

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

(Appointed by the Maharashtra Electricity Regulatory Commission
under Section 42(6) of the Electricity Act, 2003)

REPRESENTATION NO. 4 OF 2022

(REVIEW OF THE ORDER IN
REPRESENTATION NO. 71 OF 2021)

In the matter of demand charges and excess billing

Rajrani Steel Casting Pvt. Ltd. Applicant

V/s

Maharashtra State Electricity Distribution Co. Ltd. Nashik Urban Circle Respondent
(MSEDCL)

Appearances: -

Review Applicant: 1. Satish S. Shah, Representative
2. T.N. Agrawal, Representative

Respondent : 1. Smt. P.V. Banker, Executive Engineer, Nashik Circle
2. Smt. Nital Varpe. Jr. Law Officer
3. S.R. Khairnar, Addl. Executive Engineer
4. N.R. Arote, Asst. Accountant


Coram: Deepak Lad

Date of hearing: 27th February 2022

Date of Order : 04th March 2022

ORDER

This Review Application is received on 24th January 2022 by email under Regulation No. 22.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2020 (CGRF & EO Regulations 2020) for review


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai




of the Order dated 22nd December 2021 in Representation 71 of 2021 passed by the Electricity Ombudsman (Mumbai).

2. The Electricity Ombudsman, Mumbai, by its order dated 22.12.2021 has rejected the Representation No.71 of 2021.

3. Aggrieved by this order dated 22.12.2021, the Applicant has filed this Review Application which is in brief as under: -

- (i) The Applicant is a HT Consumer on 33 KV level from 18.01.2005. The Government of India declared complete lockdown in the country with effect from 24.03.2020 due to Covid-19 Epidemic. During this lockdown period, the Applicant's factory was closed completely. The Applicant had applied for reduction / increase in Contract Demand (CD) on various occasions to avoid levy of fixed charges. As per the scheme declared in the tariff order, the Applicant also opted for single shift operation in the month of September-2020.
- (ii) The Hon`ble Elect. Ombudsman, Mumbai passed the order dt.22.12.2021 for Case No. 71 of 2021 rejecting its grievance for three billing months of March-20, May-20 and Sept-20. Not satisfied with the decision for billing month of Sept-20, the Applicant has filed this review application.
- (iii) The Applicant has discovered new and important matter or evidence to support this review application for billing month of Sept-20 which is highlighted in subsequent para.
- (iv) **Billing month Sept-2020:**

The Commission introduced discount in Demand Charges for Single Shift operation of HT-Industries from April-2020 onwards. In such case, Demand Charges at the rate of


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



60% of Applicable Demand Charges as per Tariff Schedule shall be levied subject to conditions that:


- Single shift operation means running at a stretch for maximum 10 Hrs.
- However, a maximum of three instances of running beyond 10 hrs. up to 12 hrs. is permitted in a billing cycle.
- The Consumer must declare in advance about one shift operation.
- Billing will be done based on MRI / AMR Data

While operating its plant in single shift scheme, the CD for the month of Sept-2020 was sanctioned as under.

- 01.09.2020 to 24.09.2020 : 6,000 KVA
- 25.09.2020 to 30.09.2020 : 300 KVA

The Applicant had violated Single shift operation condition during the period from 25.09.2020 to 30.09.2020 when CD was reduced to 300 KVA. The billing cycle starts from 01.09.2020 and ends on 30.09.2020, the violation happens after reduction of CD to 300 KVA, The Applicant appeal to consider pre-revised CD of 6,000 KVA for complete month to work out demand charges for Sept-20, details of which are as below.

Sr. No.	Description	Details
1	CD to consider for Sept-2020	6000 KVA.
2	Billing demand	5822 KVA
3	Demand charges	5822*411*60% = Rs. 1435507.20
4	Demand charges billed in Sept-20	Rs. 1927836.60
5= (4-3)	Demand charges due for refund:	Rs. 492131.40


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



The Applicant therefore appeal to apply Single shift conditions to complete month from 01.09.2020 to 30.09.2020 and rework out the billing for whole month considering CD as 6,000 KVA.


This point is very important, and it was missed from Applicant side; therefore, the review on this issue may be admitted only for billing month of Sept-2020.

In view of the above, the Applicant request to correct the bills for the months of Sept-2020 and pass necessary order for refundable amount Rs.4,92,131.40 in the ensuing energy bill.

- (v) The review application is being filed by e-mail on 21.01.2022 followed by hard copy through speed post. The Applicant request to condone delay, if any in filing of review application due to third wave of Covid-19 epidemic.
- (vi) The Applicant prays that the present Review Application be allowed as per Regulation 22 of CGRF & EO Regulations 2020 in the interest of justice, The impugned order be set aside, and prayers made in the Representation for billing month September 2020 which is under review be allowed/granted along with compensation of Rs. 25000/- towards mental agony, travelling, manpower lost for follow up.

4. The Respondent vide its letter dated 21.02.2022 has submitted its reply which is in brief as below: -

- (i) The Applicant is a HT Consumer (No. 075949018210) on 33 KV level, from 18.01.2005. The Applicant is billed correctly as per its application in Covid-19 Epidemic lockdown.
- (ii) The Applicant had applied for reduction / increase in CD on various occasions during the period of lockdown. The Applicant were billed as per practice direction dated 21.05.2020 issued by the Maharashtra Electricity Regulatory Commission


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai




(the Commission). The Applicant has filed grievance finally with Appellate authority the Hon`ble Electricity Ombudsman (Mumbai) for correct billing of demand charges of March 2020 & May 2020, and discount of demand charges for single shift operation in September 2020, which is registered as representation No 71 of 2021. The Electricity Ombudsman, (Mumbai), by its order dated 22.12.2021 has rightly rejected the same. The Applicant has approached for review of order dated 22.12.2021 for single shift operation in September 2020 and the billing thereof.

- (iii) The Commission by its Tariff Order in Case No. 322 of 2019 dated 30.03.2020 has approved the discount in Demand Charges for single shift operation of HT – Industry. The relevant portion of the Tariff order is reproduced as below: -

“Discount in Demand Charges for Single Shift operation of HT-Industry.

- i. *.In case of industrial consumer under HT-Industry with single shift operation, Demand Charges at the rate of 60% of Applicable Demand Charges as per Tariff. Schedule shall be levied, subject to following conditions;*
- a. *Single shift operation means running of operations at a stretch for maximum 10Hrs. For illustration, a consumer running 4hrs.in one stretch and 6hrs.in another stretch cannot be considered as running in a single shift. However, a **maximum of three instances of running beyond 10hrs up to 12hrs is permitted in a billing cycle.***
- b. *Consumer must declare in advance about one shift operation. In absence of such declaration, it shall be billed as per the applicable demand charges.*
- c. *Billing will be done based on MRI/AMR Data.” (Emphasis added)*

- (iv) The Methodology for determining eligibility for granting benefit in demand charges for single shift operation of HT Industries is prescribed as below:-


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai




“If the consumer has submitted his declaration through WSS at least five days before commencement of new billing cycle and, if not he will not get the benefit of Single Shift operation. (i.e. for the billing cycle in the month of Sept 2020 consumer has to submit his application on or before 27 Aug 2020.”

- (v) The Applicant applied online for single shift operation on 02.09.2020 for the billing month of Sept 2020 which is 1 day after billing cycle started. The Applicant failed to declare in advance about Single Shift Operation. Hence the Applicant is not eligible for Single Shift Operation.
- (vi) The Hon’ble Electricity Ombudsman, Mumbai, by its order dated 22.12.2021 has rightly rejected the Representation No.71 of 2021. There is no error in the order apparent to face of record.
- (vii) In view of above facts, the Respondent prays that the Review Application of the Applicant be rejected.

5. Hearing was held on 28.02.2022 on e-platform through video conferencing due to Covid-19 epidemic. The Applicant argued in line with its written submission. The Applicant argued that it has applied vide its email dated 31.08.2020 for single shift operation for the billing month of Sept 2020. This was declaration in advance before starting the month of September 2020. The Commission by its Tariff Order in Case No. 322 of 2019 dated 30.03.2020 has stated that

“Consumer must declare in advance about one shift operation.”

The CD for the month of Sept-2020 was sanctioned 6,000 KVA for the period from 01.09.2020 to 24.09.2020 and 300 KVA for the period from 25.09.2020 to 30.09.2020 respectively. The Applicant had violated Single shift operation condition for eligibility of discount in Demand Charges during the period from 25.09.2020 to 30.09.2020 when CD was reduced to 300 KVA. The billing cycle starts from 01.09.2020 and ends on 30.09.2020, the violation happens after


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



reduction of CD to 300 KVA. The Applicant prays to consider pre-revised CD of 6,000 KVA for complete month to work out demand charges for Sept-20.

6. The Respondent reiterated its written reply dated 27.05.2021. The points raised for review by the Applicant were already on record for perusal while deciding the original Representation. This is not the fit case for Review as the Applicant has not pointed out any new discovery in the matter. The Applicant has failed to show any error on the face of record. As such the present review is not maintainable considering the provision of Regulation 22 of the CGRF & EO Regulations 2020.

Analysis and Ruling

7. Heard both the parties and perused the documents on record. Provision with respect to review of order passed by the undersigned is given in Regulation 22 of the CGRF & EO Regulations 2020. The relevant provision is quoted below: -

“22 Review of Order of Electricity Ombudsman

22.1 Any person aggrieved by an order of the Electricity Ombudsman, including the Distribution Licensee, may apply for a review of such order within thirty (30) days of the date of the order to the Electricity Ombudsman, under the following circumstances:

(a) Where no appeal has been preferred;

(b) on account of some mistake or error apparent from the face of the record;

(c) upon the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the order was passed.

22.2 An application for such review shall clearly state the matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the order was passed or the mistake or error apparent from the face of the record.

22.3 The review application shall be accompanied by such documents, supporting data and statements as the Electricity Ombudsman may determine.



(Dilip Dumbre)
Secretary

Electricity Ombudsman Mumbai



- 22.4 *When it appears to the Electricity Ombudsman that there is no sufficient ground for review, the Electricity Ombudsman shall reject such review application: Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard.*
- 22.5 *When the Electricity Ombudsman is of the opinion that the review application should be granted, it shall grant the same provided that no such application will be granted without previous notice to the opposite side or party to enable him to appear and to be heard in support of the order, the review of which is applied for.”*


8. During the hearing the undersigned explained the Applicant the exact provision for grant of discount in Demand Charges in case of single shift operation as quoted in the order dated 30.03.2020 of the Commission in Case No. 322 of 2019. It was detailed out to the Applicant that the discount in Demand Charges can only be granted if there is no violation of single shift operation condition during the month. It is not meant to be applied partially in a month as the Commission has used the word “*Billing Cycle*”. The Applicant was satisfied with the explanation.

9. All these facts were on record when the order in Representation 71 of 2021 was passed. The Review Applicant has not brought out any new issue which has not been dealt in the impugned order which is the primary requirement for review of the order under Regulation 22 of the CGRF & EO Regulations 2020.

10. As the Review Applicant is satisfied with the explanation offered to it, about the exact interpretation of provisions contained in the Commission order in case No. 322 of 2019, with respect to discount for single shift operation. Therefore, there is nothing that needs to be addressed and resolved.

11. In view of the above, the Review Application of the Applicant is rejected.

Sd/-
(Deepak Lad)
Electricity Ombudsman (Mumbai)


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

