



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

---

Date of Grievance : 20/07/2012  
Date of Order : 10/10/2012  
Period taken : 81 days

**IN THE MATTER OF GRIEVANCE NO. K/E/632/750 OF 2012-2013 OF**  
**M/S. RUBICON RESEARCH PVT. LTD. AMBERNATH (EAST)**  
**REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM**  
**KALYAN ZONE, KALYAN ABOUT EXCESSIVE ENERGY BILL .**

M/s. Rubicon Research Pvt. Ltd.  
Plot No. K – 30/4 and 30/5,  
Addl. MIDC., Anand Nagar,  
Ambarnath (East), Dist : Thane

(Here-in-after  
referred  
as Consumer)

Versus

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

(Here-in-after  
referred  
as licensee)

(Per Shri. Sadashiv S. Deshmukh, Chairperson)

- 1) This 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. The 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 H.T. consumer of the licensee. The Consumer is billed as per Industrial tariff. The consumer registered grievance with the Forum on 20/07/2012 for Excessive Energy Bill.  
The details are as follows :  
Name of the consumer :- M/s. Rubicon Research Pvt. Ltd.  
Address: - As given in the title  
Consumer No : - 02159051020  
Reason of dispute : Excessive Energy Bill
- 3) The set of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/0587 dated 20/07/2012 to Nodal Officer of licensee. The Licensee not filed reply but sought time twice stating that Officer of Licensee intends to inspect again.
- 4) We the Members of the forum heard both sides in the meeting hall of the forum’s office on 13/08/2012, 03/09/2012 and 18/09/2012. For initial two dates Consumer Representative was present, he had made the stand clear in presence of the Nodal Officer of Licensee.

- 5) The brief dispute is towards charging consumer as per commercial tariff rather than industrial tariff. It is not disputed that consumer is having industrial connection and was being charged as per industrial tariff till August 2010, however, from September 2010 to December 2010 calculation has done as per commercial tariff. Consumer claimed that due to said change he was required to pay an amount of Rs. 10.00 Lakhs. He has moved the officers of Licensee right from Chief Engineer (Commercial), Chief Engineer (Kalyan Zone), Superintending Engineer, Kalyan Circle – II etc. from time to time, copies of those letters are placed on record and even it is clarified that as per the directions of Chief Engineer (Commercial) special visit was done by the Executive Engineer, Ulhasnagar Division – II on 23/12/2010 and submitted report to Superintending Engineer, Kalyan Circle – II. As per the said report he noted that consumer is Small Scale unit, manufacturer of pharmaceutical proto types (Capsules & Tablets) and having a Lab for analyzing and testing of drugs. There is no separate unit for research activity. Even it is clarified said Lab. is used for analyzing and testing of products of the consumer itself. Accordingly it is clarified that connected load for Lab. is 40.05 HP and it is only 5.22% of the connected load of 766.66 HP. Accordingly he clarified that Lab. activity is an ancillary unit and industrial load is predominant load (94.78%) and hence use is of industrial one and industrial tariff is applicable. In spite of this letter dt. 23/12/2010 and pursuation by consumer writing letters to the Superintending Engineer on 27/03/2011, 21/04/2011, 10/05/2011 there was no any progress, thereby he written letters to the Chief Engineer Kalyan

Zone on 08/06/2011 and 18/06/2011 and noting that there is no any positive action towards refund of excess amount paid, consumer approached IGRC on 07/04/2012.

- 6) Matter was taken up before the IGRC but not decided within 60 days and hence on 20/07/2012 present grievance is submitted before this Forum. Till 18/09/2012 there was no any communication about the order passed by IGRC. Accordingly now dispute is limited to whether the tariff rate applied treating it as commercial activity instead of industrial activity is correct or not.
- 7) Consumer has made it clear that its industrial activity is supported by the spot visit and report of the Executive Engineer as referred above and hence applying commercial tariff is not at all legal and proper.
- 8) In this regard though matter was taken up on 13/08/2012, 03/09/2012 it was adjourned as submission was made on behalf of Licensee that they have to inspect once again consumer's premises. Ultimately on 18/09/2012 Nodal Officer submitted that appropriate order be passed, already he had visited.
- 9) In view of aforesaid position, it is clear that consumer is a industrial unit. No doubt there is a Lab., but said Lab. is for the testing of products manufactured by consumer itself which is a part and parcel of its industrial activity. Accordingly though Licensee applied the tariff for total consumption as commercial, is found not at all legal and proper. Tariff ought to have been applied treating it as industry and industrial consumption and hence bills issued for Sept., Oct, Nov. and Dec. 2010 are to be corrected by the

Licensee and those are to be corrected applying industrial tariff. The excess amount which is deposited by the consumer due to the misapplication of commercial tariff be refunded or be adjusted in the ensuing bills.

- 10) This matter could not be decided in time as Licensee sought time for inspection of consumer's unit, which was done on 18/09/2012.
- 11) Accordingly this grievance is to be allowed and hence the order :

### **ORDER**

- 1) Grievance application is allowed.
- 2) The bills issued to the consumer for the month of Sept., Oct., Nov. and Dec. 2010 working out the quantum on the basis of commercial tariff are hereby set aside.
- 3) Licensee is directed to re-calculate the aspect of billing for Sept., Oct., Nov. and Dec. 2010 treating it as industrial tariff. The excess amount deposited by consumer due to application of commercial tariff be refunded or adjusted in the ensuing bills of consumer by adding to it the interest as per Bank Rate (RBI) from the date of respective additional payment till to the date of adjustment.
- 4) Compliance be reported within 45 days from the date of receipt of this order.

- 5) The Consumer if not satisfied, can file representation against this decision with the Hon. Electricity 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”.*

- 6) 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 : 10/10/2012

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

(R.V.Shivdas)  
Member Secretary  
CGRF Kalyan

(Sadashiv S. Deshmukh)  
Chairperson  
CGRF Kalyan