

CONSUMER GRIEVANCES REDRESSAL FORUM
MSEDCL Chandrapur Zone Chandrapur
Complaint No. 3/2019

Date of Application : 05/04/2019

1. M/s Noori Rice Mill, Appellant
Prop. Shri. Altaf D. Thakwala,
Plot No. A/25, MIDC, At Akapur, Tah. Mul, Dist. Chandrapur
V/s

1. The Superintending Engineer ,
MSEDCL, Chandrapur Circle,
Dist. Chandrapur

Respondent

2. The Executive Engineer/Nodal Officer
I.G.R.C. Circle Office
MSEDCL Chandrapur.

Appellant Represented by 1. Shri Altaf D. Thakwala

Respondents represented by 1. Shri. V.M. Jijilwar, Exe. Engineer, Chandrapur Circle
2. Shri. A.V.Kurekar, Exe. Engineer, Chandrapur Division
3. Shri.K.K.Bagulkar, Dy.Exe.Engineer, Chandrapur Circle

CORAM

1. Shri. N.J. Bhoyar - Chairperson
2. Smt. V.P. Jiwtode – Member Secretary
3. Smt. Varsha S.Nerkar- Member ,C.P.O

JUDGEMENT

(Delivered on this 04th day of June 2019)

1. Being aggrieved by the order dated 20-02-2019 passed by I G R C Chandrapur the Appellant approached this forum on 05-04-2019.

2. The respondents were called upon to appear and file their submissions. The respondents filed their reply on 25-04-2019.
3. Heard both sides, perused the record.
4. It is the case of appellant that he is a consumer bearing consumer No. 450019006730 of the respondent. He had applied to change of tariff category from Continuous to Non-Continuous power supply. Though he had made a request on 19/11/2012 to change his tariff category, still the respondent did not pay any attention to his request till September 2015. It is also his case that due to inaction of the respondent he was required to pay the energy charges applicable to continuous supply i.e. at higher rate. He had continuously made application after application to the respondent to change the tariff category. Lastly he took his grievance before the IGRC, Chandrapur Circle. His complaint was registered as complaint No. 19/2019. The ICRC rejected his complaint and so he has filed this appeal.
5. The respondent appeared before the Forum and filed their say on 25/04/2019. It is their contention that on the application of the petitioner they have changed the tariff category from Continuous to Non-Continuous in the month of September 2015 with necessary affidavit as per Commercial Circular No. 246 dated 11/08/2015. It is also their contention that they have submitted the proposal to Head Office for crediting of amount due to tariff difference, vide letter No. SE/O&M/Cir/2016/HT/202 dated 15/01/2016. But their Head Office has not accorded approval to credit the amount till this date.
6. On last date i.e. 02/05/2019 the representative of the respondent Shri. V.M.Jijilwar, Executive Engineer has made request to grant time to submit documents. So matter was adjourned. Even today Shri. A.V. Kurekar, Executive Engineer and Shri K.K. Bagulkar, Deputy Executive Engineer requested to grant time to file the affidavit in detail and submit documents. However their request

cannot be considered as the period of two months is going to be over today. This Forum is required to decide this grievance within two months. Moreover the respondent cannot give go back to their reply dated 25/04/2019 as well as proposal sent to Head Office vide letter dated 15/01/2016 where in they have requested to accord necessary approval for crediting the tariff difference to the account of applicant.

7. After giving cautious thought to the letter dated 15/01/2016 sent to Head Office by the respondent, we are of the considered opinion that the order passed by IGRC Chandrapur in complaint No. 19/2019 on dated 20/02/2019 cannot sustain in law. The applicant is entitled to get credit of the excess amount paid by him.

8. Now the question arises from which date the applicant is entitled to get the difference of excess amount. In order dated 19/08/2016 passed in case No. 94 of 2015 by MERC it is observed as follows :-
“Any change of name or change of tariff category shall be effected by the Distribution Licensee before the expiry of the second billing cycle after the date of receipt of application.” The MERC has also given reference of regulation 9.2 of the SoP Regulation 2005. No other point or provision of law or authority is brought to our notice by the respondent to deny the claim of the appellant. Merely because Head Office of the respondent did not accord any sanction till this date, this forum cannot wait for indefinite period.

9. Having regard to above discussion we proceed to pass the following order :-

ORDER

- i) The appeal is allowed.
- ii) The order of IGRC dated 20/02/2019 is set aside.
- iii) The respondents are directed to make refund of difference amount arising due to change in tariff category (Continuous to Non-Continuous) from January 2013 to August 2015 to the applicant.

Sd/-
(Mrs. V.P.Jiwtode)
Member Secretary

Sd/-
(Mrs. V.S. Nerkar)
Member

Sd/-
(Mr.N.J. Bhoyar)
Chairperson

CONSUMER GRIVENCES REDRESSAL FORUM

CHANDRAPUR ZONE. CHANDRAPUR

04th day of May 2019