution Company Ltd. , Circle office, Ahmednagar .