



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No. **K/E/1068/1288 of 2016-17**

Date of Grievance : 02/11/2016

Date of order : 23/11/2016

Total days : 23

IN THE MATTER CASE OF GRIEVANCE NO. K/E/1068/1288/2016-17 IN RESPECT OF M/S. ASIAN COLOUR COATED ISPAT LTD., VILLAGE DHANIVLI, PEN-KHOPOLI ROAD, NEAR KHALAPUR, TOLL NAKA, MUMBAI PUNE EXPRESS WAY, TAL. KHALAPUR, DIST.RAIGAD PIN CODE 410203, REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING CONTINUOUS TO NON CONTINUOUS.

M/s. Asian Colour Coated Ispat Ltd.,
Village-Dahivali,
Pen-Khopoli Road, near
Khalapur Toll naka,
Mumbai-Pune Express Way,
Tal, Khalapur Road,
Dist. Raigad, Pin Code-410203
(Consumer No.031699025120) (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited
through its Nodal Officer,
MSEDCL, Pen Circle, Pen (Hereinafter referred as Licensee)

Appearance : - For Licensee : Shri Mane – Addl.EE &
For Consumer- Shri Rajput- CR &
Shri Mukund A Mahale- CR

[Coram- Shri A.M.Garde-Chirperson, Shri L.N.Bade-Member Secretary and
Mrs.S.A.Jamdar- Member (CPO)].

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 grievances 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 & Determination of Compensation) Regulations, 2014.' Hereinafter referred 'SOP' for the sake of convenience (Electricity Supply Code and other conditions of supply) Regulations 2014'.

2] The brief facts of the grievance application are as under:-

The consumer M/s. Asian Colour Coated Ispat Ltd. situated at Village-Dahivali, Pen-Khopoli Road, near Khalapur Toll naka, Mumbai-Pune Express Way, Tal, Kahalpur Road, Dist. Raigad, having consumer No. 031699025120 is 220 KV EHV open access consumer and having connected load 17232 KW. The consumer further submitted that as per Hon'ble MERC order dated 19/8/2016 and the MSEDCL Circular consumer has requested to change its tariff category from continuous to non-continuous and also requested for refund of amount (i.e. tariff difference) by making an application to that effect.

3] It is the contention of the consumer that though he was pursuing this issue with the Licensee, Licensee did not heed to his request till date. Consumer, therefore, approached to this Forum with a prayer –

1] to direct Licensee to change its category from continuous to non-continuous and change the tariff from express to non express.

2] to direct the Licensee to refund the excess amount collected from consumer by applying wrong tariff from 30/3/2013 till the rectification of the category.

4] The Licensee submitted that principally they have agreed to change the tariff category of the consumer and also they are liable to refund the excess amount collected by the Licensee by applying wrong tariff. In the light of the order of the Hon'ble MERC and their Circular No. 246 dated 11/8/2015. They have made correspondence to their Head Office dtd.29/6/2016 for seeking guidelines.

5] We have gone through the documents and heard the arguments advanced by both the sides and we have observed that the consumer has made an application for change of tariff category from continuous to non continuous on 24/6/16.

6] The Licensee have principally agreed to change the tariff category of the consumer as per its request and liable for refund. LR also submitted a copy of letter issued to their Head office for seeking guidelines.

7] Taking into consideration, the above points there is no ambiguity in the mind of the Forum regarding the request of consumer for change of tariff and refund of amount (as wrong tariff category was made applicable).

8] Moreover, Licensee has also principally agreed to change the category of the consumer from continuous to non continuous and also principally agreed to refund the excess amount collected by applying wrong tariff.

Hence, the order.

ORDER

- 1] The grievance application of the consumer is hereby allowed.
- 2] The Licensee is directed to change the tariff category of the consumer from continuous to non continuous with immediate effect.
- 3] Licensee is further directed to refund the excess amount to the consumer collected by Licensee by applying wrong tariff from July 2016 till rectification of the tariff category within 45 days from the date of receipt of order and compliance be reported to this Forum within 60 days.

Date: 23/11/2016.

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

(L.N.Bade)
Member Secretary
CGRF, Kalyan.

(A.M.Garde)
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.

