

**CONSUMER GRIEVANCE REDRESSAL FORUM
M.S.E.D.C.L., PUNE ZONE, PUNE**

Case No.14/2015

Date of Grievance : 24.04.2015

Date of Order : 10.06.2015

In the matter of change of tariff from Residential to Commercial & vice versa.

Shri Kundlik Dnyoba Walke,
S.No.45, Nishigandha Niwas,
Kharadi Road,
Chandannagar,
Pune-14.

Complainant
(Herein after referred to as Consumer)

Versus

Executive Engineer,
M.S.E.D.C.L.,
Nagarroad Division,
Pune.

Respondent
(Herein after referred to as Licensee)

Quorum

Chair person
Member Secretary
Member

Mr. S.N.Shelke
Mr. D.H.Agrawal
Mr. S.S.Pathak

Appearance

For Consumer

Mr. Kundlik Dnyoba Walke

For Respondent

Mr. U.A.Tamboli,
Ex.Engineer
Nagarroad Division.
Wadgaonsheri S/Dn.

Mr.Khan,
Dy.Manager, (F&A)
Nagarroad Division

- 1) The Consumer has filed present Grievance application under regulation no. 6.4 of the MERC (CGRF & E.O.) Regulations 2006.

- 2) Being aggrieved and dissatisfied by the order dated 27.02.2015 passed by IGRC Rastapeth Urban Circle, Pune, thereby rejecting the grievance, the consumer above named prefers this grievance application on the following amongst other grounds.
- 3) The papers containing the above grievance were sent by the Forum to the Executive Engineer, M.S.E.D.C.L., Nagarroad Division, Pune vide letter no. EE/CGRF/PZ/Notice/14 of 2015/164 dtd. 24.04.2015. Accordingly the Distribution Licensee i.e. MSEDCL filed its reply on 19.05.2015.
- 4) We heard both sides at length, gone through the contentions of the consumer and reply of the respondent and the documents placed on record by the parties. On its basis following factual aspects were disclosed.
 - i) Residential energy connection vide consumer no.170746751721 released on 01.7.1994 is standing in the name of Kundlik Dnyanoba Walke.
 - ii) In the month of Feb.2010 one Mr.Namdeo Shitole, took supply for his construction work from the meter (Meter No.20592119) of said consumer.
 - iii) The Licensee on inspection found energy was being unauthorizedly used for construction work & therefore disconnected the supply of the said consumer in the month of Feb.2010 & assess the case under Section 126 of Electricity Act-2003 on 6.2.2010.
 - iv) The Licensee assessed amount of Rs.4163/- as unauthorized use of electricity against the consumer under section 126 for change of category from 'R' to 'C'.
 - v) The consumer deposited amount of Rs.4163/- as unauthorized use of electricity on 22.3.2010.
 - vi) The Licensee used to issue same energy bills to the consumer from Feb.2010 as per Commercial Tariff which was Residential previously.
 - vii) The consumer realized in the month of July-2014 that bills have been issued as per commercial tariff instead of residential tariff.

- viii) The consumer applied for change of tariff from commercial to residential & tariff difference for the period Feb.2010 to 15.7.2014 vide application dated 1.8.2014.
 - ix) The Licensee after spot verification changed the category from commercial to residential from July-2014.
 - x) The Licensee vide letter dated 10.9.2014 asked the consumer to produce evidence about residential use & the completion certificate of the construction work for effecting the tariff difference.
 - xi) The consumer replied to above mentioned letter on 12.9.2014 & admitted that supply was provided to another building vide consumer No. 1) 160235309715, 2) 160235309693 & 3) 160235309707
 - xii) The Licensee changed the category of the consumer from Commercial to Residential in the month of July-2014.
 - xiii) The Licensee has given credit in the bills to the consumer of Rs.3718.23 in the month of March-2015 while changing the tariff from Commercial to Residential for the period of last six month from July-2014.
- 5) At the time of final hearing both the parties were present consumer was submitting that his tariff was changed from residential to commercial though the use was only for residential. He claimed the difference of tariff from Feb.2010 to July-2014. On the contrary it is submitted on behalf of The Licensee that the grievance is filed after the period of 2 years from the date of cause of action & therefore may be dismissed. It is further submitted that the case comes under section 126 of the Act & therefore Forum has no jurisdiction to entertain the grievance. However the Licensee after having lodged case under section 126 of the Act recovered amount of Rs.4163/- on 22.3.2010 as unauthorized use of the energy. Therefore after depositing of said amount the case under section 126 of the Act was over. It is pertinent to note that after recovery of above mentioned penalty the Licensee changed the tariff of the consumer from residential to commercial and used to issued bills as per Commercial tariff till July-2014 & thereafter on the application of consumer

change the tariff from Commercial to Residential & while doing so has given credit of Rs.3718.23 for six month only.

- 6) At the time of final hearing i.e. on 10.06.2015 the consumer submitted application that he has already been given credit for 6 months in the bills & further credit for 18 months be given in the bills & the matter be disposed off. The Licensee has given no objection for the same. In view of said circumstances that is (unauthorized use of Electricity Assessment bill has been paid & New connection for obtaining premises has been released in the month of March-2010 means No point to change the category of consumer No.170746751721 of applicant from Residential to Commercial hence after) the grievance is liable to be disposed off as per the above mentioned terms.
- 7) Hence we pass the following order :

ORDER

- 1) Grievance of the consumer stands disposed off in terms of application dtd.10.6.2015 submitted by the consumer and NOC submitted by utility.
- 2) The Licensee to give total credit of 24 months in the bills of the consumer as tariff difference from Commercial to Residential from the date of application of consumer i.e.1.8.2014 excluding interest.
- 3) The Licensee to issue revised bill to the consumer in terms of settlement.
- 4) Licensee to report the compliance within one month from the receipt of this order.

Delivered on: -10.06.2015

D.H.Agrawal
Member/Secretary
CGRF:PZ:PUNE

Suryakant Pathak
Member
CGRF:PZ:PUNE

S.N.Shelke
Chairperson
CGRF:PZ:PUNE