



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph: – 2210707 & 2328283 Ext: - 122

IN THE MATTER OF GRIEVANCE NO. K/E/ 0135/ 0156 OF
08-09 OF SHRI VASANT GOVIND APTE REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN
ZONE, KALYAN ABOUT EXCESSIVE BILLING.

Shri Vasant Govind Apte
" Radha Niwas", At-Sasawane
PO - Sasawane,
Taluka - Alibaug, Dist - Raigad

(Here in after
referred to
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Assistant Engineer, Alibag – 2

(Here in after
referred to
as Licensee)

- 1) Consumer Grievance Redressal Forum has been established under regulation of "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 connected to their 415-volt network. The Consumer is billed as per commercial tariff. Consumer registered his grievance with the Forum on dated 10/10/2008 for excessive billing. The details are as follows: -

Name of the consumer: - Shri Vasant Govind Apte

Address: - As above.

Consumer No : 023160006609

Reason of dispute: Change of Tariff & Excess Fixed Charge

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/277, dated 10/10/08 to Nodal Officer of licensee. They replied vide letter No. AE/Alibag-2/GAD/2480, dated 24/10/2008.

- 4) The Member Secretary & Member of the Forum heard both the parties on 06/11/2008 @ 15.00 Hrs. in the meeting hall of the Forum's Office. Shri D. R. Bansode, Nodal Officer, Shri B.

P. Soni, Assistant Engineer, representatives of the licensee & Shri Vasant G. Apte, Consumer & Shri A. A. Shirgaonkar, Shri A. S. Kathe, Shri K. H. Thakur, Ad. Shri J. H. Cheulkar representatives of the consumer attended the hearing.

- 5) The consumer stated that he is a resident of Saswane (Alibaug) has been registered under the **“pya-TkaMsaazi inavaasa AaiNa nyaaharl yaojanaa”** As per the Govt. Circular No. jal[-ena.1097 @ 414 @ p`k`. 34 @ naiva.14] maMHaalaya , mauMba[- : 400 032 , id. 03.02.1997. Under above Scheme he registered on dated 08/11/2005. As per the Scheme he is eligible for exemption of Professional Tax. But the Licensee has changed his commercial tariff instead of residential tariff from February 2008. Therefore he wrote a letter to the Assistant Engineer, Alibag dated 15/04/2008 about change of tariff. Assistant Engineer Alibag vide his letter No. 1015, dated 28/04/08 asked advise from Executive Engineer, Panvel regarding change of tariff. Since there was no response from Licensee, consumer filled in the Form “A” on dt. 01/10/08, the same is received by CGRF on 06/10/08 vide Inward No. 263 & registered his grievance with CGRF.

- 6) He further stated that for three months he got bills of different amounts of fixed rate first in Feb. Rs.180/-, second bill Rs. 200/- & third Rs. 300/-.
- 7) Consumer complained that proper reply is not given to him by Licensee in time, so he has registered his case with the Forum. Consumer further stated that the Tourist are coming on Saturdays & Sundays ,on these two days only there is a commercial use of electricity and on remaining days he is using for residential purpose. So why he is charged all the days by commercial tariff ?
- 8) Licensee stated that the Govt. Circular is applicable to Nagarparishad / Mahanagarpalika for giving the exemption from the Profession Tax and MSEDCL is not included in above category as per the Govt. Circular. They also stated that they have not received any Circular from higher authorities /Head Office in connection with the concession for above Scheme.
- 9) Consumer said that he is under the jurisdiction of Grampanchayat. But Licensee explained that the directives of Mahanagarpalika , Nagarparishad are unchanged in respect of Grampanchayat. There are directives for Govt. undertaking departments but MSEDCL is a private Company.

- 10) Regarding fixed charges Licensee replied that fixed charged is changed due to tariff. We provide meter, Line maintenance to the consumer & the meter rent is not charged to the consumer as per old procedure of MSEB. So for infrastructure a fixed rate for each & every month is charged to the consumer. Licensee said that in the month of Feb. 08 tariff was changed because the consumer was changed from residential to commercial tariff. In the month of June 08 tariff was changed by MERC. So fixed charge is changed due to change in fixed charge.
- 11) In explanation about change of tariff Licensee explained that the consumer is connected in 1990 & from 1990 to Feb. 08 there was a residential tariff & from Feb. 08 the tariff is changed into commercial tariff. Premises of the consumer was inspected by the licensee and it is verified that the consumer is having residential connection but utilized the premises for commercial use. So his tariff was changed from residential to commercial from Feb. 08. On this Forum asked on what basis commercial tariff was fixed? Licensee said that the premises is used for business purpose, so the commercial tariff is fixed. Licensee further stated that such orders are issued by Govt. of

Maharashtra to Mahanagarpalika, Nagarparishad but such instructions are not received from higher authority or MERC till to-day.

- 12) The Licensee stated that the purpose is commercial. But to solve the consumer's problem the consumer should apply for two separate meters, one for residential & other for commercial use, then only the consumer can get the separate bills, otherwise one common bill for commercial will be issued to the consumer.

Forum's Findings :

- 13) The following grievances have been registered by the consumer :
- a) About change of tariff
 - b) About excess fixed rate.
- 14) Mr. Apte is Licensee's consumer since 1990. The consumer was being charged as per the residential tariff for the power consumption in his residence.
- 15) The consumer has registered him in Maharashtra Tourist Development Corporation (MTDC). under Bed & Breakfast Scheme in the year 2006. Under this Scheme the registered

member was allow to provide for Lodging & Boarding facility in his premises for the tourists for a commercial consideration.

16) As per the Govt. Circular
jal[-ena.1097@414@`p`k`.34@naiva.14]
maMHaalaya , mauMba[- : 400 032 , id.
03.02.1997.

**maharaYT/ pya-Tna ivakasa
maha,maMDL yaaMcal pya-TkaMsaazi
inavaasa AaiNa nyaaharl yaaojanaa : hi
yaaojanaa yaSasval AaiNa
vyavahaya-pNao rabaivaNyaasaazi
Saasanaano Kalalla inaNa-ya
Gaotlaolao Aahot. Saasana inaNa-ya :**

**1. rajyaatlla sava-
mahanagarpailaka/nagarpirYada
yaaMnal varlla yaaojanaoAMtga-t jal
inavaasasqaano naoMdlal jaatlla
%yaa GaraMcyaa/inavaasaaMcyaa
roTobala ikMmatlt kaoNa%yaahl
p`karcil vaaZ k\$ nayao.**

**2. yaa yaaojanaoAMtga-t naoMdNal
kolyaa GarasaMbaMQal
mahanagarpailakaMnal /
nagarpirYadaMnal p`%yaok Kaolal
maagao maalama<aa kracao dr 10 to**

**20 T@ko poxaa jaast vaaZvaU
nayaot.**

**3. ha^Tolsa AaiNa]phargaRho
yaaMnaa laagaU Asalaolao
mahanagarpailakocao/**

**nagarpailakocao inayama ATI AaiNa
kr yaa yaaojanaoAMtga-t
pya-TkaMsaazi**

**]plabQa haoNaa `yaa saaoyal /
KaVpdaq- yaaMnaa laagaU krNyaat
yaovaU nayaot.**

**maharaYT/acao rajyapala yaaMcyaa
AadoSaanausaar va naavaanao va
maharaYT/ Saasanaacao]psaicava
yaaMcyaa sahlao.**

17) Licensee stated that the Govt. Circular is applicable to Nagarparishad / Mahanagarपालिका for giving the exemption from the Professional Tax and MSEDCL is not included in above category as per the Govt. Circular. They also stated that they have not received any Circular from higher authorities /Head Office in connection with the concession for above Scheme.

18) It is noted by Licensee that the consumer is using his

residential premises for the commercial use. Therefore the Licensee decided to charge for the power consumption as per the commercial tariff instead of residential tariff as per Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005. Clause No. 13 : **Classification and Reclassification of Consumers into Tariff Categories** :The Distribution Licensee may classify or reclassify a consumer into various Commission approved tariff categories based on the purpose of usage of supply by such consumer :

Provided that the Distribution Licensee shall not create any tariff category other than those approved by the Commission.

- 19) Study of the above facts Forum come to the conclusion that
- (1) “ vyaavasaayalk kr ” means Professional Tax.
 - (2) Commercial Tariff means a list of fixed charges or duties to be paid. The Licensee is levying charges (Tariff) the power being used. Therefore, the Licensee’s action of changing commercial tariff is justified.
- 20) Consumer’s second grievance is about increase in payment of fixed charges. In this regard Licensee stated that in February 2008 consumer’s tariff was changed. Therefore there was an increase in the amount of fixed rate. Again the charges were changed due to revision in tariff in June 2008. Regarding fixed charge Licensee replied that fixed charge is

changed due to tariff. We provide meter, Line maintenance to the consumer & the meter rent is not charged to the consumer as per old procedure of MSEB. So for infrastructure a fixed charge for each & every month is charged to the consumer. Licensee said that in the month of Feb. 08 tariff was changed because the consumer was changed from residential to commercial tariff. In the month of June 08 tariff was changed by MERC. So fixed charge is changed due to change in fixed charge.

21) Forum instructed to the Licensee that when the consumer's grievance is in first stage i.e. doubt, the same should be cleared at that time only. For not responding the consumer's doubts, they change in complaints & then complaint change in grievance.

22) After hearing both the parties, studying all available documents submitted by Licensee as well as consumer, forum come to the conclusion that the action of the Licensee is correct. So no order has been passed.

The case is hereby disposed off.

23) Consumer can file appeal against this decision with the Ombudsman at the following address.

*“Maharashtra Electricity Regulatory Commission,
606/608, Keshav Building, Bandra Kurla Complex, Mumbai 51”*

Appeal can be filed within 60 days from the date of this order.

Date :- 04/12/2008

(Sau V. V. Kelkar)

(R.V.Shivdas)

Member

CGRF Kalyan

Kalyan

Member Secretary

CGRF