

**Consumer Grievance Redressal Forum
Maharashtra State Electricity Distribution Co. Ltd.
Bhandup Urban Zone, Bhandup**

Ref. No. Secretary/MSEDCL/CGRF/BNDUZ/

Date :

Case No. 421

Hearing Dt. 16/01/2012

Shri Hemant Eknath Pandit - Appellant

Vs.

T.P.L., Bhiwandi - Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri R.M Chavan, Member Secretary, CGRF, Bhandup.
- 2) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Applicant

Shri Pravin Thakkar –Consumer Representative

C - On behalf of Opponent

- 1) Shri Arun Rao, T.P.L., Bhiwandi.
- 2) Smt. Savita Bhatia, Manager, T.P.L., Bhiwandi.

ORDER

Shri Hemant E. Pandit is a three phase power loom consumer having sanctioned load of 19 HP at H. No. 226, Kaneri, Pandit Compound, Kalyan Road, Bhiwandi. The consumer had installed twisting machines and after verification by utility in year 2008 the category was converted from power loom tariff category to other than power loom category. Consumer again started using this premises for the power loom business and approached to

the utility vide his letter dtd. 07th Sept. 2011 and accordingly the utility verified the same on 13th Sept. 2011 and change the tariff from OPL to PL. However, consumer claimed that he has purchased the power loom machines some where in Feb-2011 and installed in the month of Feb-March 2011. He also put forth his electricity consumption pattern for the month of Jan-11 & Feb-11 in support to prove the least use & insisted to change his tariff from OPL to PL from Jan-2011 onward & refund of excess paid amount. The consumer had approached to the IGRC, Bhiwandi for getting refund of tariff difference from OPL to PL but could not get relief to his satisfaction and hence approached to this Forum and filed an appeal vide case no. 421.

The Appellant consumer produced the copy of second hand power loom machines, bill dtd. 21/02/2011 for an amount of ` 6,00,000/- (six lacs) which he had purchased it from M/s. MAHALAXMI SYNTHETICS of Hyderabad but was not with paid taxes or VAT for this deal.

While going through the consumption pattern for the period of Jan-Feb-2011 the consumption is very meager but this could not hold good to consider the activity was of power loom and not for other.

Another certificate of permission granted for use of power loom by the Textile Ministry is of dtd. 25th August 2011, hence it could not rely upon the statement of the Appellant that he was using the premises for an activity of power loom from Jan-2011. Moreover consumer has first applied for change of tariff on 7th Sept. 2011 since Nov-2008 when the tariff was changed from PL to OPL. This shows that the Appellant consumer has changed his activity from OPL to PL from Sept-2011 onward and accordingly the utility has surveyed and changed the tariff.

Forum therefore finds nothing to substantiate the prayer of the Appellant and to set aside the order passed by the IGRC.

Hence prayer has no substance and therefore rejected.

No order as cost.

Both the parties be informed accordingly.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 7th Feb 2012.

Note : 1) If Consumer is not satisfied with the decision, he may go in appeal within 60 days from date of receipt of this order to the Electricity Ombudsman in attached "Form B".

Address of the Ombudsman
The Electricity Ombudsman,
Maharashtra Electricity Regulatory Commission,
606, Keshav Building,
Bandra - Kurla Complex, Bandra (E),
Mumbai - 400 051.

2) If utility is not satisfied with order, it may go in appeal before the Hon. High Court within 60 days from receipt of the order.

DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP

R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP