

xkgd xklgk.ks fuokj.k ep

fo| r dk; nk] 2003 vrxr dye 42 1/5 vlo; s LFKfi r 1/2
egkjka jkT; fo| r forj.k da uh 1/e; khr 1/2
ukf'kd i jemy

nj/ouh 0-% 0253&6526484
QDI 0253&2591031
E.Mail : cgrfnsk@rediffmail.com

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; kps dk; ky;] [kjcnk i kdZ
ifgyk etyk] 115 rs 117]
} kjdk] ukf'kd 422011-

t k-0% | -l -@xtxfue@uki @uk-xk-ea@ekysk fo-@530@06@2016&17@ fnukd &24@06@2016

pphp; k njl drkefs ekxrysh ekxy ol yh

1/4 jft Vj ikp Onkjs 1/2
Xklgk.ks nk[ky fnukd % 03@05@2016
fudky fnukd % 24@06@2016

i fr]

1 1/2 est keh; k eks, st; pds ku l kd k; Vh]
Ptnui gh] euekM pkQy h]
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1/xk-da065740001463 1/2

} r0k jnkj

2 1/2 ukMy vf/kdkjh
e-jk-fot forj.k da uh 1/e; kZ 1/2
xkeh.k eMy dk; ky;] fo| r
Hkou] ukf'kd jkM 422101

} oht forj.k da uh

3 1/2 dk; Bdkjh vfHk; rk 1/4 kr xk-1/2
e-jk-fot forj.k da uh 1/e; kZ 1/2
ekrhHkou foHkfx; dk; ky;]
ekysk ft- ukf'kd

} oht forj.k da uh

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es t keh; k ekEen , st; pds ku l kd k; Vh] ekysk ft Ygk ukf'kd gs forj.k
da uhps xkgd vkgr- R; kuh oht forj.k da uhdMs njl dr cnykefs dk<ysh
ekxy ol yh jI djkoh o ; kX; njl dr yko.; kr ; kok ; kl kBh r0kj vtZ
l knj dsk- ek= forj.k da uhdM u l nj ckrhr dkghgh dkjokbz >kysy ukgh-
rl p ; k fo'k; h egkjka jkT; fo| r forj.k da uhP; k vrxr xkgd r0kj

i z0- 06@2016&17 es t keh; k ekEen , st; pds ku l kd k; Vh

fuokj.k I ferhdMs rØkj nk[ky dsyh- i.k vrxr xkgd rØkj fuokj.k I ferhP; k fu.kz kus I ek/kku u >kY; kus vki ys xklgk.ks R; kauh vuq ph ^v* e/; s epkdMs I knj dsys rs epkdMs Øekd 89 vUo; s fn- 03@05@2016 jkst h ukno.; kr vkys

epkP; k fn- 07@05@2016 P; k cBdhr gs i dj.k I uko.khl ?ks; kpk fu.kz ?ks; kr vkyk- xklgk.ks vt kph I uko.kh epkP; k dk; kz; kr fn- 07@06@2016 jkst h I dkGh 11-45 oktrk fuf'pr dj.; kr vkyh- ; k I ca/khph I puk rØkjknj xkgd o forj.k diauhrP; k I af/kr vf/kdkU; kauk fn- 10@05@2015 jkst hP; k i=kUo; s ns; kr vkyh- ; kp i=kl ker rØkj vt kph ir ukMy vf/kdkjh] xkeh.k eMG dk; kz;] ukf'kd jkM ; kauk nou rØkj vt kUd kj eifugk; vfHki k; 15 fnol kr epkdMs I knj dj.; kker o R; kph ir xkgdkyk i kgkpfO.; kker I fpr dj.; kr vkys

I uko.khl fo|r forj.k diauhrQf vfr- dk; Zdkjh vfHk; ark Jh- , I - ds jkBkM] mi dk; Zdkjh vfHk; ark Jh- , p- vkj- [kj ukj gs rj xkgdkps orhus R; kps ifrfu/kh Jh- egen gl u 'kCchj vgen gs mi fLFkr gkr s

xkgdkph ckt %

- 1- tkeh; k ekgeen , st; pds ku I kd k; Vhps pnuijh rk- ekysko ; Fks xk- da 065740001463 ps fo|r duD'ku vks Hkjkh i Fkd /kGs ; kauh 27@08@2015 jkst h ojhy tkxd HkV fnyh vl rk #- 1]27]100@& ph fjdOgjh dk<yh vks
- 2- i phz njl dr gk Residential Tariff ykxr gkrk i.k Hkjkh i Fdkus Public Service pk njl dr yko.; kl I kixrys
- 3- ifji=d da 204 vkf.k 241 i ek.ks Electric Duty ekQ Ogk; yk i kfgt s jarq rl s u gkrk ekgs tkuokjh 2016 ps fcy 1]27]100@& #i; s vkys rs ekU; ukgh- rjh njl dr oLr fLFkrh i ek.ks cnykok o v; kX; ykxysh fjdOgjh dk<u Vkd.; kr ; koh-

xkgdkP; k ekx.; k %

VijQ fjdOgjh dk<u Vkd.; kr ; koh- -

forj.k diauhr ckt %

forj.k diauhrP; k orhus dk; Zdkjh vfHk; ark 'krxk ekysko ; kauh 04@06@2016 Onkjs fnysyk vgoky] o brj i=0; ogkj epki ks I knj dsyk- vki yh ckt w ekMrkauk forj.k diauhrP; k ifrfu/kauh ifriknu dsys dh%

- 1- es tkeh; k ekg- , sT; pds ku l kd k; Vh pnuijrh rk- ekysxko xk- da 065740001463 ; kauk ?kjxqrh njl arkuq kj fotns dkph vkdkj.kh gkr gkrh- fn- 27@08@2015 jksth vfr- dk; bkjh vfHk; rk Hkjkh iFkd] /kGs ; kauh l nj xkgdkph oht feVj o tkMHkkjkph rikl .kh d#u i= da vfr-mi dk; bkjh vfHk; rk @ Hkjkh iFkd @ /kG@ dli ekysxko@04 fn- 27@08@2015 jksth l knj dsys R; kP; k vgokykP; k vutakus l nj xkgdkps fotns d gs ?kjxqrh iek.ks gkr vl u rs okf.kT; ifji=d da 243 PR 3/Tariff/270641 fn- 03@07@2015 uq kj Public Services LT-XA ; k njl arkuq kj gks ks vko' ; d vl u ekgs vkkLV 2012 rs tys 2015 ; k dkyko/khpk njl arkrhy Qjd oht ns dke/; s l ekfoV dj. ; kr vkyk- l nj njl arkrhy Qjd #- 1]27]100& xkgdkl ekgs fMI dj 2015 P; k oht ns dkr l ekfoV dj. ; kr vkyk vl u rks ; kX; vkg
- 2- okf.kT; ifji=d da 241 fi-dlefo|q 'kyd@22413 fn- 18@05@2015 o okf.kT; ifji=d da204 P.Comm./Acct./ED/Exep/22550 fn- 08@08@2013 uq kj fo|q 'kyd ekQhl kBhp vtZ o rks l knj dY; kpk rif'ky vkti; r ikr ukgh Eg.ku vkti; r xkgd es tkeh; k ekg- , sT; pds ku l kd k; Vh xk-da 065740001463 yk dia uh fu; eki ek.ks o xkgdkP; k njl arkuq kj fo|q 'kyd vkdkj.kh >kysyh vkg

vrxr r0kj fuokj.k d{k kph dk; bkgh

vrxr r0kj fuokj.k d{k k ufk'kd xkeh.k eMy dk; ky; ; Fks fn- 29-02-2016 jksth ikr >kyY; k r0kjph l uko.kh fn- 29-03-2016 jksth l uko.kh gkoq fn- 29@03@2016 jksth iqhyiek.ks fu.kz ns; kr vkyk-

v- es tkeh; k ekg- , sT; pds ku l kd k; Vh] pnuijrh rk- ekysxko ; kauh

1- Xkgd da 065748001455

2- xkgd da 065748002171 o

3- xkgd da 065748001463

; kps fotns d l nHkkrhhy r0kjh uq kj dk; bkjh vfHk; rk 'krxk ekysxko foHkx ; kauk vl s l qpr dj. ; kr ; r dh] ojhy frlgh xkgd da ; kps r0kjnkj xkgdkps l eor LFkG rikl .kh dj. ; kr ; koh o okf.kT; ifji=d 243 PR 3/Tariff/27641 fn- 03@07@2015 P; k egjk'V fot fu; ked vk; kxkP; k y?kpkc xkgdkl kBh Public Services ; k iku ua 12 o 13 uq kj T; k rjrnph Lo; Li'V dsyY; k vkgr R; kuq kj njl ar yko. ; kr ; kos

c-ojhy frlgh xkgdkl yko. ; kr vkysys fot 'kyd 1/2ED okf.kT; ifji=d da 241 fi-dlefo|q 'kyd@22413 fn- 18@05@2013 rlp okf.kT; ifji=d

da P.Comm./Acct./ED/Exep/22550 fn- 08@08@2013 pk ifjiqkz vH; kl d#u yko.; kr ; kor-

d-ojhy frugh xkgdkp fotns dkr l ek; ksthr jDde d'kh vkf.k d'kk vk/kkjs ykoyh xsyh ; kpk vH; kl d#u vppd fotns ds ns ; kr ; koh-

epkps fu'd'kz %

- 1- l nj tkM.khdfjrk forj.k dā uhrQž , yVh&1 ½kjxqrh½ nj l dñr ykou tñs 2015 i ; ãr ns ds ns ; kr ; r gkrh- gh ns ds xkgd fu; feri.ks Hkjr gkrs ek= Hkjkjh iFkdus fn- 26@08@2015 jksth dsyŸ; k rikl.khurj , yVh&1 ½kjxqrh½ , oth , yVh&10 , ¼ fcyd l fol d ½ gk nj l dñr ykou forj.k dā uhus ekxhy vkkkLV 2012 rs tñs 2015 i ; ãrP; k #- 1]27]100@ Qjdkph jDde xkgdki fMI ãj 2015 P; k ns dkr l ekfo'V dsyh-
- 2- rØkjkj xkgd gh , d 'kŸkf.kd l ÌFkk vkgs l nj xkgdkpk iR; {kkryh tkMysyk ohtHkkj 2-53 dMCY; q vk<Gyk vkgs egkjk'Vª folr fu; ked vk; kxkP; k vkns k fn- 16-08-2012 ¼cdj.k Ø- 19@2012-½ e/khy ifj' k'V&2 çek.ks eatj dsyŸ; k nji=dkuq kj 'kŸkf.kd l ÌFkk kBh , yVh&10 ¼ yVh&i fcyd l fol d ½ gk nj l dñr fn- 01-08-2012 ikl u ykxq vkgs ; kr 0 rs 20 ds MCY; q etj ohtHkkjkl kBh , yVh&10 vs] 20 rs 50 dsMCY; q l kBh , yVh&10 ch o 50 dsMCY; qP; koj , yVh&10 l h v'kh oxGh oxbkjh vkgs 01-08-2012 ikl u iqs l nj l ÌFkd ykoysyk , yVh&10 , ¼ fcyd l fol d ½ nj l dñr ; kŸ; vkgs
- 3- tñs 2015 lk; ãr xkgdki forj.k dā uhup ?kjxqrh nj l dñr ykoyk gkrk-R; keŸs vk/kh fnyŸ; k pðhph ns dkæcr xkgdkpk dkghp nkk ukgh- R; kuarj vpkudi.ks forj.k dā uhus rks cnyyk- cnyyŸ; k nj l dñrki æk.ks i qhy ns ds ekx.; kckcr dkghp okn ukgh- ek= ekxhy Qjdkph jDde ekx.ks mfpr vkgs dk; \ gk izu ; Fks mi fLFkr >kyk vkgs nj l dñr i qoxhðj.kkps vk/kkjkoy forj.k dā uhus dk<yŸ; k ekxhy (Retrospective) ol qyhP; k ekx.khl ãrkh fopkj dsyk vl rk ; kckcr e-jk-folr fu; ked vk; kxkP; k iz Ø- 24@2001 ojhy vkns k fn- 11@02@2003 pk l nHkz mi yC/k vkgs ; k vkns kkr ifjPNn 23 e/; s vk; kxkus vki yh Hkqjedk [kkyhyi æk.ks Li'V dsyh vkgs

“.....no retrospective recovery of arrears can be allowed on the basis of any abrupt reclassification of a consumer.....Any reclassification must follow a definite process of natural justice and the recovery, if any, would be prospective only as the earlier classification was done with a distinct application of mind by the competent people. The same cannot be categorized as an escaped billing in the strict sense of the term to be recovered retrospectively..... In all those cases, recovery, if any, would be prospective from the date of order or when the matter was raised either by the utility or consumer and not retrospective. ...”

Okj l nfhkz vkn'sk tjh fo|r dk; nk]2003 vflrRokr ; s ; ki phps vl ys rjh gp rRo vktgh ykxw vkg; kckcr ek- vk; kskus The Seafood Exporters Association of India Petitioner and Maharashtra Veej Grahak Sanghatana Intervenor V/s Maharashtra Electricity Distribution Co. Ltd. (CASE No. 42 of 2015) ; k çdj.kkrhy fn- 13 es 2016 P; k vkn'sk kkrhy i fjPNn Ø- 16 e/; s i fhyiæk.ks Li 'V dsys vkg%

“16.While that Order was passed prior to the coming into force of the EA, 2003, the same principle continues to apply: the ATE’s more recent Judgment dated 7 August, 2014 in Appeal No. 131 of 2013, for instance, has also been cited in these proceedings.”

4- ek- fo|r ykdiky] e pbl ; kuh ns[khy R; k p dMhy >kdhj gd u fo- egkj k'V^a jkT; fo|r forj.k da e ¼ çdj.k Ø- 125@14 ½ ; ke/; s fn- 23-12-2014 P; k fudkyi =kr ns[khy nj l ðrkrhy p d fun'kLkl vkyh R; k fnuk dki kl u ol yh djkoh vl s fun'k fnys vgr-; k vkn'sk kkrhy egRokkpk Hkkx [kkyhyiæk.k%

“.....After the tariff order dated 16th August, 2012 in Case No. 19 of 2012 of the Commission, the Respondent was required to change the tariff category of the Appellant from LT-VA Industrial to LT-II Commercial and charge the Appellant accordingly. It is the responsibility of the Respondent to apply proper category as per the tariff order of the Commission as per the above Regulation 13 of the Supply Code Regulations.

The Respondent stated that order dated 11th February, 2003 in Case No 24 of 2001 is not applicable to the Appellant as the said order is prior to the commencement of the Electricity Act, 2003. According to the Respondent, that case was related to infrastructure facilities being provided by MIDC. Even it is assumed that facts of the said Case No. 24 of 2001 are not different, yet, the principle laid down by the Commission that recovery should be prospective applies to this case of the Appellant. Moreover, the judgement dated 7th August, 2014 of the APTEL in Appeal No. 131 of 2013 is squarely applicable in the present case. APTEL has held that arrears of difference in tariff category would be recovered only from the date of detection of the error. In this case, the error was detected on 20th March, 2014. Therefore, the change in tariff category from LT-V A Industrial to LT-II Commercial should be made applicable to the Appellant from March 2014 and arrears should be recovered accordingly.”

5- Ekk- vWVsy ¼vli y' VhC; uy Qkj byDVhfl Vh ½ us nok Ø- 131@2013 ¼gh; kUus fo- djy jkT; fo|r fu; ked vk; kx½ ckr fn- 07-08-2014 yk fny'; k fu.kz kr nj l ðrkrhy Qjdkph jDde] p d fun'kLkl vkyh R; k fnuk dki kl u ol yh djkoh vl s fun'k fnys vgr

6- ojhy l ol ckchpk fopkj djrk Hkjkh i Fkd rikl .khP; k rkj [ki kl u i q's , yVh&10 ch ¼ fcyd l fo] d ½ njl ðr ykokok o R; k vk/khP; k vkkLV 12 rs t'ys 15 ; k dkyko/khph dk<syh Qjdkph ol yh j l djkoh] vl s fun'k ep nr vkg

7- fo|r 'k' d ekQhl ðrkh egkforj.kph okf.kT; ifji=d Ø 204 o 241 uep d#u v' kkd k , sT; p d s ku QkmM' kuyk ekgs l IVc] 15 ikl u fo|r 'k' d ekQ dsys R; kçek.ks l LFkyk i .k fo|r 'k' d ekQ djko] v'kh fourh rØkjkj xkgdkus dsh vkg egkforj.k okf.kT; ifji=d Ø 204 fn- 8 vkkLV

2013 o 241 fn- 18-05-2015 ; kpk l nHkZ vks| kfxd o ekfgrh ræKku
 çoxkzhy xkgdkauk egkj kV^a 'kkl ukP; k çkRl kgu ; kst usvaxr ns ; kr ; s kkU; k
 fo| r 'kQd ekQ dj.; kl ca'kh o R; kl kBhP; k dk; i) rh l ca'kh vkgS v'kkedk
 , T; pds ku l kl k; Vhyk fo| r 'kQd ekQh epbz fo| r vf/kfu; e]1958 P; k
 dye 3½ 2½ ¼ , ½ vaxr ns ; kr vkyh vkgS l nj dyekud kj epbz l kozt fud
 U; kl vf/kfu; e]1950 [kkyh ukn. kh—r /kekzhk; l LFkkP; k 'kkGk]egkfo| ky; s o
 çf' k{k.k ; k dkj. kkl kBh fo| r 'kQd ykxr ukgh- çLnr çdj. kkr rØkjnkjauh
 fo| r 'kQd ekQ dj.; kdjhrk forj.k dā uhdMs vtZ l knj dysyk ukgh-
 R; keçs xklgk. ; kps dkj.k v|ki fuekZk >kysys ukgh- l nj l LFkus l ol çFke
 fo| r 'kQd ekQ dj.; kdjhrk foghr dk; i/nrhud kj ; kç; dkxni =kl g
 forj.k dā uhdMs vtZ l knj djkok- R; kps çdj.k epbz fo| r vf/kfu; e]1958
 P; k dye 3½ 2½ ¼ , ½ ud kj fo| r 'kQd ekQh kBh ik= vl Y; kckcr fnyç; k
 dkxni =kph o fo| r okijkph i MrkG. kh gkAu forj.k dā uhP; k orhus l {ke
 vf/kdkU; kekQr fo| r 'kQd ekQh eatij dyh tkby-

xkgdkps i fronu] fo| r forj.k dā uhpk [kgykl k o l knj dj.; kr vkysh
 dkxni =s ; k l ol ckchpk fopkj d#u ep ; k çdj. kh [kkyhy iæk. ks fu. kç nr
 vkgS

fu. kç

- 1- rØkjnkj xkgd ; kauk , yVh&10 , ¼ fcyd l fol d ½ fn- 26@08@2015 i kl u
 i çs ykokok- vk/khP; k vkkLV 12 rs tçs 15 ; k dkyko/khl kBh dk<sysh
 Qjdkph ol çyh jı dj.; kr ; r vkgS
- 2- egkj kV^a fo| r fu; ked vk; kx ¼ xkgd xklgk. ks fuokj.k ep o
 fo| r ykdiky ¼ fofu; e 2006 e/khy fu; e Ø- 6-12 ud kj ukMy
 vf/kdkjh ; kauh ; k vkns kP; k i rçpk o vkns kkrhy n[ky ik= fu'd'kç' kç; kçjhy
 dkjokbçk vgoky epkdMs 1 efgU; kP; k vkr l knj djkok-
- 3- funç' kr dkyko/khr forj.k dā uhus ; k vkns kçph veyct ko. kh u dç; kl e-
 fo-fu-vk- ¼ xkgd xklgk. ks fuokj.k ep o fo| r ykdiky ¼ fofu; e
 2006 e/khy fu; e Ø- 22 vUo; s rØkjnkj egkj kV^a fo| r fu; ked
 vk; kçkdMs nkn ekxw 'kdrkr-

4- ; k fu.kž k fo#/n rØkjkj ; kuk vihy djko; kps vl Y; kl] egkj k^a
fo|ŕ fu; ked vk; ks xtkgd xklgk. ks fuokj.k ep o fo|ŕ ykdi ky
fofu; e 2006 e/khy fu; e Ø- 17-2 uŕ kj ek- fo|ŕ ykdi ky ; kpdMs]
ŕnkjk & egkj k^a oht fu; ked vk; ks] 606] ^dš kok** cxyk] cknk dkŕyDI
¼ p½ epb& 400051½ ; Fks ; k vknš kP; k fnukdki kl u 60 fnol kP; k vkr rs
vihy d# 'kdrkr-

¼ktu fl - dyd.kž ½ ¼ gjh -0gh- <kojs ½ ¼ l jš k i ka ok?k ½
l nL; l nL; & l fpo v/; {k
xtgd xklgk. ks fuokj.k ep - ukf' kd i fjeMG

i r ekfgrhl kBh o ; kš; R; k dk; žkghl kBh vxškr %

- 1-eŕ ; vfHk; ark] e-jk-fo-fo-da½e; kž¼ i fjeMG dk; kžy;] ukf' kd jkM
¼dk; žkjh vfHk; ark] ž kkl uÅ ; kpdjhrk ½
- 2-eŕ ; vfHk; ark] e-jk-fo-fo-da½e; kž¼ i fjeMG dk; kžy;] ukf' kd jkM
¼t ul ä dZ vf/kdkjh ; kpdjhrk ½
- 3-vf/k{kdk vfHk; ark ¼xkeh.k¼ e-jk-fo-fo-da½e; kž½ ukf' kd jkM