



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
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No. K/E/895/1094 of 2015-16.

Date of Grievance : 09/06/2015

Date of Order : 14/07/2017

Total Days : 766

**IN THE MATTER OF GRIEVANCE NO. K/E/895/1094 of 2015-16, MR. JOHN MARSHALL ALPHANSO, SY NO. 60/5, P.O., DEPAWALI TAL. VASAI, DIST. PALGHAR-401 203 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING CHANGE OF CATEGORY FROM LT IV AGRI. TO LTII COMMERCIAL INSTEAD OF LT-V INDUSTRIAL.**

Mr. John Marshall Alphanso,  
Sy. No.60/5, P.O. Deepawali,  
Tal. Vasai,  
Dist. Palghar-401 203.  
(Con.No.004971349501)

.... (Hereinafter referred as consumer)

V/s

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

.... (Hereinafter referred as Licensee)

Appearance : - For Consumer- : Shri Harshad Sheth- CR  
For Licensee : Shri K.S.Giri- AEE

[Coram- Shri A.M.Garde-Chirperson, Shri A.P.Deshmukh-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] Both the parties present. Today the CR has filed withdrawal application, contending that the consumer has paid the amount and there are no dues left.

3] Read the application. CR has submitted that “ since changeover of category from commercial to industrial was accepted by consumer”. Now consumer has no grievance and he withdraws the grievance. Matter disposed off as withdrawn.

This matter could not decide in time as parties have to settle the matter.

Hence the order.

### **ORDER**

The grievance stands disposed off as withdrawn.

Date: 14/7/2017.

(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.*

**Reply pertaining to above queries****Query No.1:-**

Both sides were made aware of the first query and they clarified that towards 10.5 Regulation. Previously liability for six months worked out to Rs.70570/- and after the order of IGRC in ----2014. Refund of liability is worked out which is to the tune of Rs.38,700/-. Accordingly, consumers had paid Rs.70570/- and by deducting revised liability of Rs.38700/- balance amount to be refunded is of Rs.31870/-. This figure is confirmed by CR.

**Second query** was pertaining to how many persons paid this amount. CR has represented before Licencee his letter, there is reference of refunding the said amount to the applicants. In other words there is 15 are the applicants, seeking supply, hence refund of Rs.31870/- is to be allowed for those persons who paid it. However, CR submitted that only these applicants borne expense. Liberty is given to the CR to place on record the

no objection of remaining persons so that it can be equally distributed to the present applicants otherwise refund will be equally to the 15 persons. In spite of mode of refund, it is clear that whenever amount is deposited it is under protest in seeking its refund by issuing cheque and DD. Hence though Officers of Licencee contended that refund is adjusted in the bills to claim of these applicants is to be considered.

**Query No.III**, when we heard to both sides and CR heard on it, he submitted that as there is provision of MERC he demanded it and he claimed it. However, he is made aware of Sections 142 to 145. All these sections are clearly speaking about the jurisdiction of MERC to take up the matter allotted to one of its member who is **itself** as to whether the directions laid down by Government. Further jurisdiction of this Forum even of Civil Court is barred. Hence, this Forum cannot entertain and decide the claim of penalty u/s. 43(3) of Electricity Act.

Note:

- e) 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”.*
- f) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or delay in compliance of this decision issued under “Maharashtra Electricity
- g) 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”*
- h) 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.

*Clarification in Para No.8\**