

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

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

Date :

Case No. 279

Hearing Dt. 06/08/2009

**In the matter of wrong Recovery charged**

**M/s. Anand Zerox.**

- Appellant

Vs.

**MSEDCL, Thane Division**

- Respondent

**Present during the hearing**

**A - On behalf of CGRF, Bhandup**

- 1) Shri S.L. KulKarni, Chairman, CGRF, Bhandup.
- 2) Shri R.M Chavan, Member Secretary, CGRF, Bhandup.

**B - On behalf of Appellant**

- 1) Shri.Jitendra Gangji Dedhia.

**C - On behalf of Respondent**

- 1) Shri E.P. Sontakke, Ex. Engr., Thane U Divn., Thane
- 2) Shri M.R. Rathod, Dy. Ex. Engr., Power House S/Divn., Thane.

## **Preamble**

M/s. Anand Xerox is having 3 Phase industrial connections and is L.T. Consumer of MSEDCL Utility supplying electricity under consumer no. 300000002554 having sanctioned load of 20 KW with contract demand of 17 KVA.

M/s. Anand Xerox is having electric connection in the name of Shri. Shaha Gamgji Palan running business of off set printing spiral binding, Industrial Amonia prints, Industrial-photocopying machines, colour plotting Jumbo lamination and also operating xerox machines.

Consumer approach to ICGRU Thane for getting relief over the recovery charged under section 126 of IE Act 2003 amounting Rs 2,26,450/- but recovery charged is not waived and only relief got is billed on industrial tariff after Jan 2009. Aggrieved of ICGRU order the consumer approached in appeal in this Forum.

## **Consumer say :**

Shri Jitendra Gamgji Dedhia submitted the consumers written say and also present the case. During the hearing (here in after referred as to Appellant) he stated that, they have the L.T. connection for industrial use since 1987 and utility is supplying electricity on industrial tariff since date of connection. However in the month of Oct 2008 the official from Utility came to check the meter and told us that your business is on commercial activity and shall have billed with commercial tariff but you are billed on industrial hence as per IE Act 2003 you will have to pay the penalty. Appellant also reiterated that even on my request no official came to see my actual activity, they only see the two xerox machines on the front of the premises. After this, the respondent sent me a house electricity bill amounting Rs. 2,26,540/- mentioning that "Recovery as per section 126 for last 1 year."

The Appellant further stated that the xerox machines are installed from the date of connection and are part of printing activity. xerox machines are used for our internal xerox activities from 1987 and we are not using for commercial purpose for general public. If we will doing the business of xerox only, then it would change the category or activity from industrial to commercial but we are using it as an ancillary to our printing press.

The Appellant further added that on the basis of instruments or machinery he get the certificate from District Industries Center Thane certifying this as an industrial unit. When the authority designated by Government of India declaring our unit as industrial, then how MSEDCL can rejects the same? The appellant also reiterated that when his unit in Dec 2008 can be industrial as accepted by ICGRU, then how it can be commercial just before 2 month without any change in our gazettes in use? The Appellant further stated that the bill raised under section 126 of IE Act 2003 is purely due to misunderstanding by the MSEDCL officials. And hence is totally wrong which should be waived.

### **Utility Say :-**

Shri E. P. Sontakke Executive Engineer and Shri M.R. Rothod Dy. Ex. Engineer were present during the hearing on the behalf of MSEDCL, Utility (here in after referred as to respondent).

As per the respondent submission, every division has to check the 'D' list i.e. doubtful consumer's list, while checking this the then Executive Engineer observed this consumer M/s Anand xerox is doing business of xerox copying and this activity falls in the category of commercial and hence ask Jr. Engineer to submit the report. Accordingly Jr. Engineer inspected premises on 13/10/08 and submitted the report with the remark to bill consumer on commercial basis.

The respondent reiterated that considering the fact the bill as per IE Act 2003/2007 section 126 for Rs. 2,26,450/- was issued to consumer with all necessary details.

The respondent further stated that the Appellant also agree during the submission in ICGRU that he is doing the business of xerox copying also he was having shop and establishment certificated at the time of inspection.

The appellant brought certificate from DTC, Thane for running of industrial unit after 2 months of inception which is purely after through. The respondent further added that from the date of certificate issued by DIC Utility is treating him as Industrial consumer and billed accordingly, however at the time of inspection the appellant's business activity was commercial and as per Act 2003 Section 126 bill is issued to consumer.

**Observation :**

The matter was heard on 06/08/2009 both the parties were present. The documents on record and submission of both the parties revealed that the officials of respondent utility inspected the premises of appellant on dt. 13/10/2008 and found that use of premises was for commercial activity i.e. operating xerox machines. On this respondent utility issue bill under section 126 of IE Act 2003 for amounting Rs. 2,26,450/-

The appellant does not agree with this on the ground that he usages the premises not for commercial purpose but for industrial and hence the tariff should be charged accordingly not only that he has obtained a licensee as industrial use premises from the District Industries Center Thane in the next two months

The Forum fills this is purely an after thought moreover the appellant had a shop an establishment license at the time of inspection which itself proved that he was allowed for commercial activity only therefore plea does not sound appealing in the Forum and leaves no option but to accept the views of the ICGRU. Further more the respondent

has rightly taken action under section 126 of IE Act 2003 /2007. only thing is that respondent should have mentioned about the provision of appeal under section 127 of IE Act 2003 on the issued bill or by separate notice which respondents should note in further. However the MERC (CGRF and Electricity Ombudsman) Regulation 2006, 6.8 (2) does not empower the Forum to deal with the matters related to section 126, 135 to 139 and 161 of IE Act 2003, as such Forum does not feel appropriate to interfere in the matter and hence dispose accordingly.

## **ORDER**

Compliance should be reported to the Forum within a month from date of receipt of this order.

Both the parties to be informed accordingly.

No order as to cost.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 20<sup>th</sup> August 2009.

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.

**S.L. KULKARNI  
CHAIRMAN  
CGRF, BHANDUP**

**R.M. CHAVAN  
MEMBER SECRETARY  
CGRF, BHANDUP**