

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3623 OF 2012
WITH
WRIT PETITION NO. 3691 OF 2012

Maharashtra State Electricity
Distribution Co. Ltd.,
having its Registered Office at "Prakash Garh",
Plot No. G-9, Bandra (East), Mumbai-400 051
Through its Circle Office at Nanded
Executive Engineer(Adm.)

..PETITIONER

VERSUS

- 1) Maharashtra Industrial
Development Corporation,
Sub-Division No.2 at Nanded,
through its Deputy Engineer
- 2) Maharashtra Electricity
Regulatory Commission,
(Consumer Grievance Redressal
Forum & Ombudsman)
Office of the Chief Engineer,
Vidyut Bhavan, 1st floor,
old Power House, Latur
Through its Chairman

..RESPONDENTS

Mr U. S. Malte, Advocate for petitioner;
Mr S. S. Dande, Advocate for respondents

CORAM : N. W. SAMBRE, J.

**(Date of reserving
the order : 15th April, 2015
Date of pronouncing
the order : 6th May, 2015)**

ORDER :

Both these petitions, at the behest of Maharashtra State Electricity Distribution Co. Ltd. (for short 'Distribution Co.'), question the legality and validity of the common order dated 13th May, 2011, passed by the Consumer Grievances Redressal Forum of the Distribution Co. at Latur.

2. The respondent – Maharashtra Industrial Development Corporation are the high tension consumers of the petitioner distribution licensee, which was meant for public water works. A grievance is made in the application/grievance submitted to the authority that the bill raised by the petitioner Distribution Co. up to June, 2009 by tariff 57-HT-IV E was suddenly revised from June, 2008 by billing under tariff 55 HT-I C and a demand of arrears for a period from June, 2008 to May, 2009, to the tune of Rs.3,21,908/-, was made.

3. The Consumer Grievances Redressal Forum, Latur, formulated points for its determination, based on the grievance and recorded findings against them, as under :-

Sr. No.	POINTS	FINDINGS
1	Whether the tariff applied by MSEDCL as HT-I to MIDC Water Works, Nanded since June 2008 is proper and correct ?	No
2	Whether the present complaints filed by Dy. Engineer, MIDC, Sub Dn. No.II Nanded before Forum are maintainable ?	Yes, Maintainable

3	What Relief ?	As per final order
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4. The Grievances Redressal Forum issued directions to the petitioner – Distribution Co. to bill the respondent as per tariff in HT-IV category and not HT-I and set aside the order of demand with other ancillary reliefs, by an order dated 13th May, 2011. Thus, the present petitions.

5. Mr Malte, learned Counsel appearing on behalf of the petitioner – Distribution Co. has invited attention of this Court to the order passed by the learned Single Judge of this Court at principal seat at Bombay in Writ Petition Nos.9065 of 2011 and 10967 of 2011, so as to canvass that this Court should stay itself away from deciding the issue raised in these petitions, till the decision of the said matters at Bombay.

6. Mr Malte would further urge that the tariff as is applied in the facts of the present petitions by the Grievances Redressal Forum, i.e. tariff as per HT-IV category and not HT-I category, is contrary to the norms which are applied for billing the consumption to be assessed for water supply schemes of the M.I.D.C.

7. Mr Dande, learned Counsel appearing on behalf of respondents would invite attention of this Court to the observations made by the Grievances Redressal Forum. In addition to above, he has placed reliance upon the order passed by the Maharashtra Electricity Regulatory

Commission, in Case No.146 of 2014, so as to canvass that the application of tariff of HT-IV category is very much justified.

8. Upon considering rival contentions of the parties and upon going through the orders impugned in the present petitions, it is noticed that though the connection in question is used for water supply purpose, such water supply is with an intention to provide basic amenities, i.e. to provide potable water to the industries and residences as well as other institutions, such as various Grampanchayats. The respondent – M.I.D.C. has provided details of the public institutions to whom potable water is supplied through the connection in question. Apart from above, the Grievances Redressal Forum, while applying tariff under HT-IV category was alive to the fact that the tariff applicable for the public water supply consumer and sewerage treatment plant are very high voltage category. The Grievances Redressal Forum, after considering Commercial Circular No.81, noted that from 1st June, 2008, HT-I tariff is applied for continuous and non-continuous industries and HT-IV is applied for public water works. The respondent has taken both the connections for lifting and purification of the water, however, noted that the respondents are providing drinking water to the public at large and also to the institutions in the vicinity. The Grievances Redressal Forum, as such noted that the water is used not for industrial or commercial purpose, but for human consumption and as such gave decision that the tariff as per HT-IV

category be made applicable.

9. If reason cited by the Grievances Redressal Forum to that of the nature of use of water, which is established by the respondents before the said authority is considered, in my opinion, the said Forum still has rightly applied the tariff as per HT-IV and not HT-I category.

10. The fact remains that the application of tariff is also based on the Circular No.81. What is interpreted by the Grievances Redressal Forum is the purpose for which the water in question is used/consumed, in my opinion, the order of the Grievances Redressal Forum of applying tariff under HT-IV category, is just and proper.

11. In that view of the matter, no case for interference is made out. Writ Petitions lack merit and stand dismissed with no order as to costs.

(N.W. SAMBRE, J.)

amj