



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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NO. K/E/1625/1965 of 2019-20

Date of registration : 19/10/2019

Date of order : 19/11/2019

Total days : 31

IN THE MATTER OF GRIEVANCE NO.K/E/1625/1965 OF 2019-20 OF SMT.RAJANI KISHINCHAND CHIKHRIYA, UPPER FLOOR SHOP NO.6, KUNDAN COTTAGE, SHOP NO.6, ULHASNAGAR -1, PIN CODE – 421 001 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT WRONG TARIFF.

Smt.Rajani Kishinchand Chikhriya,
Upper Floor Shop No.6,
Kundan Cottage, Shop No.6,
Ulhasnagar -1, Pin Code – 421 001

(Consumer No.021511026765 Lt-II Comm.) . . . (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution
Company Limited

Throughit's Nodal Officer/Addl.EE.

Kalyan Circle-II, Kalyan

. . . (Hereinafter referred as Licensee)

Appearance : For Licensee - Shri. J.L.Borkar, AEE, Ulhasnagar S/dn.-I

For Consumer - Shri.J.S.Rajput (C.R.)

[Coram- Shri.A.P.Bhavthankar - Chairperson, Shri.A.P.Deshmukh-Member Secretary
Mrs.S.A.Jamdar- Member (CPO)].

1) 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. [Electricity Supply Code and other conditions of supply Regulations 2005]. 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.

2) Consumer complain no.1965 of 2019 Smt.Rajani Kishinchand Chikhriya, Upper Floor Shop No.6, Kundan Cottage, Shop No.6, Ulhasnagar -1, Pin Code – 421 001 V/s Addl. Ulhasnagar S/dn.-I. Complaint of wrong application of tariff. Above name consumer filed complaint before IGRC on 19/08/2019, alleging that, she is using the said supply for her residence having consumer no.021511026765 since date of connection i.e. 11/01/2007, but utility charged her as per commercial tariff. Respondent Utility charged commercial tariff since date of connection instead of residential tariff. As per regulation it is Respondent Utilities responsibility to inspect the premises of consumer.

After knowing this fact consumer approached to IGRC on 19/08/2019 and filed the grievance. After filing the grievance at IGRC, IGRC did not take any hearing nor passed any order. Being aggrieved by IGRC action consumer filed the grievance in schedule 'A' before this forum on 19/10/2019. After filing the said grievance this office issued notice to Respondent Utility on 22/10/2019, giving direction to Respondent Utility to file reply on or before 04/11/2019.

After service of notice Respondent Utility appeared and filed reply on 11/11/2019. Respondent Utility submitted that the premises of consumer using supply for Residential purpose and connected load is LED-2, FAN-1, Fridge-1, and Cooler-2. Respondent Utility received consumer application on 17/08/2019 for tariff change and accordingly spot verification done on 25/09/2019. The proposal of change of tariff from commercial to Residential is already forwarded to competent authority. After approval from competent authority the same will be reflected in the bill. Respondent utility prays for rejection of complaint.

After perusing the rival contention of consumer and Respondent utility, following point arose for my consideration, to which I have recorded the finding to the points for the reason given below :

Points :

- i) Whether consume is entitled for change of tariff from Commercial to Residential ?
- ii) Whether consumer is entitled for refund of tariff difference since date of connection?
- iii) Whether consumer is entitled for grant of SOP ?
- iv) What order ?

Reasoning :

I have given opportunity to the consumer and Consumer Representative and the grievance was heard on 04/11/2019. From the Respondent Utility reply it is clear that at present consumer is using supply for residential purpose and Respondent Utility rightly taken steps to change the tariff from Commercial to Residential. As far as refund of excess paid amount is concerned, I cannot grant refund with retrospective effect because it will cause prejudice to Respondent Utility in their right of inspection. During the hearing consumer failed to produce any valid document, showing his occupation of premises for the purpose of residential prior to date of application. Hence Respondent Utility needs to change the tariff from date of application of consumer. Consumer applied for change of tariff on 19/08/2019 but the Respondent Utility has

not changed the tariff till date. As per SOP regulation clause 8 (ii), time period for change of tariff category is second billing cycle, but Respondent Utility is failed to change the tariff from second billing cycle hence consumer is entitled for SOP compensation. Hence I am inclined to partly allow the grievance and proceed to pass order.

Hence the order

ORDER

- 1) The Grievance complaint no.1965 is partly allowed.
- 2) Respondent Utility shall change tariff from Commercial to Residential with immediate effect from date of application of consumer and refund the excess paid amount to the consumer.
- 3) No retrospective refund.
- 4) Respondent Utility to pay SOP compensation from 08/10/2019 till change of tariff at the rate of Rs.100/- week.
- 5) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 19/11/2019

Sd/-
(Mrs.S.A.Jamdar)
Member
CGRF, Kalyan

Sd/-
(A.P.Bhavthankar)
Chairperson
CGRF, Kalyan

Sd/-
(A.P.Deshmukh)
Member Secretary
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.