

# ग्राहक गान्हाणे निवारण मंच

(विद्युत कायदा, २००३ अंतर्गत कलम ४२ (५) अन्वये स्थापित)

महाराष्ट्र राज्य विद्युत वितरण कंपनी मर्यादित

जळगाव परिमंडळ

दुरध्वनी क्र ०२५७ - २२७३००४

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ग्राहक गान्हाणे निवारण मंच

जुनी एम.आय.डी.सी.

महावितरण विश्राम गृहाजवळ,

अजिंठा चौफुली जळगाव. ४२५००३

जा.क्र. स.स./ग्राहानिमं/जप/जळगाव मं/०२-२०१८-१९/

१०००३७

दिनांक: 18 SEP 2018

(रजिस्टर पोच व्दारे)

गान्हाणे दाखल दिनांक : ०७/०८/२०१८

निकाल दिनांक : १५/०९/२०१८

प्रति,

१. मे.हितेश प्लास्टिक्स प्रा.लि,  
जे-५९, अतिरीक्त औद्योगिक वसाहत एरिया, जळगाव,  
ता.जि.जळगाव. पिन-४२५००३  
(ग्रा.क्र.११००१९००३८४१)

तक्रारदार

२. नोडल अधिकारी तथा कार्यकारी अभियंता,  
म.रा.विद्युत वितरण कंपनी मर्यादित.  
मंडळ कार्यालय जळगाव

विज वितरण कंपनी

३. कार्यकारी अभियंता  
म.रा.विद्युत वितरण कंपनी मर्यादित.  
विभागिय कार्यालय, जळगाव.



## निर्णयपत्र

मे.हितेश प्लास्टिक्स प्रा.लि, जे-५९, अतिरीक्त औद्योगिक वसाहत एरिया, जळगाव, ता.जि. जळगाव. हे विज वितरण कंपनीचे औद्योगिक (HT-I(A)) प्रवर्गातील ग्राहक आहेत. त्यांना महावितरण कंपनीकडून करण्यात आलेला विद्युत पुरवठा कंटिन्युअस ते नॉन कंटिन्युअस असा करून मिळणेबाबत व त्यानुसार आकारलेले दर कमी करून मिळणे व अद्यापपावेतो जादाचे भरलेली रक्कम परत मिळणेबाबत योग्य ते आदेश पारीत करावेत व इतर अनुषंगिक न्यायोचित आदेश होण्याबाबत योग्य ती कार्यवाही होण्याविषयी महाराष्ट्र राज्य विद्युत वितरण कंपनीच्या अंतर्गत ग्राहक तक्रार निवारण कक्षाकडे तक्रार दाखल केली. मात्र अंतर्गत ग्राहक तक्रार निवारण कक्षाकडून दिलेला निकाल त्यांना मान्य नसल्यामुळे ग्राहकाने आपले गान्हाणे अनुसूची "अ" मध्ये मंचाकडे सादर केले. ते मंचाकडे दि ०७.०४.२०१८ रोजी नोंदविण्यात आले.

त्यानुसार मंचाचे अध्यक्ष, सदस्य-सचिव व सदस्य यांनी आपसात सल्लामसलत करून हे प्रकरण सुनावणीस घेण्याचा निर्णय घेण्यात आला. सदर गान्हाण्याची सुनावणी दि.२९.०५.२०१८ रोजी घेण्यात आली. या संबंधीची सूचना तक्रारदार ग्राहक व वितरण कंपनीच्या संबंधीत अधिकाऱ्यांना दि.२३.०५.२०१८ रोजीच्या पत्रान्वये देण्यात आली. याच पत्रासोबत तक्रार अर्जाची प्रत नोडल अधिकारी तथा कार्यकारी अभियंता मंडळ कार्यालय जळगाव व कार्यकारी अभियंता विभागिय कार्यालय जळगाव यांना देवून तक्रार अर्जानुसार मुद्देनिहाय अभिप्राय १५ दिवसाच्या आत मंचाकडे सादर करण्याबाबत व त्याची प्रत ग्राहकाला पोचविण्याबाबत सूचित करण्यात आले.

सुनावणीस विद्युत वितरण कंपनीच्या जळगाव मंडळ कार्यालयाकडून कार्यकारी अभियंता श्री शिबाजी भालशंकर, व श्री जयेश हिवाळे वरीष्ठ व्यवस्थापक (विवले), तसेच जळगाव विभाग कार्यालयाकडून कार्यकारी अभियंता श्री संजय तडवी, हे उपस्थित होते. तर ग्राहका तर्फे ग्राहक प्रतिनिधी श्री श्यामसुंदर अग्रवाल हे उपस्थित होते.

ग्राहकाची बाजू :-

### Facts:

1. It is most respectfully submits that our aforesaid Industrial Unit namely Hitesh Plastics Pvt. Ltd. is a Company registered under the Indian Companies Act, 1913 as well as our aforesaid Industrial Unit's manufacturing as well as processing facility at J-59, Addl. MIDC Area, Near Bharat Petroleum, Jalgaon, (MH) 425 003 and has an Electricity Connection for the same and having its Consumer No. is 110019003841, which was obtain from the Office of the Superintending Engineer, Jalgaon O&M Circle, MSEDCL, Jalgaon (hereinafter referred to as "the

Respondent"); therefore our aforesaid H.T. Connection was and is billed as per the HT-I [HT-I – Industrial Tariff, by the said Office, which was promulgated by Honorable Appropriate Commission, from time to time.

2. Initially, our aforesaid HT Connection was and is connected on Non-Express / Industrial Feeder.
3. Accordingly, before the June 2008, our aforesaid HT Connection was billed, as per HT-I [HT-I – Industrial (Non-Express Feeder)] Tariff, by the Respondent.
4. Thereafter, from the June 2008 to October 2016, our aforesaid HT Connection was billed, as per HT-I - Industry [Continuous Industry (On Express Feeder)] Tariff, by the Respondent.
5. For that reason, we have submitted an application before the Respondent, under Right to Information Act, 2005, on dated 26.07.2016, for getting the list of Feeders along-with its name as well as for getting the name of the all the consumers connected on the Express Feeders, if any. Copy of the said Application is annexed herewith and marked as **Exhibit "A"**, for your kind perusal.
6. Accordingly, Respondent had provided us the List of Feeders along-with its name as well as Respondent had also provided us the name of the all the consumers connected on the Express Feeders, in response to our Application. According to that it clearly seems that our aforesaid HT Connection never connected on Express Feeder. Copy of the said Reply is annexed herewith and marked as **Exhibit "B"**, for your kind perusal.
7. Then after, we have take private investigation of the said connection, and according to that we found that our aforesaid HT Connection was and is never on Express Feeder, the said Feeder was an Industrial Feeder, as well as so many other connections were also released from the said Feeder and some of them were billed as per HT-I - Industry [Non-Continuous Industry (Not on Express Feeder)] Tariff.
8. Eventually, we have submitted an Application to the Respondent, on dated 23.03.2017, for the refund us the amount, which was charged & collected by their office, by applying wrong tariff, i.e. HT-I (A) - Industry [Continuous Industry (On Express Feeder)] Tariff, instead of HT-I (B) - Industry [Non-Continuous Industry (Not on Express Feeder)] Tariff, from the Month of June 2008 to October 2016; because of our aforesaid HT Connection was and is never on Express Feeder, the said Feeder was an Industrial Feeder, as well as so many other connections were also released from the said Feeder and some of them were billed as per HT-I - Industry [Non-Continuous Industry (Not on Express Feeder)] Tariff, during the said disputed period. Copy of the said Application is annexed herewith and marked as **Exhibit "C"**, for your kind perusal.
9. But, the Respondent has not take any cognizance of the said application and has not refunded us the said amount, which was Charged & Collected by their office, by applying wrong Tariff, as mentioned above.
10. So, ultimately we have submitted a Grievance before IGRC (Internal Grievance Redressal Cell), Jalgaon, on Dated 3/10.11.2017, for Redressal of our above mentioned Grievance. Copy of the said Application is annexed herewith and marked as **Exhibit "D"**, for your kind perusal.
11. In that context, the Office of the IGRC, Jalgaon has placed said Grievance for hearing on dated 28.12.2017.
12. Then after, on dated 28.12.2017, the Respondent had submitted their reply before the IGRC, at the time of hearing. Copy of the said Reply is enclosed herewith and marked as **Exhibit "E"**, for your kind perusal.
13. The reply of the Respondent is as follows:

"उपरोक्त संदर्भीय अर्ज क्र. १ ते ४ अन्वये उच्चदाब ग्राहकांनी त्यांची वीज जोडणी नॉन एक्सप्रेस फिडरवरून दिली असतांना माहे जून-२००८ ते ऑक्टोबर-२०१६ या कालावधीत वीज आकारणी एक्सप्रेस फिडर प्रमाणे होत असले बाबत तक्रार केली होती. तसेच सदर कालावधीतील दरसंकेत Continuous to Non Continuous बदलाचा फरक मिळणेबाबत अर्ज केला आहे."

"संदर्भ क्र. ५ नुसार मा. मुख्य अभियंता (वाणिज्य) यांनी Regulation 9.2 of SoP Regulation 2005 नुसार अर्ज प्राप्त झाल्यानंतरच्या पुढील देयकात दरसंकेत बदल करण्यात यावा असे आदेशित केले आहे. माहे नोव्हेंबर-२०१६ पासून Continuous / Non Continuous असा वेगवेगळा दरसंकेत नसल्याने दरसंकेत बदलाच्या फरकाची रकम अदा करण्यात येऊ शकत नाही."

14. Consequently, we had also orally submitted, our submission, that our aforesaid HT Connection never on Express Feeder, the said Feeder was a Industrial Feeder, as well as so many other connections were also connected on the said Feeder and some of them were billed as per HT-I - Industry [Non-Continuous Industry (Not on Express Feeder)] Tariff, during the said disputed period, as well as, as per the Information received under Right to Information Act that our aforesaid HT Connection never on Express Feeder, the said Feeder was a Industrial Feeder, as well as, so many other connections were also connected on the said Feeder and some of them were billed as per HT-I - Industry [Non-Continuous Industry (Not on Express Feeder)] Tariff, so, we are again requested the Office of the IGRC that please

-----प्र.क्र.०२/२०१८-२०१९ हितेश प्लास्टिक प्रा.लि.जळगाव,-----

- A. Order to Refund us the amount, which was Charged & Collected by applying wrong Tariff i.e. HT-I - Industry [Continuous Industry (On Express Feeder)] Tariff instead of HT-I - Industry [Non-Continuous Industry (Not on Express Feeder)] Tariff, from the Month of June 2008 to October 2016.
- B. Order to confer the interest on the said excessive Charged & Collected Amount, from the date of Collection of the said Amount.
- C. Take appropriate action against the relevant person/s, who would not take cognizance of our above mentioned Application for Refund.
- D. Any other suitable and equitable orders may kindly be passed in favor of the Applicant for the sake of Justice.
15. But, sorry to say that the office of the IGRC has rejected our above mentioned Grievance by mentioning following statements and reasons, on dated 4/5.01.2018. Copy of the said Order is annexed herewith and marked as **Exhibit "F"**, for your kind perusal.

"M/s. Hitesh Plastics Pvt. Ltd., J-59, Addl. MIDC Area, Near Bharat Petroleum, Jalgaon, Consumer No. 110019003841 are HT Industrial Consumer (hereafter referred as complainants) of the complaint regarding electricity distribution Company Ltd. (hereafter referred as the Mahavitrans) has filed a complaint regarding electricity bills was charged and collected by wrong tariff. The Grievance were submitted to the superintending Engineer, Circle office, Jalgaon but not satisfied. The consumer has submitted representation to the internal Grievance Redressal Cell in Schedule "X" on Date 13.11.2017.

It was decided to admit the case for hearing. The matter was fixed for hearing on 28.12.2017 at 11.00 in the Internal Grievance Redressal Cell, Circle Office, Jalgaon and notices that effect was sent to the complainant and the concerned officers of the Mahavitrans.

Shri. N. Y. Muley Assistant Accountant (F&A) Jalgaon Circle Office represented the Mahavitrans during the hearing. Shri. Shyamsunder Vasudev Agarwal attended on behalf of complainants.

Consumer's Representation in Brief:

Our aforesaid HT Connection is now billed as per HT I (A): Industry - General Tariff, by the office of the MSEDCL.

Earlier, from the June 2008 to October 2016 our aforesaid HT Connection was billed as per HT-I - Industry [Continuous Industry (On Express Feeder)] Tariff, by the office of the MSEDCL.

But our aforesaid HT Connection was and is not on Express and/or on Dedicated Feeder, the said Feeder was an Industrial Feeder, as well as so many other connections were also released from the said Feeder and some of them were billed as per HT-I - Industry [Non-Continuous Industry (Not on Express Feeder)] Tariff.

So, we have submitted an Application to the office of the Superintending Engineer, Jalgaon O&M Circle, MSEDCL, Jalgaon on dated 23.03.2017, for the refund us the amount which was charged & collected by the office of the MSEDCL, by applying HT-I (A) - Industry [Continuous Industry (On Express Feeder)] Tariff, instead of HT-I (B) - Industry [Non-Continuous Industry (Not on Express Feeder)] Tariff, from the Month of June 2008 to October 2016. Copy of the said Application enclosed herewith for your kind perusal.

But, till date, the Office of the Superintending Engineer, Jalgaon O&M Circle, MSEDCL, Jalgaon has not refunded the said amount, which was Charged & Collected by the office of the MSEDCL, by applying wrong Tariff i.e. HT-I (A) - Industry [Continuous Industry (On Express Feeder)] Tariff instead of HT-I (B) - Industry [Non-Continuous Industry (Not on Express Feeder)] Tariff, from the Month of June 2008 to October 2016.

Demand of the Consumer:

It is therefore, most respectfully prayed that:

- A. Order to Refund us the amount, which was Charged & Collected by applying wrong Tariff i.e. HT-I - Industry [Continuous Industry (On Express Feeder)] Tariff instead of HT-I - Industry [Non-Continuous Industry (Not on Express Feeder)] Tariff, from the Month of June 2008 to October 2016.
- B. Order to confer the interest on the said excessive Charged & Collected Amount, from the date of Collection of the said Amount.
- C. Take appropriate action against the relevant person/s, who would not take cognizance of our above mentioned Application for Refund.
- D. Any other suitable and equitable orders may kindly be passed in favor of the Applicant for the sake of Justice. Continuous continuous

Arguments for the Mahavitrans:

The Superintending Engineer, Circle Office, Jalgaon has submitted a written reply to the cell by letter No 07188 dated 28.12.2017, which state as under:

In this consumer i.e. M/s. Hitesh Plastics Pvt. Ltd., J-59, Addl. MIDC Area, Near Bharat Petroleum, Jalgaon, Consumer No. 110019003841 Contention that MSEDCL charged & Collected bills by applying wrong tariff in Electricity bills i.e. HT-I Industry tariff from the month of June-2008 to October-2016.

Say: In this case consumer i.e. M/s. Hitesh Plastics Pvt. Ltd., J-59, Addl. MIDC Area, Near Bharat Petroleum, Jalgaon, Consumer No. 110019003841.

-----प्र.क्र.०२/२०१८-२०१९ हितेश प्लास्टिक प्रा.लि.जळगाव.-----



वरील याहकाने त्यांची वीज जोडणी नॉन एक्सप्रेस फिडरवरून दिली असतांना माहे जून २००८ ते ऑक्टोबर २०१६ या कालावधीत वीज आकारणी एक्सप्रेस फिडर प्रमाणे होत असले बाबत तक्रार केली होती. तसेच सदर कालावधीतील दर संकेत Continuous to Non-Continuous बदलाचा फरक मिळणे बाबत अर्ज केला आहे.

मा. मुख्य अभियंता (वाणिज्य) यांनी Regulation 9.2 of SOP Regulation 2005 नुसार अर्ज प्राप्त झाल्यानंतरच्या पुढील देयकात दरसंकेत बदल करण्यात यावा असे आदेशित केले आहे. माहे नोव्हेंबर २०१६ पासून Continuous / Non-Continuous असा वेगवेगळा दरसंकेत नसल्याने दरसंकेत बदलाच्या फरकाची रक्कम अदा करण्यात येऊ शकत नाही.

**Observation by Cell:**

1. M/s. Hitesh Plastics Pvt. Ltd., J-59, Addl. MIDC Area, Near Bharat Petroleum, Jalgaon, Consumer No. 110019003841 have been given supply by the Mahavitaran.
2. The Cell perused the application dated 24.08.2017 by M/s. Hitesh Plastics Pvt. Ltd., J-59, Addl. MIDC Area, Near Bharat Petroleum, Jalgaon, Consumer No. 110019003841. In this application request was made by the complainants to give Electricity Bill i.e. HT-I - Industry [Continuous Industry (on Express Feeder)] Tariff instead of HT-I (A) - Industry [Non-Continuous Industry (Not on Express Feeder)] Tariff, from the Month of June 2008 to October 2016.

**ORDER**

- 1) As per MERC SOP Regulation 9.2 of Regulation 2005, tariff change to be effected within second billing cycle from date of receipt of application. The tariff changed vide commercial Circular No. 275 dated 18.11.2016. The tariff contains same rate for continuous and Non Continuous supply. Hence change of tariff shall not refund.
  - 2) If aggrieved by the non-redressal of his Grievance by the Cell, the appellant may make a representation to the Chairman, Consumer Grievance Redressal forum, Anjantha Chauphuli, Old MIDC, Jalgaon-425003.
16. Aggrieved by the said order of the Office of the IGRC, we are approaching before your Forum, by submitting said Grievance Application, for order to refund us the amount, which was charged and collected by the Respondent, by applying wrong Tariff, mentioned above.

**Grounds:**

1. Our aforesaid HT Connection was and is never on Express Feeder, the said Feeder was on Industrial Feeder from beginning.
2. As per the Information, which was received from the Respondent, under Right to Information Act, it is undoubtedly proved that our aforesaid HT Connection never connected on Express Feeder, as mentioned above.
3. As mentioned above, after investigation, we also found that, our aforesaid HT Connection was and is never on Express Feeder, the said Feeder was an Industrial Feeder, as well as so many other connections were also connected on the said Feeder and some of them were billed as per HT-I - Industry [Non-Continuous Industry (Not on Express Feeder)] Tariff.
17. As mentioned above, we have submitted an Application to the Respondent, for the refund us the amount, which was charged & collected by their office, by applying wrong tariff, i.e. HT-I (A) - Industry [Continuous Industry (On Express Feeder)] Tariff, instead of HT-I (B) - Industry [Non-Continuous Industry (Not on Express Feeder)] Tariff, from the Month of June 2008 to October 2016.; because of our aforesaid HT Connection was and is never on Express Feeder, the said Feeder was an Industrial Feeder, as well as so many other connections were also connected on the said Feeder and some of them were billed as per HT-I - Industry [Non-Continuous Industry (Not on Express Feeder)] Tariff, during the said disputed period.

But, the Respondent had neither refunded us the said amount, nor denial for the same.

By which it is **proved that**, our aforesaid HT Connection never on Express Feeder, the said Feeder was a Industrial Feeder, as well as so many other connections were also connected on the said Feeder and some of them were billed as per HT-I - Industry [Non-Continuous Industry (Not on Express Feeder)] Tariff.

4. As per the oral as well as written submission, submitted by the Officials, of the Respondent, before the Office of the IGRC, at the time of hearing of the said grievance, that

"उपरोक्त संदर्भीय अर्ज क्र. १ ते ४ अन्वये उच्चदाब याहकांनी त्यांची वीज जोडणी नॉन एक्सप्रेस फिडरवरून दिली असतांना माहे जून-२००८ ते ऑक्टोबर-२०१६ या कालावधीत वीज आकारणी एक्सप्रेस फिडर प्रमाणे होत असले बाबत तक्रार केली होती. तसेच सदर कालावधीतील दरसंकेत Continuous to Non Continuous बदलाचा फरक मिळणेबाबत अर्ज केला आहे."

"संदर्भ क्र. ५ नुसार मा. मुख्य अभियंता (वाणिज्य) यांनी Regulation 9.2 of SoP Regulation 2005 नुसार अर्ज प्राप्त झाल्यानंतरच्या पुढील देयकात दरसंकेत बदल करण्यात यावा असे आदेशित केले आहे. माहे नोव्हेंबर-२०१६ पासून Continuous / Non Continuous असा वेगवेगळा दरसंकेत नसल्याने दरसंकेत बदलाच्या फरकाची रक्कम अदा करण्यात येऊ शकत नाही."

as mentioned above.

In which, they have never mentioned and/or bring up that our aforesaid HT Connection was and is on Express Feeder; by which it is **also proved that**, our aforesaid HT Connection was and is not on Express Feeder, the said

Feeder was a Industrial Feeder, as well as so many other connections were also connected on the said Feeder and some of them were billed as per HT-I - Industry [Non-Continuous Industry (Not on Express Feeder)] Tariff.

5. The office of the IGRC rejected our Complaint/Grievance by mentioning only one reason, mentioned in the "OBSERVATION BY CELL" and "ORDER" portion of the said order, referred above, which was delivered by the said office.

The said reason, which was mentioned in the said order, for rejection of our Complaint/Grievance is totally false, incorrect, erroneous and invalid.

In this regard, we have submitting our reason-wise clarification as per following manner.

Sr. No.	Reasons	Clarification
<b>Observation by Cell</b>		
1	M/s. Hitesh Plastics Pvt. Ltd., J-59, Addl. MIDC Area, Near Bharat Petroleum, Jalgaon, Consumer No. 110019003841 have been given supply by the Mahavitaran.	No Comments
2	The Cell perused the application dated 24.08.2017 by M/s. Hitesh Plastics Pvt. Ltd., J-59, Addl. MIDC Area, Near Bharat Petroleum, Jalgaon, Consumer No. 110019003841. In this application request was made by the complainants to give Electricity Bill i.e. HT-I - Industry [Continuous Industry (on Express Feeder)] Tariff instead of HT-I (A) - Industry [Non-Continuous Industry (Not on Express Feeder)] Tariff, from the Month of June 2008 to October 2016.	<p>We have never submitted, anytime, any application before the Respondent for given Electricity Bill i.e. HT-I - Industry [Continuous Industry (on Express Feeder)] Tariff instead of HT-I (A) - Industry [Non-Continuous Industry (Not on Express Feeder)] Tariff, from the Month of June 2008 to October 2016, as mentioned in the OBSERVATION portion of the said order, referred above, which was delivered by the office of the IGRC.</p> <p>We have submitted an Application to the Respondent, on dated 23.03.2017, for the refund us the amount, which was charged &amp; collected by their office, by applying wrong tariff, i.e. HT-I (A) - Industry [Continuous Industry (On Express Feeder)] Tariff, instead of HT-I (B) - Industry [Non-Continuous Industry (Not on Express Feeder)] Tariff, from the Month of June 2008 to October 2016.; because of our aforesaid HT Connection was and is never on Express Feeder, the said Feeder was an Industrial Feeder, as well as so many other connections were also released from the said Feeder and some of them were billed as per HT-I - Industry [Non-Continuous Industry (Not on Express Feeder)] Tariff, during the said disputed period.</p> <p>Hence, the Observation of the Cell is totally wrong.</p>
<b>ORDER</b>		
1	As per MERC SOP Regulation 9.2 of Regulation 2005, tariff change to be effected within second billing cycle from date of receipt of application. The tariff changed vide commercial Circular No. 275 dated 18.11.2016. The tariff contains same rate for continuous and Non Continuous supply. Hence change of tariff shall not refund.	<p>Our Complaint / Grievance was and is not for Change of Tariff; our Complaint / Grievance was and is that the Respondent had not refund us the amount, which was charged &amp; collected by their office, by applying wrong tariff, i.e. HT-I (A) - Industry [Continuous Industry (On Express Feeder)] Tariff, instead of HT-I (B) - Industry [Non-Continuous Industry (Not on Express Feeder)] Tariff, from the Month of June 2008 to October 2016.; because of our aforesaid HT Connection was and is never on Express Feeder, the said Feeder was an Industrial Feeder, as well as so many other connections were also released from the said Feeder and some of them were billed as per HT-I - Industry [Non-Continuous Industry (Not on Express Feeder)] Tariff, during the said disputed period.</p> <p>Hence, the Regulation No. 9.2 of MERC (SOP of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005 and Commercial Circular No. 275 Dated 18.11.2016 has not attracted to the said complaint.</p>

-----प्र.क्र.०२/२०१८-२०१९ हितेश प्लास्टिक प्रा.लि.जळगाव.-----

2	<p><i>If aggrieved by the non-redressal of his Grievance by the Cell, the appellant may make a representation to the Chairman, Consumer Grievance Redressal forum, Anjantha Chauphuli, Old MIDC, Jalgaon-425003.</i></p>	<p><i>We are not satisfied with this decision, so we have file Grievance before your office (Consumer Grievance Redressal Forum) within two (2) months from the date of receipt this order, as per provision mentioned in the Regulation No. 6.4 of the said Regulations.</i></p>
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6. Till date, any point of time the Respondent, have not mentioned and/or proved that our aforesaid HT Connection was and is on Express Feeder.
7. The office of the IGRC has given the above mentioned decision, without considering all these Facts and without mentioning any proper reason and/or surmise, in this context.
8. There is no intentional delay or latches on the part of us. The delay, if any deserves to be condoned in the facts and circumstances of the said Grievance.
9. We have craves leave of this Hon'ble Forum to add, amend, alter, delete or modify any of the grounds and/or submissions mentioned hereinabove.

#### **ग्राहकाच्या मागण्या**

**It is therefore, most respectfully prayed that:**

- A. Determine that the order of the IGRC, null and void, in this context.
- B. Order to Refund us the said excessive amount, which was Charged & Collected by the Office of the Superintending Engineer, Jalgaon O&M Circle, MSEDCL, Jalgaon, by applying wrong Tariff, i.e. HT-I (B) - Industry [Non-Continuous Industry (Not on Express Feeder)] Tariff, from the Month of June 2008 to October 2016.
- C. Order to confer the interest on the said excessive collected amount, from the date of Collection of the said Amount.
- D. Award to Applicant Rs. 10,000/-, as a cost of the said application, which should be payable by the MSEDCL.
- E. Take appropriate action against the relevant person/s, who would not take cognizance of our above mentioned Application for Refund.
- F. Any other suitable and equitable orders may kindly be passed in favor of the Applicant for the sake of Justice.

#### **वितरण कंपनीची बाजू :-**

वितरण कंपनीचे नोडल अधिकारी तथा कार्यकारी अभियंता प्रशासन मंडळ कार्यालय जळगाव यांनी त्यांचे पत्र क्र.२९०० दि.२९.०५.२०१८ अन्वये पत्रव्यवहार मंचापुढे सादर केला त्यात त्यांनी त्यांची बाजू खालील प्रमाणे मांडलेली आहे.

वरील विषयास अनुसरून आपणास माहिती देत आहोत की, तक्रारकर्ता ग्राहक मे.हितेश प्लास्टिक्स प्रा.लि, जे-५९, अतिरीक्त औद्योगिक वसाहत एरिया ता.जि.जळगाव यांनी त्यांच्या औद्योगिक वापराकरीता घेण्यात आलेल्या विद्युत पुरवठ्यास चुकीचे बिलींग करण्यात आल्याची तक्रार अंतर्गत ग्राहक निवारण कक्ष मंडळ कार्यालय जळगाव येथे दि.१०.११.२०१७ रोजी दाखल केली होती त्यानुसार सदर तक्रारीची सुनावणी दि.२८.१२.२०१७ घेण्यात आली.

तक्रारदार यांचे म्हणनेनुसार त्यांच्या औद्योगिक वापराकरीता घेण्यात आलेल्या विद्युत पुरवठ्यास HT-I Industry (Continuous Industry (On Express Feeder) Tariff नुसार जुन २००८ ते ऑक्टोबर-२०१६ पर्यंत बिलींग करण्यात आले आहे. परंतु सदर विद्युत पुरवठा हा Express or on Dedicated feeder नसुन Industrial feeder वर आहे. तरी देण्यात आलेले बिल हे HT-I (B) Industry (Non-Continuous Industry (Not on Express Feeder) Tariff नुसार देण्यात यावे करीता तक्रार दाखल करण्यात आलेली आहे.

संदर्भ क्र.०२ व ०३ नुसार Regulation ९.२ of SOP Regulation २००५ नुसार अर्ज प्राप्त झाल्या नंतरच्या पुढील देयकात दरसंकेत बदल करण्यात यावा असे आदेशित केले आहे. माहे नोव्हेंबर २०१६ पासून Continuous /Non Continuous असा वेगवेगळा दरसंकेत नसल्याने दरसंकेत बदलाच्या फरकाची रक्कम अदा करण्यात येवु शकत नाही.

#### **अंतर्गत तक्रार निवारण कक्षाची कार्यवाही :-**

अंतर्गत तक्रार निवारण कक्ष, मंडळ कार्यालय, जळगाव अंतर्गत दि. २८.१२.२०१७ रोजी सुनावणी होवुन पत्र क्र.००७८ दि.०५.०१.२०१८ अन्वये पुढील प्रमाणे निर्णय देण्यात आला :-

*As per MERC SOP Regulation ९.२ of २००५, tariff change to be effected within second billing cycle from date of receipt of application. The tariff changed vide comm. Circular no. २७५ Dt.१८.११.२०१६. The tariff contains same rate for continuous and Non Continuous supply. Hence change of tariff shall not refund.*

-----प्र.क्र.०२/२०१८-२०१९ हितेश प्लास्टिक प्रा.लि.जळगाव.-----



### मंचाचे निष्कर्ष :-

दि.२९.०५.२०१८ रोजी घेण्यात आलेल्या सुनावणी मध्ये तक्रारदाराने/ ग्राहक प्रतिनिधी व महावितरणचे अधिकारी यांनी सविस्तर बाजू मांडून झाल्यानंतर ग्राहक प्रतिनिधी यांनी केलेल्या विनंती नुसार त्यांना अतिरिक्त लेखीनिवेदन देणेसाठी ८ दिवसांचा कालावधी देण्यात आला होता व त्याचवेळी याबाबत आणखी सुनावणीची आवश्यकता नसल्याचे सर्वानुमते मंचाला सांगण्यात आले होते. तथापि, तक्रारदार / ग्राहक प्रतिनिधी यांनी विहित वेळेत अतिरिक्त लेखीनिवेदन सादर न केल्यामुळे मंचाने पुनश्च: दि.०९.०७.२०१८ रोजी लेखी पत्र देवून अतिरिक्त लेखीनिवेदन सादर करण्यास आणखी एक संधी दिली. परंतु ग्राहक प्रतिनिधी यांनी सुमारे दोन महिन्यांनंतरही अतिरिक्त लेखीनिवेदन सादर न करता परत सुनावणी घेवून तोंडी बाजू मांडण्याविषयीचे निवेदन दिले. परंतु मंचाकडून MERC (CGRF and Ombudsman) Regulation 2006, Article -6.9 अन्वये फ्रेटाळून खालील प्रमाणे निष्कर्ष काढण्यात येत आहे.

तक्रारदाची तक्रार, दाखल कागदपत्रे विजवितरण कंपनीचे म्हणणे व कागदपत्रांचे अवलोकन केले असता असे दिसून येते की,

1. Period of billing dispute is older than २ yrs Hence as per MERC (CGRF and Ombudsman) Regulation २००६ , Article -६.६ may not be entertained.
२. As per consumer application Dt.२३.०३.२०१७ for change of tariff from continues to non continues it was unexpected to change the tariff from next billing cycle as per MERC SOP Regulation ९.२. but, from Nov -२०१६ no separate continues or non continues category exist. Hence Licency could not take any action on the application of M/s Hitesh Plastics Pvt.Ltd MIDC Area, Jalgaon. On Dt.२३.०७.२०१७.

ग्राहकाचे प्रतिनिवेदन, विद्युत वितरण कंपनीचा खुलासा व सादर करण्यात आलेली कागदपत्रे या सर्व बाबींचा विचार करून मंच या प्रकरणी खालील निर्णय देत आहे.

### निर्णय

१. वरील निष्कर्षावरून मंच सदर गान्हाणे फ्रेटाळत आहे.
२. महाराष्ट्र विद्युत नियामक आयोग (ग्राहक गान्हाणे निवारण मंच व विद्युत लोकपाल ), विनियम २००६ मधील विनियम क्र.६.१२ नुसार नोडल अधिकारी यांनी या आदेशाची पूर्ततेचा व आदेशातील दखल पात्र निष्कर्ष यावरील कार्यवाहीचा अहवाल मंचाकडे एक महिन्यात सादर करावा.
३. निर्देशित कालावधीत वितरण कंपनीने या आदेशाची अंमलबजावणी न केल्यास महाराष्ट्र विद्युत नियामक आयोग (ग्राहक गान्हाणे निवारण मंच व विद्युत लोकपाल ), विनियम २००६ मधील विनियम क्र.२२ अन्वये तक्रारदार महाराष्ट्र विद्युत नियामक आयोगाकडे दाद मागू शकतात.
४. या निर्णयाविरुद्ध तक्रारदार यांना अपील करावयाचे असल्यास, महाराष्ट्र विद्युत नियामक आयोग (ग्राहक गान्हाणे निवारण मंच व विद्युत लोकपाल), विनियम २००६ मधील नियम क्र.१७.२ नुसार मा. विद्युत लोकपाल यांचेकडे, (द्वारा-महाराष्ट्र वीज नियामक आयोग, ६०६ केशवा बंगला, बांद्रा कॉम्पलेक्स (पूर्व) मुंबई-४०००५१) येथे या आदेशाच्या दिनांकापासून ६० दिवसांच्या आत ते अपील करू शकतात.

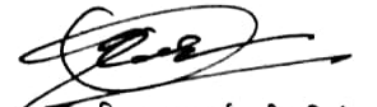
— सही —  
(चंद्रकांत मोहन येशीराव)  
सदस्य

— सही —  
(विजयानंद संपतराव काळे)  
सदस्य-सचिव तथा कार्यकारी अभियंता.

— सही —  
(भास्कर गोविंदा पालवे.)  
अध्यक्ष

प्रत माहितीसाठी व योग्य त्या कार्यवाहीसाठी अग्रेषित :-

१. मुख्य अभियंता, मरा.वि.वि.कं.(मर्या), विद्युत भवन, परिमंडळ कार्यालय, जळगाव.
२. अधिक्षक अभियंता, मरा.वि.वि.कं.(मर्या)मंडळ कार्यालय, जळगाव.

  
सदस्य-सचिव तथा कार्यकारी अभियंता  
म. रा. विद्युत वितरण कंपनी मर्यादित  
ग्राहक गान्हाणे निवारण मंच,  
जळगाव.परिमंडळ, जळगाव

-----प्र.क्र.०२/२०१८-२०१९ हितेश प्लास्टिक प्रा.लि.जळगाव.-----