

**Before Maharashtra State Electricity Distribution Co. Limited
Consumer Grievances Redressal Forum, Pune Zone,
925, Kasabapeth Building, I Ind flr. Pune-11**

Case No. 15/2013

Date: 26/11/2013

**In the matter of
Dr.V.S.Bawaskar Biotech,
Sr.No.37/2A, A/P.Nande,
Tal.Mulshi, Dist.Pune.**

- Complainant

V/S

M.S.E.D.C.L. Mulshi Division

- Opponent

Quorum

Chair Person	Shri.S.D.Madake
Member/Secretary,	Shri.N.S.Prasad
Member	Shri.Suryakant Pathak

- 1) Mr.Vinayak Sukhdeo Bawaskar is consumer of M.S.E.D.C.L.vide No.183160000900 ,Mulshi Sub-division, Pune Rural Circle, Dist.Pune. He applied for fresh LT supply for high-tech agriculture preemies and connection was released on 15.12.2011, having LT-V A Industrial tariff.
- 2) The main grievance of consumer is that consumer has 3 phase 90 HP connected load for agriculture purpose. He stated in the application that connection requested was for Industrial purpose by misstate though it was in fact for agriculture. The main purpose of connection is for the purpose of tissue culture and poly house. He came to know that though purpose is agriculture bill is charged for Industrial purpose in Feb.2012. He informed to official of M.S.E.D.C.L. but no steps were taken for issuing bills as per agriculture purpose.
- 3) Mr.Vinayak Bawaskar filed complaint before Internal Grievance Forum on 5.7.2013. The I.G.R.C. passed order on 17.8.13 stating that consumer shall submit certificate from D.I.C. defining the agricultural

activity and directed M.S.E.D.C.L.to take appropriate steps regarding tariff.

- 4) Accordingly consumer submitted the D.I.C. certificate of agricultural activity on 13.9.2013 M.S.E.D.C.L. applied agriculture tariff with effect from Oct.2013. The following point arises for consideration :
 - (i) Whether M.S.E.D.C.L.is justified to change the tariff from Industrial to Agriculture from Oct.2013?

Our finding is in the negative.

REASONS

5) Heard both sides at length, perused complaint Form-A, reply filed by M.S.E.D.C.L.dtd.23.10.13 order of IGRC in case No.T/244 dated 17.8.2013, D.I. certificate issued on 26.9.12 letter issued to Chairman I.G.R.C. by Asstt. Engineer dated 14.10.13 and other documents produced on record.

6) It is an admitted fact that initially consumer himself applied for Industrial tariff and connection was given on 15.12.2011. The District Industries Centre, Pune issued certificate dated 26.9.2012 which indicate that agricultural activity such as seeds, cotton Thrive , Micro Nutrient Products for agriculture Crops., Tissue culture lab etc. Though this certificate is dated 26.9.2012, according to consumer the use is for agriculture since date of connection dated 15.12.2011. The M.S.E.D.C.L. has issued bills, as per agriculture purpose from Oct.2013 i.e. the date of submission of certificate in pursuance of the order of I.G.R.C.

7) On hearing of the parties and on perusal of all documents it is evident that consumer is using the supply for agriculture purpose since 18.12.2011. As stated by consumer the statement in the application at the time of application for connection mentioning as Industrial tariff because of mistake appears to be correct. Since the connection is used for agriculture, consumer is entitle for agriculture tariff. It is not proper on the part of M.S.E.D.C.L. to apply Agriculture tariff from the date of submission of certificate, when it is absolutely clear that use is agriculture right from the beginning. Hence the Point No.4 is answered as negative. Therefore we hold that, MSEDCL is not justified to change the tariff from 30 Oct.2013.

8) Consumer claimed compensation for mental harassment. We do not agree with this as consumer himself has applied for Industrial tariff and M.S.E.D.C.L. has taken steps for change of tariff after receipt of the application from consumer. So this is not a case of mental harassment as consumer cannot take benefit of his own wrong.

9) Consumer has requested for refund of the charges by one time cheque instead of adjustment in future bill we are of the opinion that as the mistake was of consumer while applying for connection it would be more proper to adjust the excess amount in future bill.

10) Consumer requested that appropriate action against concern officers of M.S.E.D.C.L. be taken for violation of MERC tariff-2006. We do not find substance in this allegation and we found that M.S.E.D.C.L. officials have taken immediate steps in pursuance of order of I.G.R.C.

In the result following order is passed in the interest of justice.

ORDER

- 1) MSEDCL is directed to charge the electricity bills as per the tariff applicable for agriculture since 15.12.2011.
- 2) The excess amount charged be adjusted in future bills.
- 3) No order as to cost.

N.S.Prasad,
Member/Secretary

Suryakant Pathak
Member

S.D.Madake
Chair Person

Date: 26/11/2013

