

MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION, BHOPAL

Sub: In the matter of application for determination of tariff for new HT connection for Logistic park

(Petition. No. 21/2019)

Order

Date of Motion hearing: 20.08.2019

Date of order: 30.9.2019

M/s J.R.G. Reality, Indore : Petitioners
M/s Express Enterprises, Indore
V/s
M.P. Paschim Kshetra Vidyut Vitaran Co. Ltd. Indore, : Respondent

Shri Umesh Gajankush, Advocate appeared on behalf of the petitioners. Shri Shailendra Jain, Dy. Director appeared on behalf of respondent.

The instant petition is filed for determination of tariff/load for getting new HT connection for logistic park. The petitioners had prayed the Commission that a Logistic Park has been developed by the petitioner No. 1 in Village Dakachchya Sanwer district Indore divided into 118 different plots. The petitioners informed the Commission as per following details-

“that, initially the applicant no. 1 has applied for H.T. Connection of 500 KVA on 33 KV, for which the supervision charges and service tax etc. have been deposited by the applicant no 1 on 28.03.12 to the tune on Rs. 23,50,799/- and consequently a work order has also been issued by the non-applicant, but the work has not been started or completed by the non-applicant and in these circumstances, the applicant no. 1, through applicant no. 2 has again applied by submitting fresh application on 19/23-2-18/19-03-18 along with the fresh application fee for Rs. 10,000/- which was rejected by the non-applicant on 21-05-2018 and the application fee to the tune of Rs. 10,000/- has been forfeited.

“that, the applicants have submitted a complaint to the Consumer Complaint Redressal Forum, which was rejected by the forum vide order dt. 18-10-18 and thereafter vide letter at 9-11-18, the applicant’s fresh application for grant of new H.T. connection of 500 KVA on 33 KV has been rejected and in these circumstances the applicants are submitting the present application before this Commission”

The petitioner requested the Commission to determine the load /tariff for their logistic park/ warehouse/ godown and should declare that tariff and load of residential colony/ plots/ flats/ commercial complex/ industrial activities are not applicable for the logistic park/ warehouse/ godown.

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2. The petition was listed for motion hearing on 28/05/2019. During the hearing, Counsel for petitioners sought adjournment for hearing, which was accepted by the Commission. The case was listed for hearing on 16.07.2019, as nobody appeared on behalf of petitioners & respondent, the hearing was adjourned and next date was fixed on 20/08/2019.

3. During the motion hearing held on 20/08/2019, the Counsel for petitioners reiterated the request made in the petition. The petitioners requested for determination of the load as well as tariff for their usage. Earlier the petitioners approached “Electricity Consumer Redressal Forum” Indore, against the applicability of tariff and load determination by West Discom. The order of the “Forum” was against the petitioners. As per section 42 (6) of the Electricity Act 2003, the consumer aggrieved by non-redressal of his grievances by the “Forum” may approach the Ombudsman. The Section 42 (6) of the Act is reproduced as below-

“Any consumer, who is aggrieved by non-redressal of his grievances under sub-section (5), may make a representation for the redressal of his grievance to an authority to be known as Ombudsman to be appointed or designated by the State Commission”

4. The petitioner has not made any representation to the Electricity Ombudsman under the Section 42 (6) of the Electricity Act 2003 and relevant provisions of Regulation namely MPERC (Establishment of Forum & Electricity Ombudsman for redressal of grievance of the consumers (Rev 1) Regulations, 2009 amended time to time. Instead of approaching the Ombudsman, the petitioners preferred this petition before the Commission. Therefore, during the hearing held on 20/08/2019, the Commission enquired petitioners about non-exhaustion of remedy provided by Statute in the matter as against the aforesaid ECGRF’s order.. The Commission, however, is not convinced by the explanation offered by the Counsel as to why the petitioner has preferred filing petition before the Commission when legal recourse was available to them. The Commission, thus deemed it appropriate to dispose of the petition.

Sd/-
(Shashi Bhushan Pathak)
Member

Sd/-
(Mukul Dhariwal)
Member

Sd/-
(Dr.Dev Raj Birdi)
Chairman