



Madhya Pradesh Electricity Regulatory Commission

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Petition no. 54/2004 and Petition no. 82/2004

IN THE MATTER OF WRONG APPLICATION OF TARIFF AS ALSO REDUCTION IN CONTRACT DEMAND BY 200 KVA TO 160 KVA

M/s Marvellous Marbles Pvt. Ltd., - Petitioner
36-B, Pithampur, Area no. III
District Dhar (M.P.)

V/s

M.P. State Electricity Board - Respondent

ORDER

(Passed on this day 11th August, 2004)

Shri P.L.Nene, Consultant appears for the petitioner.

Shri K.M.Vyas, Additional S.E., appears for the respondent Board.

2. The petition is in the matter of wrong application of tariff as also reduction in contract demand from 200 KVA to 160 KVA.

3. The petitioner is a HT consumer of MPSEB having contract demand of 200 KVA availing supply at 33 KV since 3.8.2000. The petitioner submits that the Board has changed the tariff of the petitioner from Slab Tariff to two part tariff in reference to the Commission's Tariff Order dated 30.11.2002. The petitioner further states that they have deposited the amount of the bills under protest because the Board has threatened the petitioner to disconnect the supply. As the Board was not considering the request of the petitioner for application of slab tariff, the petitioner has submitted an application for reduction of load by 40 KVA as per Clause 13(d) of the agreement. Petitioner also mentioned in the petition that request of contract demand reduction is in consequence of change in tariff. The petitioner submits to the Commission to direct the MPSEB to apply slab tariff instead of two part tariff and to adjust the amounts already deposited by the petitioner under protest.

4. The respondent submits that the tariff of the consumer has been changed from slab tariff to two part tariff as per the tariff order dated 30.11.2002 passed by the Commission keeping in view the product manufactured by the petitioner. The respondent also quoted that as per tariff schedule HV- 8.2 the applicability of slab tariff has been prescribed as

"This tariff will be available to such seasonal industries /consumers requiring energy for a minimum period of four months and a maximum period of nine months in a year. "

5. The respondent submits that the petitioner manufactures marble granite etc and runs through out the year and does not come under the category of seasonal consumer, therefore the slab tariff does not apply to the petitioner. The respondent also submits that the request of the petitioner regarding reduction of contract demand from 200 KVA to 160 KVA has been considered by the Board. The request of contract demand reduction was in alternative to the request of charging slab tariff and reduction of contract demand has been approved. Hence case may be dismissed.

6. The Commission heard both the petitioner and the respondent. Commission agrees with the respondent that as per tariff schedule HV-2 of Commission's tariff order dated 30.11.2002, the applicability of slab tariff has been prescribed as following:-

◆ This tariff will be available to such seasonal industries/consumers requiring energy for a minimum period of four months and a maximum period of nine months in a year. Rice mills, sugar mills, ice factories, cold storages, ginning and pressing factories will be normally entitled and the board can give this facility to any other industry in consultation with the Commission. The Contract demand shall be expressed in whole number only.◆

7. As the petitioner is manufacturing marble granite stone slab and tile chips and runs the factory throughout the year which is also evident from the annexure P-2 submitted by the petitioner, slab tariff does not apply in this case. The contention of the petitioner that applicability of two part tariff by the respondent, is not in accordance with the agreement dated 30.8.2000, can also not be accepted because the tariff of the petitioner has been changed from slab tariff to two part tariff as per the Commission's order dated 30.11.02. It is also mentioned in the tariff order that notwithstanding the provision if any contrary to the agreement entered into by the consumers, all conditions prescribed herein shall be applicable to the consumer. However the Commission directs to the petitioner to submit the additional facts to the Board along with the monthly consumption pattern of three years justifying as to why they should be considered for the slab tariff category. Commission also directs the respondent to examine the matter on merit alongwith all similar marble industries operating in MPSEB.

8. It is observed by the Commission that the request of reduction of contract demand has already been approved by the Board and petitioner's request of contract demand reduction was in consequence of change in tariff. Regarding the request of the petitioner to consider the reduction of contract demand from the back date, the Commission directs the petitioner to approach the Board for the same. With these directions, this case may be closed.

Ordered accordingly.

**Sd/-
(R. Natarajan)
Member (Econ.)**

**Sd/-
(D.Roybardhan)
Member (Engg.)**

**Sd/-
(P.K.Mehrotra)
Chairman**

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