

**CONSUMER GRIEVANCE REDRESSAL FORUM
M.S.E.D.C.L., PUNE ZONE, PUNE**

Case No.41/2016

Date of Grievance : 19.12.2016

Date of Order : 13.02.2017

In the matter of change of tariff category from HT-Industrial to HT-Agriculture others (HT-V (B): HT-Agriculture - Others) & getting differentiation amount thereof.

M/s. Monsoon Agro Bio Pvt. Ltd.,
106/12, Ramtekadi Industrial Area,
T.P.Scheme-II, Hadapsar,
Pune-411013.

Complainant

(Herein after referred to as Consumer)

Versus

The Superintending Engineer,
M.S.E.D.C.L.,
Rastapeth Urban Circle,
Pune.

Respondent

(Herein after referred to as Licensee)

Quorum

**Chairperson
Member Secretary
Member**

**Mr. S.N.Shelke
Mrs.B.S.Savant
Mr. S.S.Pathak**

Appearance

For Consumer

**Mr. Pratap Hogade (Representative)
Mr.Rahul Maske,**

For Respondent

**Mr.S.S.Latpate, Supdt. Engineer,RPUC
Mr.S.R.Patil, Ex.Engineer, RPUC
Miss.Anju Phuke, Law Officer**

- 1) The Consumer has filed present Grievance application under regulation No. 6.4 of the MERC (CGRF & E.O.) Regulations, 2006.
- 2) Being aggrieved and dissatisfied by the order dated 27.10.2016 passed by IGRC Rastapeth Urban Circle, Pune, thereby rejecting the grievance, the

consumer above named prefers present grievance application on the following amongst other grounds.

- 3) The papers containing the above grievance were sent by the Forum to the The Supdt. Engineer, M.S.E.D.C.L., RPUC, Pune vide letter no. EE/CGRF/PZ/Notice/41 of 2016/266 dtd.19.12.2016. Accordingly the Distribution Licensee i.e. MSEDCL filed its reply on 16.01.2017.
- 4) We heard both sides at length and gone through the contentions of the consumer and reply of the respondent and the documents placed on record by the parties. On its basis following factual aspects were disclosed.
 - i) The HT consumer M/s. Monsoon Agro Bio Pvt. Ltd. having consumer no.170019031210 with connected load 183 KW and sanctioned demand 156 KVA was connected on 9.10.2006, initially in the tariff category HT-1 N.
 - ii) The power supply has been released for cold storage purpose i.e. storage of sweet corn, baby corn, vegetables etc. at Ramtekadi Industrial Area, Hadapsar, Pune as per agreement dated 27.9.2006.
 - iii) The consumer requested for change of tariff from Industrial to Agriculture as per MERC tariff order dated 26.6.2015 vide application dated 18.2.2016.
 - iv) The Licensee made spot inspection of the premises of the consumer on 28.3.2016.
 - v) The Licensee vide reply dated 13.7.2016 rejected the change of tariff application of the consumer.
 - vi) Thereafter the consumer approached to the IGRC Rastapeth with the complaint for change of tariff from Industrial to HT Agriculture.
 - vii) The IGRC rejected the complaint of the consumer vide impugned order dated 27.10.2016.
 - viii) The consumer submitted grievance before the Forum requesting for change of tariff from HT Industrial to HT Agriculture - Others (HT-V (B): HT-Agriculture Others and getting differentiation amount thereof.

5. The consumer representative Mr. Pratap Hogade submitted that the consumer has cold storage unit at Ramtekadi Industrial Area, Hadapsar, Pune having connected load 183 KW(245 HP) & sanctioned demand 156 KVA and supply was released on 9.10.2006 for cold storage unit of agricultural products i.e. for storage of sweet corn, baby corn vegetables etc. The MERC in the tariff order dated 26th June 2015 in case no.121 of 2014 made applicability of tariff as HT - Agricultural i.e. for pre-cooling plants & Cold Storage units for agriculture products - processed or otherwise. In view of said tariff order the consumer made application dated 18.2.2016 to the Licensee for change of tariff category from Industrial to Agricultural. Thereafter the Licensee made spot inspection of the premises of the consumer on 28.3.2016 and found that the processing was on sweet corn, green Pease, corn related products & vegetables, fruit pulp, preparation of Momos from corn, corn tikki, corn pattice, corn samosa and freezing of prepared products. Thereafter the Licensee rejected the change of tariff application of the consumer vide letter dated 13.7.2016.
6. Mr. Hogade further submitted that the consumer made complaint to the IGRC for change of tariff category. However the IGRC rejected the grievance of the consumer holding that the said cold storage unit is being used for processing of agricultural produce & therefore Industrial tariff as applied is proper and correct. The said decision is erroneous incorrect and not in accordance with the tariff orders passed by the Commission time to time with regard to pre cooling and cold storage units of agricultural produce.
7. Mr. Hogade further submitted that the Commission (MERC) has taken a consistent view in its various tariff orders issued time to time that cold storages play an important role in various segments of economics activities for preserving the nutritional and economic value of various products and commodities. Therefore the commission has broaden the tariff treatment of cold storages.

Therefore Mr.Hogade submits that the commission has already made applicability of pre-cooling & Cold Storage facility for high tension pre-cooling & Cold Storage for agriculture produce by tariff order dated 17.8.2009. The nature of business of the consumer right from the beginning has been running as Cold storage for agricultural produce. Therefore the Licensee should have been applied HT-Agriculture tariff to the cold storage unit of the consumer from 1.8.2009.

8. The commission in its order dated 20.6.2008 in Case No.72 of 2007 has not made any provision of Low Tension consumers but for High Tension consumers created category of HT-V : HT-Agricultural tariff for pre cooling and cold storage for Agricultural produce of farmer's, Co-operative Societies. Thereafter the Commission in tariff order dated 17.8.2009 in case No.116 of 2008 have made provision for both the LT & HT consumers. For LT consumers introduced LT-IV : LT-Agricultural tariff i.e. for pre-cooling and cold storage for agricultural produce on LT supply. Similarly for HT consumers it introduced HT-V : HT-Agricultural tariff i.e. for pre cooling & cold storage for agricultural produce. Thereafter the commission in the tariff order dated 16.8.2012 in Case No.19 of 2012 made provision for LT - LT IV : Agricultural tariff from pre-cooling and cold storages from agricultural produce on LT supply. The said tariff made applicable irrespective of whether pre-cooling and cold storage for agricultural produce are being used by farmers or traders and irrespective of the ownership pattern. Similarly for HT consumers made tariff category HT V : HT Agricultural tariff for pre-cooling and cold storage units for agricultural produce, irrespective of whether pre-cooling plants and cold storage units are being used by farmers or traders, and irrespective of the ownership of such plants/units. Thereafter the commission in tariff order dated 26.6.2015 in Case No.121 of 2014 made applicability of LT-IV (C) : LT- Agriculture metered others, pre-cooling plants & Cold storage units for agriculture products - processed or otherwise. Similarly for HT consumers made tariff category, HT V : HT Agricultural tariff for pre-cooling plants and cold

storage units for agriculture products – processed or otherwise. Recently Commission has passed tariff order dated 3.11.2016 in Case No.48 of 2016 & made applicability for LT consumers in the category LT IV(C) : LT-Agriculture – Others i.e. pre-cooling plants and cold storage units for agricultural products – processed or otherwise. Similarly for HT consumers made tariff category, HT V (B) : HT Agriculture – Others i.e. for pre-cooling plants & cold storage units for agricultural products – processed or otherwise .

9. Mr. Hogade further submitted that the Licensee released the supply to the consumer vide sanction letter dated 11.5.2006 for the purpose of cold storage and thereafter consumer has been utilizing power from 9.10.2006 for its cold storage units for agricultural produce. Initially at the time of releasing of supply there was no provision or high tension (HT) Agriculture category therefore the Licensee used to issue bills to the consumer as per Industrial category however after the passing of tariff order dated 17.8.2009 the Licensee should have applied appropriate tariff category i.e. HT Agriculture. In other words, the consumer is entitled to get agriculture tariff from 1.8.2009.
9. Mr.Hogade further submitted that the IGRC rejected the grievance of the consumer mentioning that the consumer is being utilizing energy for processing of agricultural produce & therefore application of Industrial tariff is correct. However the said finding of IGRC is erroneous. The IGRC has not taken into consideration the main purpose (pre dominant use) of the cold storage unit of the consumer and did not take into consideration definition of agricultural produce. He pointed out that the commission in the tariff order dated 12.9.2010 has made following provision.

Further, it is clarified that the consumer categorization should reflect the main purpose of the consumer premises. For instance, within a factory, there could be canteens, recreation rooms... .. which are related to an incidental to the main purpose of the factory premises... .. The factory cannot function in the absence of such

ancillary activities. In such cases, the categorization of such consumers should be "Industrial" and the distribution Licensee should not install sub-meters or separate meters for such ancillary and incidental activities, and charge them at commercial or any other rate, as has been done in some cases... .."

10. Mr.Hogade further submitted that the main purpose of the supply of the consumer is of "Cold Storage". The consumer uses the premises for cold storage of sweet corn. It cannot be stored in the cold storage unless essential process of cleaning, washing boiling are made. Due to storing of the said agriculture produce i.e. sweet corn etc. in the cold storages its life increases and reduces the large wastage of agricultural produce and also turns into value addition resulting proper price in the market for agricultural produce. The Commission has same intention while application of agriculture tariff for cold storage. The consumer with a view to show value addition of sweet corn prepared some products like corn pattice, corn samosa by utilizing kitchen equipments in the cold storage. The said edible products are enjoyed by the employees. Load bifurcation of cold storage unit of consumer is as under:

Total HP load - 245 HP :

- | | |
|--|--------|
| i) Cold storage refrigeration equipments | 202 HP |
| ii) Lighting & office machinery. | 03 HP |
| iii) Processing & kitchen equipments | 40 HP |

Thus total load = 245 HP

The sanctioned load of the consumer is 183 KW i.e. 245 HP. Out of which the load utilized for cold storage is 205 HP i.e. 83.67 % & the ancillary and incidental use is 40 HP i.e. 14.13%. Therefore the main purpose i.e. predominant use is for the cold storage only. Therefore the Licensee cannot charge industrial tariff.

11. Mr. Hogade further submitted that the definition of agricultural produce has given under Section 2 of The Agricultural produce Act, 1926 as under:

“Agricultural produce” shall mean any of the kinds of produce mentioned in the First or Fourth Schedule or any of the kinds of livestock or fish mentioned in the Fifth Schedule:

Agricultural produce, “corn “has been included in the forth schedule of the said Act. Similarly one more definition of agriculture produce has been given in the section 2 (a) of the, Agricultural produce (grading and marketing) Act, 1937 as under:

(a) “Agricultural produce” includes all products of agriculture or horticulture and all articles of food or drink wholly or partly manufacture from any such produce, and fleeces and the skins of animals.

12. The Commission in the tariff order dated 26.6.2015 in Case No.121 of 2014 has made following observations regarding intention behind Cold storage categorization:

“Cold storages are an important link in the chain for adding value and reducing large wastage of agricultural and allied products by expanding the scope for storage and sale, with or without further processing, for local or export markets .”

Therefore Mr. Hogade further submitted that the main purpose or predominant use of the consumer’s premises is for the cold storage of agricultural produce. Hence applicability of agricultural tariff needs to be applied to the consumers unit.

13. Mr. Hogade pointed out that in the similar cases the Licensee has applied agricultural tariff in respect of consumers, M/s.Pathan Fruits vide consumer No.0285510879505 and M/s.S.L.Agro Foods vide consumer no.176089052370. Therefore the Licensee cannot discriminate between the consumers for application of tariff category as per Section 45(4) & 45 (5) of the Electricity Act, 2003.
14. Mr. Hogade lastly submitted that the consumer be applied HT-Agriculture tariff from 1.8.2009 or from 1.6.2015 as claimed in the grievance application & tariff differentiation amount be refunded to the consumer along with

interest as per section 62(6) of the Electricity Act, 2003. He further claims SOP compensation of Rs.100/- per week for delay in application of tariff.

15. On the other hand, Mr.S.S.Latpate, the Superintending Engineer, Rastapeth Urban Circle, submitted on behalf of Licensee that as per the request of the consumer dated 18.2.2016 for change of tariff category from Industrial to Agricultural, the Licensee carried out spot inspection of the premises of the consumer on 28.3.2016 through the Additional Ex.Engineer, Hadapsar Sub-division. During the spot inspection it was observed and remarked that processing on sweet corn, green pease & corn related products and vegetables and fruit pulps. Preparation of momos from corn, corn tikki, corn patice, corn samosa, & freezing of prepared products. The said spot inspection was carried in the presence of consumer representative Mr.Sachin Chavan. He further submits that the activities as mentioned in the spot inspection report dated 28.3.2016 show that the applicability of agricultural tariff cannot be made as the said activities come under the purview of manufacturing and for manufacturing purpose, "the Industrial tariff" is applicable.
16. Mr. Latpate further submitted that the consumer is registered as a small scale industrial unit having its DIC certificate form no.731 dated 23.1.2006 showing its categorization as, 'small'. In point no.7 of the application made to directorate of industries, main items of manufacture/ activities are mentioned as : *Frozen corn kernels, frozen samosa – ready to cook, frozen corn soup- ready to cook, frozen patice ready to cook, fresh sweet corn. Therefore these activities show that the complainant is running a manufacturing unit and hence it comes under the Industry.*

The Section 3(j) of the Industries (Development & Regulation) Act, 1951 provides definition of a small scale industrial undertaking as under :

- (i) *A small scale industrial undertaking means an industrial undertaking which, in accordance with the requirements specified under sub-section (1) of Section 11B, is entitled to be regarded as a small scale industrial undertaking for the purposes of this Act:*

Section 11 B of the said Act provides as under :

Power of Central Government to specify the requirements which shall be complied with by small scale industrial undertakings -

(1) The Central Government may, with a view to ascertaining which ancillary and small scale industrial undertakings need supportive measures, exemptions or other favourable treatment under this Act to enable them to maintain their viability and strength so as to be effective in - (a) promoting in a harmonious manner the industrial economy of the country and easing the problem of unemployment, and (b) securing that the ownership and control of the material resources of the community are so distributed as best to subserve the common good, specify, having regard to the factors mentioned as best to subserve the common good, specify, having regard to the factors mentioned in sub-section (2), by notified order, the requirements which shall be complied with by an industrial undertaking to enable it to be regarded for the purposes of this Act, as an ancillary, or a small scale, industrial undertaking and different requirement may be so specified for different purpose or with respect to industrial undertakings engaged in the manufacture or production of different articles : provided that no industrial undertaking shall be regarded as an ancillary industrial undertaking unless it is, or is proposed to be, engaged in - (i) the manufacture of parts, components, sub-assemblies, toolings or intermediates : or (ii) rendering of services, or supplying or rendering, not more than fifty percent of its production or its total services, as the case may be to other units for production of other articles.

(2) The factors referred to in sub-section (1) are the following namely :- (a) the investment by the industrial undertaking in - (i) plant and machinery, or (ii) land, buildings, plant and machinery, (b) the nature of ownership of the industrial undertaking ; (c) the smallness of the number of workers employed in the industrial undertaking; (d) the nature, cost and quality of the product of the industrial undertaking, (e) foreign exchange, if any, required for the import of any plant or machinery by the industrial undertaking: and (f) such other relevant factors as may be prescribed.

17. Industrial Disputes Act which says ' 2 (i) Industry - means any business, trade, undertaking manufacture or calling of employees and includes any calling, service, employment handicraft or industrial occupation or avocation of workmen."
18. Mr.Latpate pointed out that the Electricity Ombudsman in the representation No.140 of 2009 vide order dated 2nd Feb.2010 has observed that

The word, " industrial is not specifically define in the tariff order. It has to be understood in its natural, ordinary and popular sense & thereby the industry should have some manufacturing activity.

19. He pointed out that the commission in the tariff order dated 17th Aug.2009 in Case No.116 of 2008 explained the industrial tariff category in the relevant paragraph as under :

2.9 CONSUMER CATEGORIZATION AND TARIFFS:

Commission's ruling

Similar impression is conveyed as regards the 'industry' categorization, with the Commission receiving representations from the hotel industry, leisure ad travel industry etc. stating that they have also been classified as 'industry' for the purpose of taxation and / or other benefits being extended by the Central Government or State Government, and hence, they should also be classified as 'industry' for the purpose of tariff determination. In this regard, it is clarified that classification under industry for the tax purposes by the Central or State Government shall apply to matters within their jurisdiction and have no bearing on the tariffs determined by the Commission under the E.A. 2003, and the import of the categorization under Industry under other specific laws cannot be applied to seek relief under other statues. Broadly, the categorization of 'Industry' is applicable to such activities, which entail manufacture"

20. Therefore Mr. Latpate submitted that in view of the above mentioned explanation of the commission, the consumer is using the electricity supply for manufacturing/ processing purpose and to store the said manufactured/ processed products. The commission ruling in view of the philosophy

behind introduction of the new tariff category for cold storages as mentioned in order dated 26.6.2015 in Case No.121 of 2014 shows categorization of cold storages for agricultural products/processed or otherwise covers under the category agricultural (excluding agricultural pumps sets) and the category, cold storages for all other purposes to be covered under Industrial category. In view of the actual usage of electricity by the consumer resolves the purpose of manufacturing, as the supply is being used for manufacturing /processing of agricultural produce as well as to store the said manufactured/processed products which come under the category of cold storages for other purposes to be covered under industrial category. Therefore Mr.Latpate submitted that the request of the consumer to levy agricultural tariff instead of industrial tariff be rejected.

21. The Commission in the tariff order dated 26.6.2015 in case no. 121 of 2014 has made following observations regarding “Encouragement to cold storages”:

6.1.7 : The Commission recognizes that cold storages play an important role in various segments of economic activities for preserving the nutritional and economic value of various products and commodities such as agricultural produce (fruits/vegetables), dairy products, meat and fish products, pharmaceuticals and vaccines, horticultural products, beverages etc. Cold storages are an important link in the chain for adding value and reducing the large wastage of agricultural and allied products by expanding the scope for storage and sale, with or without further processing, for local or export markets./ However, by their very nature, cold storages are relatively power-intensive, and the cost of power is a significant factor in their viability. Moreover, for optional utilization of their capacities, cold storages may have to cater to different commodities and applications at different times. Accordingly, upon careful consideration of these aspects, the suggestions made by industry and others during the public consultations, and the views of MSEDCL, the Commission has decided to broaden the existing tariff treatment of cold storages and to consider them in two categories, namely (a) Cold Storages for Agriculture Products; processed or otherwise and (b) Cold

Storages for other purposes. While the tariff of Agriculture – Others (Metered) category shall be applicable for Cold Storages for Agriculture products, the latter would be covered under the Industry instead of the Commercial category as at present.

22. In the tariff order dated 26.6.2015 the commission has provided following categorization for Cold Storages under Para No.6.31.5 as under :

*(a) Cold Storages for Agriculture products – processed or otherwise covered under the category Agriculture – Others (excluding agriculture pump sets) :
and*

(b) Cold Storages for all other purposes to be covered under Industrial Category.

23. The Licensee issued Commercial Circular No.243 dated 3rd July 2015 subsequent to the tariff order dated 26.6.2015 in Case No.121 of 2014 for implementation of the said tariff order. Under Item no.5 **Categorization of cold storage** is mentioned as under:

Cold Storages for Agriculture products and Cold Storages for all other products has been categorized as under:

*(a) Cold Storages for Agriculture products – processed or otherwise covered under the category Agriculture-others (excluding agriculture pump sets);
and*

(b) Cold storages for all other purposes to be covered under Industrial Category.

24. The Licensee issued further Commercial Circular No.262 in view of MERC clarificatory order dated 29.1.2016 in the matter of tariff order dated 26.6.2015 in Case No.121 of 2014 as well as corrigendum to Commercial Circular No.243 dated 3.7.2015 with regard to Cold Storage tariff as under :

Applicability of pre-cooling plants & Cold Storage units for Agriculture Products processed or otherwise is correctly reflected in the applicability of the LT IV (C) : LT- Agriculture Metered- Others category in the Approved Schedule, but not in the corresponding HT category. The

relevant entry in the HT V : HT Agriculture category is accordingly corrected to read as follows :

“i) For pre-cooling plants & cold storage units for Agriculture Products – processed or otherwise:”

25. The Commission has issued tariff order dated 3.11.2016 in Case No.48 of 2016. In the said tariff order Commission has given following ruling in respect of Cold storage categorization as per the submission of MSEDCL.

Commission's Ruling

The Commission has accepted MSEDCL's proposal for creation of a new category of HT Agriculture – Others, with tariff slightly higher than for HT – Agriculture – Pump sets, considering the logic advanced by MSEDCL. Its coverage and tariff related details have been provided in the Tariff Schedule.

The categorization is as under:

HT V : HT - Agriculture

HT V (A) : HT - Agriculture Pumpsets

Applicability:

This category shall be applicable for Electricity / Power Supply at High Tension for pumping of water exclusively for the purpose of Agriculture/ cultivation of crops including HT Lift Irrigation Schemes (LIS) irrespective of ownership.

It is also applicable for power supply for cane crushers and/or fodder cutters for self-use for agricultural processing operations, but not for operating a flour mill, oil mill or expeller in the same premises, either operated by a separate motor or a change of belt drive.

HT V (B) : HT - Agriculture Others :

Applicability:

This tariff category is applicable for use of electricity /power supply at High Voltage for:

- a) Pre-cooling plants and cold storage units for Agricultural Products – processed or otherwise,

- b)
 - c)
 - d)
24. It is clear that the supply has been released to the consumer for cold storage unit i.e. cool storage & processing of sweet corn & corn related products fruits, vegetables etc. and freezing of the products. The said products are basically from agriculture produce. Corn is included in the forth schedule of the Agricultural produce Act, 1926. Similarly as per definition of Agricultural produce given under section 2 (a) of **Agricultural Produce (Grading and Marketing) Act, 1937** "agricultural produce" includes all products of agriculture or horticulture and all articles of food or drink wholly or partly manufacture from any such produce, and fleeces and the skins of animals. Therefore food articles wholly or partly manufacture from corn i.e. preparation of momos from corn, corn tikki, corn patice , corn samosas , corn soups in the premises of the consumer are included in the agriculture produce in view of the above mentioned definition of agriculture produce. Moreover main purpose or predominant use of the cold storage premises of the consumer is to the extent of 83.67 % for cold storage machinery & lighting of office machinery & 14.13% use for ancillary & incidental purpose i.e. for processing & kitchen machinery. Out of the sanctioned load of 183 KW (245 HP) usage to the extent of 205 HP is for Cold Storage machinery & to the extent of 40 HP for processing & kitchen machinery as discussed above. The MERC in the tariff order dated 12.9.2010 has clarified that the consumer categorization should reflect the main purpose of the consumer premises. Similarly the factory cannot function in the absence of ancillary or incidental to main purpose of the factory premises. Similarly it is to be noted that certain processing activities like washing, boiling of agricultural produce are essential for cold storage purpose.

The Licensee with regard to explain manufacturing activity for industrial tariff, in its say dated 16.1.2017 tried to give definitions of "small

scale industrial undertaking" power of Central Government to specify requirements which shall be complied with by small scale industrial undertaking and definition of "Industry" under Industrial Disputes Act. However, the said definitions/provisions are not relevant for determination and applicability of tariff. Therefore it is the futile exercise made by the Licensee.

The IGRC, Rastapeth, Pune erroneously observed applicability of industrial tariff as proper as processing on agricultural produce is made at the premises. Therefore interference is required in the findings of IGRC.

25. The MERC tariff order dated 26.6.2015 has categorized HT V: HT Agriculture category for pre cooling plants & cold storage units for agricultural products - processed or otherwise & in the further tariff order dated 3.11.2016 made applicability of tariff category HT V (B) : HT Agriculture Others for pre cooling plants & cold storage units for agricultural products - processed or otherwise. The said tariff category is needs to be to the cold storage unit of the consumer from 1st of June 2015 as per tariff order dated 26.6.2015 in case No.121 of 2014. Consequently the consumer is entitled to get tariff differentiation along with interest equivalent to the Bank rate vide section 62 (6) of the Electricity Act, 2003. Hence the grievance is liable to be allowed.

Date : 13.02.2017

I agree,

Sd/-
S.S.Pathak
 Member
 CGRF:PZ:PUNE

Sd/-
S.N.Shelke
 Chairperson
 CGRF:PZ:PUNE

Member Secretary, (B.S. Savant)

I have gone through the above reasoning and my opinion in this matter is differing as below:

As per the spot inspection report dated 28.3.2016, it is seen that the actual usage of electricity for the purpose of manufacturing/processing of agriculture produce as well as to store the manufacturing/process products etc. These items

which will be covered under the category of "Cold storages for all other purposes to be covered under Industrial category". Hence the Industrial tariff presently levied to the consumer is proper & correct.

Sd/-

B.S.Savant

Member/Secretary

CGRF:PZ: PUNE

Hence the order by majority

ORDER

1. Grievance of the consumer is allowed with cost.
2. Impugned order dated 27.10.2016 passed by IGRC, Rastapeth, Pune is hereby set aside.
3. The Licensee to apply agricultural tariff i.e. HT V: HT-Agriculture tariff to the consumer from 1.6.2015 as per tariff order dated 26.6.2015 in Case No.121 of 2014 (Present categorization (HT V (B) : HT-Agriculture others).
4. The Licensee to pay tariff differentiation amount to the consumer along with interest vide section 62 (6) of Electricity Act, 2003.
5. The Licensee to report compliance within one month from the date of receipt of this order.

Delivered on: - 13.02.2017

Sd/-
S.S.Pathak
Member
CGRF:PZ: PUNE

Sd/-
S.N.Shelke
Chairperson
CGRF:PZ:PUNE

Note :- The consumer if not satisfied may filed representation against this order before the Hon.'ble Ombudsman within 60 days from the date of this order at the following address.

Office of the Ombudsman,
Maharashtra Electricity Regulatory Commission,
606/608, Keshav Bldg., Bandra Kurla Complex,
Bandra (E), Mumbai-51.