



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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Date of Grievance : 10/05/2012
Date of Order : 18/06/2012
Period taken : 38 Days

IN THE MATTER OF GRIEVANCE NO. K/E/597/706 OF 2012-2013 OF
M/S. RAIGAD POULTRIES, AT – HODGAON (JAMBULWADI), TAL –
MANGAON, DIST - RAIGAD REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT
EXCESSIVE ENERGY BILL .

M/s. Raigad Poultries
At – Hodgaon (Jambulwadi),
Tal – Mangaon,
Dist – Raigad : 402 104

(Here-in-after
referred
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Superintending Engineer
Pen Circle

(Here-in-after
referred
as licensee)

- 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 poultry tariff upto Feb. 2012. Consumer registered grievance with the Forum on 10/05/2012 for Excessive Energy Bill.
The details are as follows :
Name of the consumer :- M/s. Raigad Poultries
Address: - As given in the title
Consumer No : - H. T. - 039489019292
Reason of dispute : Excessive Energy Bill
- 3) The set of papers containing above grievance were sent by Forum vide letter No EE/CGRF/Kalyan/0318 dated 10/05/2012 to Nodal Officer of licensee. The licensee has not placed any document on record except the copy of Decision of I.G.R. Cell Pen Circle No. 02624, dt. 23/05/2012.
- 4) Hearing was held on 05/06/2012 @ 15.00 hrs. We the Members of the Forum heard both the parties in the meeting hall of the Forum's office. Shri K. D. Sawai & Shri Danej Consumer Representatives & Shri Waghambare Superintending Engineer Pen Circle, 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) On going through this file it is perceived that initially the complainant was charged applying tariff towards agriculture. However, subsequently it is changed to commercial use pertaining to hatchery. However, it is also seen that this particular change is brought by the licensee due to the order passed by Ombudsman in Representation No. 112 of 2010 dated 15/09/2010 in respect of M/s. Balkrishana Hatcheries V/s. MSEDCL. However said order is further challenged by the party in the Hon High Court by filing Writ Petition No. 2358 of 2011 and stay is granted to the aforesaid order of Ombudsman. Even it is seen that on the said aspect stay granted by Hon. High Court, is not further effectively considered by the Licensee and actions are continued. Present matter is also pertaining to such action. It is pointed out that even in Representation No. 9 of 2012 Ombudsman Nagpur vide order dated 23rd April 2012 referring to stay order in the aforesaid Writ Petition passed order remanding the matter to the Forum with a direction that said grievance be kept stayed till the decision of Hon. High Court in Writ Petition No. 2358 of 2011 and with direction given to restore electric supply without insisting for recovery of difference of rate. Further directed that licensee to continue to issue bills as per L.T. – IV category till the decision of grievance.
- 6) Accordingly now it is clear in view of above matter pending before Hon. High Court and stay granted to the order of Ombudsman, this matter also now needs to be kept in abeyance staying the recovery raised by licensee and directing the licensee to issue bills as per the old tariff i.e. treating it as agriculture and complainant to deposit regularly such bills raised treated the activity as agriculture. Licensee is directed to bring to the notice of this

Forum the development if any occurred in the aforesaid Writ Petition pending before the Hon. High Court. Even complainant is also directed to bring to the notice of this Forum the development if any in the matter. .

O-R-D-E-R

- 1) The grievance application is stayed until Writ Petition No. 2358 of 2011 is decided by Hon. High Court or until further orders whichever is earlier.
- 2) The Licensee is hereby directed to keep the disputed bill stayed and issue the bills to complainant as per old tariff until further orders.
- 3) Both sides to bring to the notice of this Forum the progress and Decision in Writ Petition No. 2358 of 2011.
- 4) 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”.

Date : 18/06/2012

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

(R.V. Shivdas)
Member Secretary
CGRF Kalyan

(Sadashiv S. Deshmukh)
Chairperson
CGRF Kalyan