



Chhattisgarh State Electricity Regulatory Commission
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Petition No. 10 of 2018(M)

In the Matter of

Applicability of terms and condition provided in tariff Order FY 2017-18 in respect to calculation of Load Factor and subsequent rebate in HV-4 Steel Industries Category.

Chhattisgarh Mini Steel Plant Association ... Petitioner

V/S

Chhattisgarh State Power Distribution Co. Ltd. (CSPDCL) Daganiya, Raipur ... Respondents

PRESENT : **Narayan Singh, Chairman**
: **Arun Kumar Sharma, Member**

APPEARANCE : 1. Shri Shyam Kabra for Petitioner
2. Shri Abhinav Kardekar, Advocate, for Respondent & Shri V.A. Deshmukh EE for Respondent

ORDER

(Passed on 28.02.2018)

The petitioner, M/s Chhattisgarh Mini Steel Plant Association (herein after Association or petitioner) is an association of Mini Steel Plants, which are continuous process power incentive industries. The members of the association get supply of electricity from the respondent Chhattisgarh State Power Distribution Company Limited (CSPDCL) under individual retail supply agreements.

2. On the tariff petition No. 64 of 2016(T) filed by the respondent, the Commission had announced the tariff schedule and operative order on the said petition on 31.03.2017 and it was made effective from 01.04.2017.

3. In the tariff order load factor rebate to steel industries under HV-4 category is provided subject to certain condition mentioned in the specific clause No. 11.2.4.

4. As per these conditions, the hours of load restriction enforced by the CSPDCL/CSPTCL shall be excluded for calculation of load factor.

5. The petitioner submits that the respondent is arbitrarily assessing load restriction hours without considering planned shutdown hours enforced by itself and CSPTCL for maintenance and/or other purposes which is resultant to lower value of load factor and consequently, rebate.

6. The respondent is responsible for implementation of tariff order in it's true words and correct spirit and intent.

7. The members of the association are aggrieved with failure of respondent in calculating in correct load factor strict as per the provisions of prevailing tariff order and retail supply. Hence, the petition is filed by the association.

8. The petitioner prays for the following relief:-

A. Be pleased to give proper and detailed interpretation of the term 'Hours of Load Factor Restriction' in true meaning and correct spirit and intent as provided in the Retail Tariff Schedule of HV-4 Steel Industries Category to ensure correct application of the prevailing tariff order effective from 01.04.2017 ;

B. Be pleased to quash the letter dated 07.07.2017 issued by the respondent being contradictory, arbitrary, vague and not in accordance with the provisions of the prevailing tariff order;

C. Be pleased to consider planned shut-down/interruption imposed by CSPDCL/CSPTCL(or CSLDC) on weekly maintenance day or any other day as 'Hours of Load Factor Restriction enforced by CSPDCL/CSPTCL';

D. Be pleased to order the re-calculation of load factor and subsequent rebate etc since enforcement of prevailing tariff order (i.e. since 01.04.2017) and to direct the respondent to provide relief to such consumers immediately, if any;

E. Be pleased to direct the respondent to provide complete details of the total duration of interruption and duration allowed/not allowed as power-off hours with reasoning and computation of load factor along with monthly energy bills issued to the consumers availing load factor rebate.

9. The respondent CSPDCL submitted that the dispute is essentially a billing issue related to the computation of bills issued by the respondent CSPDCL in relation to the consumption of electricity by the petitioner. The instant dispute is a billing dispute and arises from the pure consumer licensee agreement. Thus, the Hon'ble Commission does not have any jurisdiction to decide the present matter and/or this petition is not maintainable before the Hon'ble CSERC.

10. It is a settled law that the State Commission cannot usurp either the jurisdiction of the Grievances Redressal Forum or the Ombudsman. In respect of the grievance of the consumers, the power has been conferred on the Consumer Grievance Redressal Forum (CGRF). It is humbly submitted that machinery for resolution of dispute between consumer and licensee has been provided under section 42(5) & 42(6) of the Electricity Act, 2003. Hence, wherever a forum and Ombudsman have been created, the consumers can only resort to these bodies for redressal of their grievances.

11. That the present dispute between the parties is in relation to the computation of load restriction hours and not regarding any clarification under Tariff Order. It is amply clear from the facts, grounds and relief mentioned in the petition that the dispute between the parties is pure billing dispute.

12. Respondent further submitted that since machinery for resolution of the dispute between consumer and licensee has been provided under section 42(5) & 42(6) of the Electricity Act, 2003 hence, petitioner cannot approach Hon'ble Commission when there is specific remedy available for the consumer to approach the aforementioned concerned authorities whose award is final and against which no appeal also lies with the Hon'ble Commission.

13. We have examined all submission of parties. We are of the view that the tariff and basis of incentive has been designed taking into consideration all the relevant aspect. In this regard, the proviso to clause 11.2.4 with regard to load restriction hours provides as follows:-

"Provided that hours of load restriction enforced by CSPDCL/CSPTCL shall be excluded for calculation of load factor."

The aforesaid provision is very clear and does not required any further clarification.

Therefore, the petition is hereby dismissed.

**Sd/-
(ARUN KUMAR SHARMA)
MEMBER**

**Sd/-
(NARAYAN SINGH)
CHAIRMAN**