



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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IN THE MATTER OF GRIEVANCE NO. K/E/586/694 OF 2011-2012 OF
M/S. IDEAL HATCHERY & FARM, VILLAGE – VADAVALI, P. O. UCHAT,
TAL : WADA, DIST : THANE REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT
CHANGE OF TARIFF & EXCESSIVE ENERGY BILL.

M/s. Ideal Hatchery & Farm
Village - Vadavali,
P. O. Uchat
Tal : Wada, Dist : Thane

} (Here-in-after
referred
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Assistant Engineer
Wada Sub-Division

} (Here-in-after
referred
as licensee)

- 1) Consumer Grievance Redressal Forum has been established under "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the

grievances of consumers. This regulation has been made by the Maharashtra Electricity Regulatory Commission vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, 2003. (36 of 2003).

- 2) The consumer is a L.T. consumer of the licensee. The Consumer is billed as per Agriculture tariff. Consumer registered grievance with the Forum on 28/02/2012 for change of tariff & excessive energy bill.

The details are as follows :

Name of the consumer :- M/s. Ideal Hatchery & Farm

Address: - As given in the title

Consumer No : - 010564002726

Reason of dispute : Change of Tariff & excessive energy bill

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/0165 dated 28/02/2012 to Nodal Officer of licensee. The licensee filed reply vide letter No. SE/VC/Legal/4841, dated 13/03/2012 through Nodal Officer, Vasai Circle, Vasai.
- 4) A hearing was held on 19/03/2012 @ 15.00 hrs. The Members of the Forum heard both the parties in the meeting hall of the Forum's office. Shri Rakesh Yadav and Shri Ramesh Naik representatives of the consumer, & Shri Kale Asstt. Engr., representative of the licensee attended hearing. Minutes of the hearing including the submissions made by the parties are recorded and the same are kept in the record.
- 5) M/s. Ideal Hatchery & Farm, Village – Vadavali, P. O. Uchat, Saralgaon, Tal : Wada, Dist : Thane have filed their grievance with the Forum regarding change of Tariff and Excessive Energy Bill.

- 6) Seen order passed in Representation No. 112 of 2010 M/s. Balkrishana Hatcheries V/s. MSEDCL dated 15th September 2010 by Hon. Ombudsman Mumbai. It appears the said order is challenged before the Hon. High Court in Writ Petition No. 2358 of 2011. Hon. High Court while staying the operative order by Hon. Ombudsman dated 15th September 2010 by way of interim order directed to the respondent to charge electricity bill as per industrial tariff.
- 7) The Hon. High Court also gave the reference in this order regarding the order passed by Hon. Division Bench of Hon. High Court dated 23/11/2010 in Writ Petition No. 7884 of 2010.
- 8) The reference is made to this Forum towards the Regulations 2005 of Maharashtra Electricity Regulatory Commission (Consumers Grievance Redressal Forum & Electricity Ombudsman) towards Regulation No. 6.7, Sub-Clause No. 4 which says that the Forum shall not entertain the grievance if the same grievance is pending in any Court.
- 9) Truly speaking it appears as per this Regulation Sub-Clause No. 4 the Forum may not entertain the grievance of the consumer regarding the same grievance which is pending before any other Court. However, in this case the question of interpretation of Law as well as question of interpretation as to whether the hatcheries can be covered as industrial or commercial activity for application of tariff in view of the circular issued by the Department dated 20/06/2008 is to be decided.
- 10) Hon. High Court in Writ Petition No. 2358 of 2011 gave directions to the Department till the final disposal of the Writ Petition, department should charge and take electricity bills from consumer as per industrial tariff.

- 11) In our humble opinion this matter as involved the same question of Law and fact, needs to be stayed till the final disposal of Writ Petition No. 2358 of 2011 as the subject matter is sub-judice before the Hon. High Court. Hence order :

O-R-D-E-R

- 1) The grievance application is stayed until further orders.
- 2) The Licensee is hereby directed to issue the bills to complainant as per old tariff until further orders.
- 3) The consumer 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”.

- 4) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or 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”

Date : 19/03/2012

(Mrs. S.A. Jamdar)
Member
CGRF Kalyan

(R.V. Shivdas)
Member Secretary
CGRF Kalyan

(S.K. Chaudhari)
Chairperson
CGRF Kalyan