



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No. EE/CGRF/Kalyan/	Date of registration	: 26/07/2017
	Date of order	: 09/11/2017
	Total days	: 106

IN THE MATTER OF GRIEVANCE NO. K/E/1239/1463 OF 2017-2018 OF SHRI. SURESH GOVIND BHATLEKAR, SURVEY NO.59/1, P.O.NAVNATH, TAL.DAHANU, DIST. PALGHAR. PIN CODE - 401602 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT BILLING DISPUTE.

Shri. Suresh Govind Bhatlekar,
Survey no.59/1, P.O. Navnath,
Tal.Dahanu, Dist. Palghar.
Pin code - 401602

(Consumer No.000970000542) ... (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution
Company Limited

Through it's Nodal Officer/Addl.EE.

Palghar Circle, Palghar, ... (Hereinafter referred as Licensee)+

Appearance : For Licensee - Shri – B.S.Dhodi, Dy.Ex.Engr. Dahanu - S/dn.

For Consumer - Mr.Harshad Sheth- CR.

[Coram- Shri A.M.Garde-Chairperson, Shri A.P. Deshmukh-Member Secretary
and Mrs.S.A.Jamdar- Member (CPO)]

1) Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003 (36/2003). Hereinafter for the sake of brevity referred as 'MERC'. This Consumer Grievance Redressal Forum has been established as per the notification issued by MERC i.e. "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is referred as 'Regulation'. Further the regulation has been made by MERC i.e. Maharashtra Electricity Regulatory Commission. [Electricity Supply Code and other conditions of supply Regulations 2005] Hereinafter referred as 'Supply Code' for the sake of brevity. Even, regulation has been made by MERC i.e. 'Maharashtra Electricity

Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply & Determination of Compensation) Regulations, 2014.' Hereinafter referred 'SOP' for the sake of convenience.

2) The consumer has three electric supply connections viz.(1) 000970000542 (Agri) (2) 000970000381 (Agri) and 000971000392 (Poultry) The flying squad of the Licensee inspected the consumer no. 1) 000970000542 2) 000970000381 and found that there were three connections stated as above, two being agriculture & one for poultry present in one single room and that the said three Consumers were connected to three bore wells and all the three were filling only one overhead tank. The water from the tank was being used for poultry purpose

3) Flying squad, Thane and Dy.Executive Engineer, Dahanu on Inspection came to conclusion that consumer was using Agri. Connection also for filling the tank from where water was used for poultry purpose. Hence tariff difference bill from Agri to poultry was issued for the period from April-2015 to Mar-2017 for each of the Agri. consumer

4) This case pertains to consumer no. 000470000542. Consumer contends that wrong provisional bill of Rs.167070.43 was retrospectively drawn violating Electricity Act 2003, Sec.56 Further as per ATE order no.131, MERC, order in case no.24 of 2001 and case no. 42, ombudsman Rep.No.124,125 & 126 Of 2014 & Rep No.91 of 2015 retrospective recovery is barred.

5) Further the contention of consumer is that, they are using water supply for agriculture and they reject the report of the Flying Squad.

6) Licensee contends that there is violation of clause 2.2.5 of condition of supply which does not permit any applicant/consumer to have two or more independent power supply connections for identical purpose in one common premises. All such connections are liable for action under Section 126 of E. Act.2003. In spite of that only plane recovery of tariff difference bill issued in the sum of Rs.167070.43.

7) We have heard both sides Agriculture and poultry were initially categorized under one tariff of agriculture. Consumer was being accordingly charged for agriculture tariff. Thus though both Agriculture and poultry supply was commonly being used there was no difference or loss in tariff. For the first time in June 2015 poultry was categorized under separate poultry tariff and hence the question arose of difference in tariff from 2015. However detection was made on 30.03.2017 Thus at the outset in view of the APTEL order and MERC regulations no retrospective recovery can be made at all. There is violation of 2.2.5 of conditions of supply

shown, though it will have to be separately considered. So far as impugned addition in bill retrospectively in concerned, it can not stand. Consumer cannot be charged of any such changed tariff till 30.03.2017. The impugned bill addition of Rs.1,67070.43 is there fore bad in law.

The delay was due to some documents to be produced by both parties.

ORDER

- 1) Grievance application of consumer stands allowed.
- 2) Wrong provisional bill of . Rs.1,67070.43 being for the retrospective period in hereby set aside.
- 3) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date : 09/11/2017.

(Mrs.S.A.Jamdar)
Member
CGRF, Kalyan

(A.P.Deshmukh)
Member Secretary
CGRF, Kalyan.

(A.M.Garde)
Chairperson
CGRF, Kalyan.

NOTE

- a) *The consumer if not satisfied, may file representation against this order before the Hon. Ombudsman within 60 days from the date of this order at the following address.*
“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission,606/608, Keshav Bldg, Bandra Kurla Complex,Mumbai 51”.
- b) *Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or*
- c) *delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” at the following address:-*
“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”
- d) It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.