



Consumer Grievance Redressal Forum, Kalyan Zone  
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<b>No. K/E/1269/1496 of 2017-18</b>	Date of registration	: 27/11/2017
	Date of order	: 20/12/2017
	Total days	: 24

**IN THE MATTER OF GRIEVANCE NO. K/E/1269/1496 OF 2017-18 OF SMT.KAUSHI T.ROHRA, B.K.NO.631/3, KARA HALL, BEHIND LORD KRISHNA MANDIR, ULHASNAGAR REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT BILLING DISPUTE.**

Smt.Kaushi Tikamdas Rohra,  
B.K.No.631/3, Kara Hall,  
Behind Lord Krishna Mandir,  
Ulhasnagar,  
(Consumer No.021513208526) ... (Hereinafter referred as Consumer)  
V/s.

Maharashtra State Electricity Distribution  
Company Limited  
Through it's Nodal Officer/Addl.EE.  
Kalyan Circle -II, ... (Hereinafter referred as Licensee)

Appearance : For Licensee - 1) Shri. M.S. Gavali, AEE, Ulhasnagar S/dn-II  
2) Shri. L.G.Mahajan, AA, Ulhasnagar S/dn-II  
For Consumer - Shri. J.S.Rajput (C.R.)

[Coram- Shri A.M.Garde-Chairperson, Shri A.P. Deshmukh-Member Secretary  
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 Redressed Forum has been established as per the notification issued by MERC i.e. "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressed 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. 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 (Electricity Supply Code and other conditions of supply) Regulations 2014'.

2) Smt.Kaushi Tikamdas Rohra (Resi.Consumer no. 021513208526) alleges that the Licensee's officers Mr.Kapadnis and Mr.Chavan have invoked section 126 of the I.E. Act 2003 and have applied commercial tariff. It is contended that there was domestic sewing machine in the home but inspite of that 40 watt machine is shown. Further the consumption is less than 300 units per month, as such consumer is entitled to benefit under circular no.175.

It is further the contention that inspection was done on 20/09/2016 and signature of some other person was obtained and not of the consumer. Further, notice no.2689 dated 26/09/2016 was given to some other person, and not to Consumer. There after recovery was shown in the bill of May-2017 where upon the consumer filed application for filling appeal to which there was no response.

3) Licensee in reply dated 08/12/2017 contended that divisional squad inspected Consumer no. 021513208526/5 on 26/06/2016 and detected that though the supply was taken for residence it was being used for embroidery machine, 2 Tubes, 2 fans which amounted to commercial user. No signs of domestic user were seen. As such a bill for '1020' units in the sum of Rs.16420/- as per commercial tariff was tendered. As the bill was not paid, supply was disconnected. It was further contended that the matter being under 126 of I.E. Act 2003 this forum has no jurisdiction to entertain this Grievance.

We have heard both sides. Though contention was raised that signature of the consumer was not taken during inspection, it revealed during arguments that the premises was then in the occupation of a tenant, as such his signature was obtained being the occupant. It was not possible to obtain the signature of the Consumer. Mr.Rajput, CR shared some video clip of the interior of the premises which did not show any machine at all but some cooking gas cylinder etc. were seen. it is to be noted here that the video clip is not of the material time and as such the same is not relevant for this grievance. It is also revealed during arguments that occupants have changed in the meantime. This being so the video clip does not chinch the issue.

4) The second point raised was regarding applicability of circular number 175 dt.05/09/2012. We have gone through the circular. The relevant para of the circular may be reproduced herein below :-

***Tariff for Small Shops operated from Home:***

*For residential consumers who runs small businesses from their household but consume less than 300 units a month and 3600 units per year are in last financial year to be covered under LT-I (Domestic) tariff category. 2 This category is applicable for all household consumers who runs small shop, workshop, office, library etc. from their houses and which actually comes under LT-II (Nonresidential or Commercial), LT-V (LT*

*Industry) and LT-X (Public services) and who consume less than 300 units a month, and who have consumed less than 3600 units per annum in the previous financial year. The applicability of this Tariff will have to be assessed at the end of each financial year. In case any consumer has consumed more than 3600 units in the previous financial year, then the consumer will not be eligible for Tariff under this category and will be charged as per appropriate category of LT II / LT V / LT X as the case may be. Also in case he crosses 300 units per month, the consumer will be required to take separate connection under relevant tariff category. This concession in tariff will be applicable only to the specifically marked / flagged consumers. The field officers will be required to complete this exercise within one month.*

As we see this provision applied to consumer who are residing in their premises and are carrying on small business there from. Herein as we have observed it revealed during argument that there was some tenant who was occupying the premises at the relevant time. It is not that Consumer was staying in his premises doing his small business. It is doubtful whether such user is covered by the provision made in para2 of the circular stated above.

5) Licensee points out from 6.8 of MERC (CGRF & Ombudsman) Regulation 2006 that CGRF has no jurisdiction in case falling under section 126 of the IE Act. As against this CR Mr. Rajput contended that prima facie Section 126 does not apply & hence CGRF can entertain the Grievance. Now 6.8 of MERC (CGRF & Ombudsman) Regulating 2006 runs thus :

**Regulation 6.8**

*If the Forum is prima facie of the view that any Grievance referred to it falls within the purview of any of the following provisions of the Act the same shall be excluded from the jurisdiction of the Forum:*

- (a) unauthorized use of electricity as provided under section 126 of the Act; (2)*
- (b) offences and penalties as provided under sections 135 to 139 of the Act;*
- (c) accident in the distribution, supply or use of electricity as provided under section 161 of the Act; and*
- (d) recovery of arrears where the bill amount is not disputed.*

6) Now at the out set a barring provision leaves a very little scope for enquiry for this forum of very limited jurisdiction. This is not a Civil Court having vast and overall jurisdiction. Further the basic intention of the circular number 175 appears of be to give some benefit to Consumers residing in their premises and doing some small business there for their livelihood. Herein as we have observed, the premises was rented out and a tenant was carrying out his activities there. Here there is renting out of the premises by the Consumer which by itself a commercial activity, on the part of Consumer as such it is doubtful whether the circular applies. It is for this main reason

we do not wish to transgress in to the jurisdiction of the competent authority under section 127 of the IE Act, more so when as submitted by CR himself that Consumer had in fact made a application to move the competent authority. He has also expressed doubt whether the time for it is still available.

7) In the above view of the matter it is difficult to entertain the Grievance

Hence the order.

**ORDER**

**The Grievance is dismissed.**

Date: 20/12/2017

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

(A.P.Deshmukh)  
MemberSecretary  
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.*

