



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
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No. **K/E/1103/1324 of 2016-17**

Date of Grievance : 31/01/2017

Date of order : 01/03/2017

Total days : 30

**IN THE MATTER CASE OF GRIEVANCE NO. K/E/1103/1324/2016-17 IN RESPECT OF M/S. VIPRAS CASTING LTD. VILLAGE, NIPHAN, SAVROLI, KHARPADA ROAD, KHOPOLI-410203, REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING RECOVERY OF FAC.**

M/s. Vipras Casting Ltd.,  
Village-Niphan,  
Savroli, Kharpada Road,  
Khopoli-410 203,  
(Consumer No.031069019300)

.... (Hereafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution  
Company Limited through its  
Nodal Officer,  
MSEDCL, Pen Circle,

.... (Hereinafter referred as Licensee)

Appearance : For Consumer-Shri B.R. Mantri - CR.

For Licensee- Shri R.B.Mane- Nodal Officer.

[Quorum- Shri A.M.Garde-Chirperson, Shri L.N.Bade-Member Secretary and Mrs.S.A.Jamdar- Member (CPO)].

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. 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] This is short case wherein the grievance application filed by consumer for change of tariff category from continuous to non-continuous was not allowed by the MSEDCL for the only reason that the application was not filed within one month from the date of tariff order. The said condition earlier put in the tariff order is no more good condition and it has been stuck off by the Hon’ble MERC itself by order passed in Case No.94/2015.

3] On behalf of the Licensee, it was contended that the effect cannot be given from the 1<sup>st</sup> application filed in October 2010 because at that time there was a condition to file application within one month. The condition is no more valid now, in view of the order in Case No. 94/2015. It is also submitted that matter is being considered at the Head Office and no order be passed till then. There is no bar for passing the order. It is only internal matter of MSEDCL and as such order cannot be deferred.

4] Licensee also submitted that there are arrears of the present consumer and the said matter was taken up with the Head Office. Head Office had opined that if there are arrears then benefit cannot be given regarding change of tariff category. It is to be noted that both issues are different and cannot be mixed up. The prayer for change of category has to be granted as per SOP 9.2, so-far-as arrears are concerned, there are different provision and the process to be followed about which Licensee has at liberty to do.

Hence the order.

**ORDER**

- 1] The grievance application of the consumer stands allowed.
- 2] MSEDCL is directed to refund the differential amount recovered from the consumer due to the wrong application of continuous tariff from the second cycle after the application till rectification. The same may be done by adjusting it in the ensuing bills.
- 3] The amount be refunded with interest to the consumer U/s. 62(6) of the Indian Electricity Act, 2003, i.e. from the date of excess recovered till the date of refund, as per Section 62(6) of Electricity Act, 2003.
- 4] Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 01/03/2017.

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

(L.N.Bade)  
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.

**The amount be refunded with interest to the consumer U/s.**

**62(6) of the Indian Electricity Act, 2003, i.e. from the date of excess recovered till the date of refund, as per Section 62(6) of Electricity Act, 2003.**

