



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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EE/CGRF/Kalyan/

Date of registration: 27/03/2017

Date of order : 12/04/2017

Total days : 16

IN THE MATTER OF GRIEVANCE NO. K/E/1174/1396 OF 2016-2017 OF ANIL R. WADHWA, PLOT NO.46, O.T. SECTION ULHASNAGAR, DIST. THANE, PINE CODE 421 002, CONSUMER NO. RLT 021510845657 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT BILLING DISPUTE.

Anil R. Wadhwa,
Plot No. 46, O. T. Section,
Ulhasnagar,
Dist. Thane,
Pin Code 421 002
(Consumer No. 021510845657)

... (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution
Company Limited
Through it's Nodal Officer.
Kalyan Circle-II,

... (Hereinafter referred as Licensee)

Appearance : For Consumer - Shri Rajput - CR.

Anil Wadhwa - In person.

For Licensee - Shri Gawali-Addl.EE and

Shri Mahajan - A.A.

[Coram- Shri A.M.Garde-Chairperson, 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] The case in brief is that, the consumer had power loom business for which he had taken supply connection bearing consumer No. 021510845657. Then on 7/10/14 he intimated to the Licensee that he has changed the activity in the said premises from power loom to plastic manufacturing and for applying tariff accordingly.

3] On 8/4/15, there was inspection of the premises by flying squad and it was detected that plastic manufacturing activity was going on in the premises. Accordingly inspection report was made and letter dated 3/6/2016 was issued for applying commercial tariff from 21/4/15 because of the said change of activity., Lateron as per the internal Official’s directions the commercial tariff was applied from 7/10/14 on the basis of the application given by the consumer himself.

4] Consumer contends that the plastic manufacturing activity was started on 8/4/15. He also produced Adhaar information.

5] At the outset, there is no dispute that consumer himself gave an application on 7/10/14 in which he clearly intimated to the Licensee that he has stopped his earlier power loom business and has started plastic manufacturing activity in the said premises. Intimation is given for the change of tariff.

6] It appears that inspite of this, consumer was not charged with commercial tariff from 7/10/14 for whatever reason, It was on 8/4/15 that there was inspection by squad in which it was found that plastic manufacturing activity was going on in the said premises of the consumer. Inspection report thereupon was made and thereafter letter was issued by Licensee to charge commercial tariff from 21/4/15. Now here again it is not known why the tariff was not applied from 7/10/14. Further it is not understood as to why the commercial tariff was not applied from 8/4/15 but from 21/4/15. There is no explanation whatsoever coming forth for all these lapses. Thereafter as can be seen some instructions were issued from the Higher Officer and thereupon concerned Licensee's Officials charged commercial tariff right from the date of application / intimation of the consumer dated 7/10/14. The said action of the Officer has been approved by the Licensee. It is thus, clear that consumer intimated to the Licensee on 7/10/14 that he has stopped his power loom business and started plastic manufacturing unit and accordingly, tariff has been charged as commercial from 7/10/14. This being so, it is very difficult to say that there was any fault imperfection or shortcoming or inadequacy in the quality nature and matter of performance undertaken by Licensee or it's officials, so as to give rise to a grievance in favour of consumer under Regulation No. 2 (c) of the MERC (CGRF & Ombudsman) Regulations 2006.

7] Consumer wants to say that although he gave an application or gave an intimation on 7/10/14 he had not in fact started the manufacture of plastics. This statement is totally against his own admission in the application / intimation dated 7/10/14. In support of this, he produces a Licensee's agreement purporting to show that the said premises was given by him for power loom to one Mr. Shamkumar Daware from 15/3/14 to 14/3/15. Existence of such an agreement by itself does not demolish fact stated by consumer in his application dated 7/10/14. Merely because there was an agreement it cannot be straightway

said that the plastic manufacturing activity could not go on in the premises. There is a copy of bill of purchase of machinery of plastic manufacturing produced which is dated 6/4/15. Again this by itself does not conclusively established that no plastic manufacture unit was functioning there. Then there is one document i.e. Udyog Adhaar Products in which date of commencement is shown 19/11/15. The document itself is clear that the date of commencement of the plastic manufacturing business given there is totally different. It appears that consumer himself gives information with regard to commencement of business to the Udyog Addhaar acknowledgment which they simply received and record. It is not contention of the consumer that he started plastic manufacturing activity on 19/11/15. This document also could not demolish the fact stated by consumer in his intimation dated 7/10/14.

8] However, queries were made as to why the tariff was not charged from 7/10/14 initially, why even after the inspection, the tariff was charged from 21/4/15, why action was not taken u/s. 126 of Indian Electricity Act as to why action was not started u/s. 135 of the IE Act. These are the actions to be taken by contemporary concerned Officers. They can be termed as lapses amounting to irregularities or illegalities reasons for which may be galore. Accepting said arguments and allowing the grievance would amount to perpetuating illegality committed by the Officers of the Licensee which the Forum cannot do. There was another question raised as to how could the consumer start the plastic manufacturing without sanction as per the letter dated 17/10/14. It is to be noted that even on 8/4/14, there was no so-called sanction on the application dated 07/10/14 so how the consumer could start the business on 7/10/14 . The said contention, therefore, is not available to the consumer. The sanction appears to be mere formality. The consumer had already started the plastic manufacturing unit on 7/10/14 as per his own application. There was nothing to be done on the part of the Licensee like giving an additional load or anything of that sort. What

was to be done was to charge as per the change of user by consumer which according to him he has done on 7/10/14. There may be an illegality on the part of the some Officer, but then on revisiting the issue by the appropriate authority and on detection of lapses on the part of same Officer, the concerned authority can set it right. How can this Forum support the initial inaction on the part of the contemporary Officers thereby causing revenue loss to Licensee.

Hence the order.

ORDER

Grievance application of the consumer stands dismissed.

Date: 12/04/2017.

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

(L.N.Bade)
Member Secretary
CGRF, Kalyan.

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

- 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.