



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph- 2210707, Fax – 2210707, E-mail : cgrfkalyan@mahadiscom.in

No. **K/E/833/1015 of 2014-15**

Date of Grievance : 24/11/2014
Date of Decision : 17/12/2014.
Total days : 23.

IN THE MATTER OF THE GRIEVANCE NO. K/E/833/1015/2014-15 IN RESPECT OF M/S. SUBIR PRECISION INDUSTRIES P. LTD. S.NO.7 & 56/6+8, VILLAGE GORAD, NEAR GANESHPURI, TAL. WADA- 401 204 DISTRICT-THANE REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING CHANGE OF CATEGORY FROM HT-1C TO HT-1N.

M/s. Subir Precision Industries P. Ltd.,
S.No.7 & 56/6+ 8,
Village Gorad, Near Ganeshpuri,
Tal. Wada -401 204 (Hereafter referred as Consumer)
(Consumer No. HT-001519036390)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Nodal Officer-Cum-Executive Engineer,
Vasai (E) Circle, MSEDCL,
Vasai (E). (Hereinafter referred as Licencee)

Appearance : For Consumer –Shri B.R.Mantri-Consumer's representative.
For Licensee -Shri Purohit- Nodal Officer-Cum-Executive Engineer.
Shri Ramesh Shinde - Sr. Managaaer (FIA).

(Per Shri Sadashiv S.Deshmukh, Chairperson)

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 grievance 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. 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 and Determination of Compensation) Regulations, 2014.’ Hereinafter referred ‘SOP’ for the sake of convenience (Electricity Supply Code and other conditions of supply) Regulations 2014’.

2] This grievance is brought before us by consumer bearing consumer No. 001519036390, on 24/11/2014, with a grievance for refund of extra amount recovered and for change of category from HT IC to HT-IN. Consumer contended that it is having supply from 15/1/2011.

3] On receiving the grievance it’s copy along with accompaniments sent to the Nodal Officer vide this Office Letter No.EE/CGRF/Kalyan/0420 dated 24/11/2014.

In response to it, Officers of Licencee attended on 15/12/2014, and filed reply. It is contended by Licencee that towards change of tariff category as prayed by consumer, it is sent to the head Office i.e. to Chief Engineer (Commercial) and sanction is awaited as Chief Engineer is a Competent Authority, for allowing opening of lock and allowing the change. Even it is contended that towards refund of difference of amount charged for the past period directions are sought from Head Office. Further in the reply refund is refused on various grounds.

4] Matter taken up for hearing. Both sides attended. On behalf of Licencee Officers submitted in terms of the reply filed. He submitted towards change of category from HT-CI to HT-NI, proposal is submitted to the Chief Engineer (Commercial) as there is lock required to be opened, for it he is the Competent Authority. Accordingly, it is submitted that as soon as sanction is available change will be effected.

5] CR submitted that it ought to have been done as soon as application was filed but as Licencee is not objecting for such change of category, but simply seeking sanction from Competent Authority hence order be appropriately passed, directing the Licencee to change the category and give effect to it. It is submitted during the hearing that reasonable time be granted for such conversion which is awaited from Competent Authority.

In view of the above, it is clear that Licencee is not disputing the changing of category as sought by consumer but simply Competent Authority is to permit opening of lock and permitting the change. No any objection as such for such conversion is pleaded. Plea is of awaiting sanction order. We find from record that consumer had made a grievance about it with the Executive Engineer on 30/6/2014, with Superintending Engineer on 15/7/2014 and IGRC on 15/7/2014. Accordingly, as there is no compliance, consumer approached this Forum on 24/11/2014. From 30/6/2014, request of consumer is pending in fact effect ought to have been given from the second billing month after the application. When there is no any valid challenge for conversion rather conversion is not disputed, technical sanction is awaited and hence we find reasonably it is required to be complied in the 1st week of February, 2015. Consequently, said conversion is to be shown from 1st September 2014 and bills are to be reset as per the conversion sought. Accordingly, from 1st February 2015 bills be issued, showing the change category.

6] Consumer in it's letter addressed on 30/6/2014,15/7/2014, specifically prayed for refund of excess amount recovered and even Officers of Licencee forwarded the said demand of consumer to the Competent Authority and action is awaited. During the course of arguments when CR tried to raise this issue, Officers of Licencee submitted that he is to file revised reply and will resisted. In result, CR submitted at this stage, he is not pressing said point or any other point except of conversion. Considering the direction already sought from Competent Authority, no more comments are required on that count from this Forum. In result, this grievance is to be allowed.

Hence the order.

ORDER

Grievance of consumer is hereby allowed.

Licencee to ensure that conversion of tariff from HT-C1 is changed to HT-N1 from 1st September 2014 and it be shown in the bill to be issued from 1st February 2015. From 1/9/2014 bills be reset treating it as category HT-N1. In case sanction is not available till 1/2/2015, then from the said date bills be issued to the consumer manually showing the category as HT-1N and charges be recovered as per the said category.

As sanction/direction is awaited by the Officers of Licencee from the Competent Authority. Forum refrains from any comments towards refund.

Licencee to submit compliance report before 31/3/2015.

Dated: 17/12/2014.

I agree

**(Chandrashekhar U.Patil
Member Secretary
CGRF,Kalyan**

**(Sadashiv S.Deshmukh)
Chairperson
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.