

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

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**Case No. CGRF(NZ)/33/2018**

Applicant : Shri Rameshkumar Chunnihal Sachdeva,  
Kh. No. 145, Pipla,  
Taluka - Saoner,  
Dist - Nagpur.

Non-applicant : Nodal Officer,  
The Executive Engineer  
O&M Dn. Saoner, MSEDCL,  
Saoner.

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Applicant represented by : 1) Shri T. B. Uke,

Non-applicant represented by: 1) Smt. Swati Padlamwar, Dy.Exe.Engineer,  
MSEDCL., Saoner.

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Quorum Present : 1) Shri Vishnu S. Bute,  
Chairman.  
2) Shri N.V.Bansod,  
Member  
3) Mrs. V.N.Parihar,  
Member Secretary

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**ORDER PASSED ON 06.06.2018**

The applicant presented this application feeling aggrieved by the order passed by the IGRC MSEDCL, NRC in case no. 62/17.18 on 09.05.2018. The applicant is a manufacturer of cement interlocking Bricks. As per the applicant the tariff applicable for industrial use is applicable to his factory. However the

respondent is charging the electricity bills applying commercial tariff. The applicant claim the refund of excess amount deposited by him. He also claimed compensation.

The applicant approached the IGRC MSEDCL NRC. The IGRC directed the applicant to submit application for industrial use. The respondent was directed to take action as per rules. Not satisfied with the order the applicant submitted this application under the provisions of Regulation 6.4 of the MERC (CGRF & EO) Regulations 2006.

The respondent submitted reply. The case was fixed for personal hearing on 05.06.2018. Shri T. B. Uke, a representative was present for the applicant. Smt. Swati Padlmwal Dy.Exe.Engineer, Saoner Division was present for the respondent. Both the parties argued the case.

At the outset Shri Uke argued that the constitution of the IGRC in NRC is not as per the provisions thereabout. So the existing IGRC could not appreciate the facts of the case. The IGRC failed to give justice to the applicant. Furthermore today before the forum also a designated Nodal Officer is not present. So the officer representing the respondent may not be able to take proper action in the case.

He further argued that the applicant is a manufacture of cement interlocking bricks. He is running an industry. As such the respondent should have applied industrial tariff. However Commercial tariff is being applied to him.

The applicant got the connection on 29.09.2012. It is three phase connection. The applicant is having one motor of 3 HP, one motor of 1 HP, and two motors of 2 HP capacity. In fact the use of the applicant falls under LT V A- industry category. However the respondent is giving the power bills applying 52/LT II commercial rates.

The applicant requested to charge the tariff rates by an application dt. 30.09.2017. He also gave a reminder. However the respondent has not taken any action.

The applicant approached the IGRC. However IGRC also failed to give him any relief.

The applicant prayed that the respondent may be directed to issue revised bills right from the day of connection. The respondent should refund the excess amount with interest collected from the applicant. The applicant may be given a compensation as provided under the S.O.P.

In reply the respondent stated that the applicant is having three phase connection bearing consumer no. 419280002390. The applicant initially applied for temporary connection for construction activity. The connection was released on 20.09.2012 and as per existing orders commercial tariff was applied. Since then the applicant never informed that the construction work was over and he is using the electricity for industrial use. He should have submitted the industrial connection test report, capacitor certificate, SSI certificate etc. The applicant requested to charge the tariff on the basis of

simple request letter. The applicant should submit new application in Form A1 for industrial connection. After following the due process proper tariff will be made applicable to him.

The applicant also requested for revision of the bills from 20.09.2012. However his request is barred by limitation.

The order passed by the IGRC is just and proper. It may be confirmed. The application may be dismissed.

We have perused the record. The applicant raised objection about the constitution of the IGRC by the NRC and the absence of the nodal officer. However he failed to point out as to how those affected his case/request adversely. We think it proper to decide the case on the basis of the provisions in the Regulations.

The respondent submitted the Xerox copy of form A1 submitted by the applicant. The applicant marked the purpose, "Non Domestic/Non Industrial(Commercial). Dy.Engineer report dt. 01.10.2012 is on record. Therein consumer's category is written as temporary connection. One report of Junior Engineer is on record. The remark is temporary 3 phase connection for the construction of ash bricks factory at village Pipla.

So we are of the opinion that the respondent were not wrong in applying the commercial tariff to the applicant at the beginning. The applicant got the connection on 20.09.2012. Since then the applicant paid the bills and he had not complaint whatsoever. He applied to the respondent for the first time 30.09.17 for the charge in tariff.

In view of these facts, we are of the opinion that the applicant is not entitle either for refund or for the compensation.

Now about the action to be taken by the respondent about the request of the change in tariff, the relevant provisions are as under,

The MERC (Electricity Supply Code and other conditions of supply) Regulations 2005. 13. classification and Reclassification of consumers into Tariff categories.

The Distribution Licensee may classify or reclassify a consumer into various commission approved tariff categories based on the purpose of usage of supply by such consumer.

The MERC (standards of performance of Distribution Licensees, period for giving supply and Determination of compensation) Regulations 2014.

Change of name and charge of tariff category,

4.13 The Distribution licensee shall intimate the charges to be borne by an applicant for change of name and charge of tariff category within 7 (seven) days on receipt of an application in this regard and shall give effect to it within the following time limits.

(a) Change of name shall be effected within the second billing cycle on receipt of an application and payment of necessary charges.

(b) Change of category for use of supply in reference of Tariff Schedule shall be effected within the second billing cycle on receipt of application and payment of necessary charges.

In view of the above provisions the applicant has to submit an application for charge of tariff. So the say of the respondent (in reply dt. 01.06.18 in para 3 and 6) that the applicant should submit construction activity completion certificate, Industrial connection test report, capacitor certificate, SSI certificate is wrong. So also (i) clause of the IGRC order dt. 10.05.18 which reads, applicant shall apply for new industrial connection in prescribed format is not proper. So it is set aside.

Applicant's application dt. 30.9.2017 is with the respondent. The respondent shall inform the charges to be deposited by the applicant within 7 (even) days from the receipt of this order. The respondent shall carryout the spot inspection and carry out the change in tariff category within the stipulated period.

Hence the following order.

### **ORDER**

1. Application partly allowed.
2. The respondent to inform he charges to the applicant within seven days from the receipt of this order..
3. The respondent to carryout the spot inspection and take action about the charge in category within the stipulated period.
4. Request of the applicant about refund, interest and compensation is hereby dismissed.

Sd/-  
**N.V. Bansod**  
MEMBER

Sd/-  
**Mrs. V.N.Parihar**  
MEMBER SECRETARY

Sd/-  
**Vishnu S. Bute,**  
Chairman