



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph: – 2210707 & 2328283 Ext: - 122, E-mail : cgrfkalyan@mahadiscom.in

**IN THE MATTER OF GRIEVANCE NO. K/E/337/379 OF 2010-2011 OF M/S.
LALIT PIPES AND PIPES LTD. VILLAGE – VARASKOL, TAL :
SHAHAPUR, DIST : THANE - 421601 REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT
CHANGE IN TARIFF.**

M/s. Lalit Pipes And Pipes Ltd.
S. No. 77, Village - Varaskol
Near Khardi Rly. Station
Tal : Shahapur, Dist : Thane
Pin : 421 304

} (Here in after
referred to
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its Superintending
Engineer, Kalyan Circle - II

} (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 (MERC) vide powers

Grievance No. K/E/337/379 of 2010-2011
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 H.T. consumer of the Licensee. The Consumer is billed as per Industrial tariff. The consumer registered grievance with the Forum on 02/06/2010 regarding Dispute on change in Tariff. The details are as follows: -

Name of the consumer : M/s. Lalit Pipes And Pipes Ltd.

Address: - As above

Consumer No. : 015749019945

Reason for Dispute : - Regarding Change in Tariff

- 3) The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/209, dt. 02/06/2010 to the Nodal Officer of the Licensee, and the Licensee through Superintending Engineer MSEDCL Kalyan Circle - II filed reply vide letter No. SE/KC-II/Tech/2558, dt. 19/06/2010.

- 4) The original hearing was fixed on 22/06/2010 at 15.00 hrs. but as per request of Nodal Officer the same was postponed on 29/06/2010 at 16.00 hrs. But as per request of consumer the same was again postponed on 22/07/2010 at 15.00 hrs. The Members of the forum heard both the parties at length on 22/07/2010 @ 15.00 Hrs. in the meeting hall of the Forum's office. Shri B. R. Mantri Consumer Representative, Shri Purohit Nodal Officer, Shri V. D. Kale Asstt. Engr. Representatives 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. Submissions made by the parties in respect of grievance since already recorded will be referred to avoid repetition.

- 5) Consumer company is connected on 22 KV Kasara Rural Feeder emanating from EHV 100 KV Kambhale (Shahapur) Sub-Station under Shahapur O&M Sub/Division of Kalyan Rural Division. According to consumer though licensee never provided Express Feeder, for tariff purpose considered it as "Express Feeder Consumer". It is contended feeder provided to the consumer is extending 40 to 45 Kms. stretch including all tap lines. This feeder is over head line feeding consumers of 17 villages, therefore as per topographical condition interruptions occur many times. All over interruptions/supply failure due to tripping of breaker of feeder on transient faults on outgoing feeders and incoming feeders to Kharadi Switching Station. In spite of consumer not provided with Express Feeder for the year 2006-2007, licensee charged tariff 42% of express feeder instead of 9%, in 2007-2008 charged 24% instead 0% and in 2008-2009 and 2009-2010 unit charged as per express feeder tariff. This has so happened due to improper classification of the feeder from Oct. 06 onwards. Consumer vide applications dt. 21/04/09, 30/11/09 brought this error on improper classification of feeder to the notice of the officials of the licensee but none responded. Consumer complained on this count to the IGR Cell Kalyan but in vain, therefore lodged grievance to this Forum with prayer to direct the licensee to revise the bills as per the Non Express Feeder and to refund wrongly collected charges with R.B.I. rate of interest.
- 6) Licensee contended that the consumer is connected with a Rural Feeder emanating from EHV 100 KV Kambhale, however the consumer has been billed as per express feeder and the bills will be revised treating the consumer HT-INC category instead HT-IC. Consequently grievance be disposed of as amicably settled.

- 7) Learned consumer representative inviting our attention to the applications dated 21/04/09, 30/11/09 and 31/05/10 submitted that the licensee was apprised to bill the consumer as Non Express Feeder however none bothered. It is to be noted that consumer had approached to IGR Cell, however except hearing nothing was done. Had the IGR Cell looked the matter carefully and seriously, there only grievance of the consumer been settled. However unfortunately for inaction on the part of IGR Cell consumer had to knock the doors of this Forum. Suffice to say under the circumstance IGR Cell needs to be strengthened.
- 8) Before the Forum Nodal Officer by letter dt. 22/07/2010 pointed out that the authority concerned accorded sanction for change in tariff in connection with the consumer from HT-IC to HT-INC category. It is to be noted that consumer shouting since years together that he has never been provided express feeder therefore tariff cannot be imposed considering them as express feeder consumer however ignoring this, licensee collected tariff from the consumer running in lakh treating them express feeder consumer is not a matter to be ignored lightly. Letters of the Executive Engineer Kalyan Rural Division dt. 18/07/2003, 26/07/2007 clearly show that consumer is on Rural Feeder. It is not that officers concerned were not aware on the category of consumer, therefore mistake occurred cannot said to be unintentional. Licensee is therefore required and liable to pay interest on the amount erroneously recovered from the consumer as per R.B.I. rate of interest.
- 9) Since the licensee vide letter dt. 22/07/2010 is revising bills and that consumer agrees to that the licensee can be directed to revise the bills considering they are non express feeder consumer and to refund the amount wrongly collected so far with R.B.I. rate of interest and in this

view of the matter grievance application will have to be disposed of and hence the order :

ORDER

- 1) Grievance application stands disposed of as amicably settled vide application dt. 22/07/2010.
- 2) Licensee is directed to revise the bills in connection with the consumer considering they are non "Express Feeder Consumer".
- 3) Licensee to refund the amount wrongly collected from the consumer so far with R.B.I. rate of interest.
- 4) Compliance should be reported within 90 days from the date of this Order.
- 5) Consumer, as per section 142 of the Electricity Act, 2003, can approach Maharashtra Electricity Regulatory Commission at the following address:-

"Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05"

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" within 60 days from the date of this order.

Date : 28/07/2010

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

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan