

alleging that wrong tariff of commercial category instead of Residential category is being charged to connection No. 293330046381.

2. Reference has been made to orders issued by MERC in Case No. 19/2012 and case No, 118 of 2012 & MSEDCL's commercial circular No.207, according to which MSEDCL has to charge Residential tariff to commercial connection by its own, being the connection in the same premises and having consumption less than 300 Units/ Month or 3600 Units/ Year .

3. It is also alleged that N.A. MSEDCL has to refund the additional Amount recovered since Aug-2014, but the N.A. MSEDCL's local office not only violated MERC Orders, but also MSEDCL's own circulars and claimed for SOP compensation and interest on Additional Amount recovered since Aug-2014.

4. After receipt of the notice of this Forum, N.A. has filed reply opposing the claim, stating that in the year 2003, the residential connection has been given to the applicant & as per his own request only, the commercial connection has been given in the same premises in year 2014.

It is stated that, According to commercial circular No. 207 Dtd. 02.09.2013, " The LT-I Residential tariff is applicable to the consumers operating small business or any other activity from the part of their residence, who consume less than 300 Units a month & who have consumed less than 3600 units per annum in the previous financial year ." In the present case, the applicant by his own wish has taken residential and commercial connection in the same premises and also demands benefits as per commercial circular No. 207, which is in contradiction to each other. Hence the explanation given by the applicant is incorrect. It is also stated that the applicant have never submitted any application to N.A.'s office for issue of residential category bill, instead of commercial category bill for his above commercial connection. Therefore the

complainant's claim is untenable and liable to be dismissed. Alongwith reply copies of documents have been annexed.

5. Heard Shri Pramod Khandagale, learned representative of the complainant & Shri. D.R.Misal, Dy. Executive Engineer learned representative of N.A. During hearing complainant stressed about note given in tariff order of 19/2012 in LT I Residential category that " this category is also applicable to all consumers under LT(II) Non –residential or commercial who consume less than 300 Units a month and who have consumed less than 3600 units per annum in the previous financial year " According to complainant their consumption in commercial connection is within 3600 units every year since connection and hence requested forum for billing under residential category. N.A. during hearing brought to the notice of forum that commercial circular No. 207 issued by MSEDCL vide outword No. 24539 dt. 02.09.2013, as per the directives given by MERC in Case No. 118 of 2012 issued on 16.07.2013, N.A. brought to the notice of forum that complainant has taken this commercial connection offer issue of tariff order 19/2012 and clarification order in the case No. 118/2012, knowingly when commission already agreed in case No. 19/2012 effective from 01.08.2012 to extend the facility to those who were running their small business from household with preferential LTI Residential tariff. Further N.A. agreed to extend the facility to residential connection in case complainant submit closure of account application for commercial connection as per tariff orders.

6. In the light of rival contentions urged by the parties after studying the tariff order 19/2012 and order in case No. 118/2012 issued by the MERC as clarified in para 27 of case No. 118/2012 issued on 16.07.2013' The reference of consumer category such as LTII (Non Residential or Commercial) in above quoted tariff schedule is only for the purpose of indicative nature of activities that might have running through residential premises" Forum is satisfied that complainant is not entitled for relief of preferential LTI (Residential) tariff to the commercial connection because when commercial connection is taken by the complainant in his residence, the part of residential premises is converted in to commercial premises and preferential LT I Residential tariff is not applicable to

commercial connection as per tariff order 19/2012 read with clarificatory order 118/2012. Forum finds no substance in the grievance of the complainant which is based on wrong interpretation of tariff order without studying clarificatory order. It is clear that there is nothing in support to the averments made on behalf of the complainant. On the contrary the documentary evidence & submission made on behalf of the N.A. is having supporting material. The said averments from complainant needs to be discarded. Consequently the other claims of the complainant to be discarded. In view thereof, it is clear that there is no substance in the grievance of the consumer and no case have been made out. With such observations forum proceeds to pass following unanimous order.

// ORDER //

1. That the Complaint No.6/2017 is hereby dismissed.
2. No order as to cost.

Sd/-
Member/Secretary

Sd/-
Member (CPO)

Contact details of Electricity Ombudsman appointed by MERC (CGRF&EO) Regulations 2006 under Regulation 10:

THE ELECTRICITY OMBUDSMAN,
Office of Electricity Ombudsman (Nagpur)
Plot No.12, Shrikrupa, Vijaynagar, Chhaoni,
Nagpur-440 013.
Phone : 0712-2596670

No.CGRF /AKZ/ AKL/ 54

Dt. :- 20/ 03/2017

To,
The Nodal Officer,
The Executive Engineer
MSEDCL,O&M Division, **Malkapur**

The order passed on 20 / 03/2017 in the Complaint No. 6/2017, is enclosed herewith for further compliance and necessary action.

**Seretary,
Consumer Grievance Redressal Forum,
MSEDCL, Akola Zone, Akola**

Copy fwc to:-

1. The Superintending Engineer, O&M Circle, MSEDCL, Buldhana.
2. Shri ShriKrishna Maroti Jumale C/o Shri Hari Shrikrishna Jumale
At.Po. Wadner Bholaji Tq. Nandura,Distt.Buldhana .