

# xkgd xklgk.ks fuokj.k ep

fo| r dk; nk] 2003 vrxr dye 42 1/2 vlo; s LFKfi r 1/2  
egjkV<sup>a</sup> jkT; fo| r forj.k da uh 1/e; khhr 1/2  
ukf'kd i fjeMy

nj/ouh Ø-% 0253&6526484  
QDI 0253&2591031  
E.Mail : cgrfnsk@rediffmail.com

xkgd xklgk.ks fuokj.k ep  
; kps dk; ky; ] [ kjcnk i kdZ  
ifgyk etyk] 115 rs 117]  
} kjdk] ukf'kd 422011-

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t k-Ø% I -I -@xtxfue#uki@uk-xk-er@ekyskø fo-529@05@2016&17@ ftrukd &24@06@2016

## pplP; k njl drkeGs ekxrysh ekxhy ol yh

1/4 jft Vj i kp Onkjs 1/2  
Xklgk.ks nk[ky ftrukd % 03@05@2016  
fucky ftrukd % 24@06@2016

i fr]

1 1/2 e-t keh; k ek-, sT; pds ku I kd k; Vh]  
Ptnui jh] euekM pkQy]h]  
Ekyskø ft- ukf'kd 423203  
1/xk-da065748000199 1/2

} rØkj nkj

2 1/2 ukMy vf/kdkjh  
e-jk-fot forj.k da uh 1/e; kZ 1/2  
xkeh.k eMy dk; ky; ]  
fo| r Hkou] ukf'kd jkM 422101

} oht forj.k da uh

3 1/2 dk; Bkjh vfHk; ark 1/4 kr xk-1/2  
e-jk-fot forj.k da uh 1/e; kZ 1/2  
ekrthHkou foHkkfx; dk; ky; ]  
ekyskø ft- ukf'kd

### fu.kz i =

es t keh; k ekgeen , sT; pds ku I kd k; Vh] ekyskø ftYgk ukf'kd gs forj.k  
da uhps xkgd vkgS R; kauh njl dr cnykeGs dk<ysy]h ekxhy ol yh j i  
djkoh o ; kX; njl dr yko.; kr ; kok ; kl kBh rØkj vtZ I knj dyk- ek=  
forj.k da uhdMµ I nj ckcrhr dkghgh dkjokbz >kysy]h ukgh- rl p ; k fo'k; h  
egjkV<sup>a</sup> jkT; fo| r forj.k da uhP; k vrxr xkgd rØkj fuokj.k I ferhdMs  
rØkj nk[ky dsh- i.k vrxr xkgd rØkj fuokj.k I ferhP; k fu.kz kus  
I ek/kku u >KY; kus vki ys xklgk.ks R; kauh vu] ph ^v\* e/; s epkdMs I knj  
dys rs epkdMs Øekd 90 vlo; s fn- 03@05@2016 jkst h ukno.; kr vkys

i zØ- 05@2016&17% es t keh; k ekgeen , sT; pds ku I kd k; Vh]

epkP; k fn- 07@05@2016 P; k cBdhr gs i d j . k l pko. kh l ?ks ; kpk fu. k z ?ks ; kr vkyk- xklgk. ks vt kph l pko. kh epkP; k dk; k z y ; kr fn- 07@06@2016 jksth l dkGh 11-30 oktrk fuf' pr dj. ; kr vkyh- ; k l ca/khph l puk rØk nj xkgd o forj. k dā uhp; k l ca/kr vf/kdkū; kauk fn- 10@05@2015 jksthP; k i=kūo; s ns; kr vkyh- ; kp i=kl ker rØkj vt kph ir ukMy vf/kdkjh] xteh. k eMG dk; k z y ; ] ukf' kd jkM ; kauk nou rØkj vt kūd kj eī fugk; vfhk k; 15 fnol kr epkdMs l knj dj. ; kker o R; kph ir xkgdkyk i kkpfo. ; kker l fpr dj. ; kr vkys

l pko. kh l fo | r forj. k dā uhrQ vfr- dk; d kjh vfhk; ark Jh- , l - ds jkBM] mi dk; d kjh vfhk; ark Jh- , p- vkj- [ k j ukj gs o xkgdkP; k orhus R; kps ifrfu/kh Jh- egep gl u 'kCchj vgen gs mi fLFkr gkr s

### xkgdkph ckt %

- 1- tkeh; k ekgeen , s t ; p s ku l kd k; Vhps pnuij h rk- ekysxkō ; Fks xk- d- 065748000199 ps fo | r du d' ku vkgs Hkj kjh i Fkd /kGs ; kauh 27@08@2015 jksth ojhy tkx d HkV fnyh vl rk 14111 ; fuV ph fj dOgjh 37 efgū; kl kBh dk<yh vkgs rh jDde #- 9]50]000 vkgs R; kpk dkyko/kh vkkLV 12 rs vkkLV 2015 vl k fnysyk vkgs
- 2- ojhy fj dOgjh rØk nj xkgdkl ekū; ukgh- ; kojhy vk; -th-vkj-l h- ph vkkū] ekū; ukgh- rjh ; kX; rh n[ ky ?kou fnysh fj dOgjh dk<u Vkd. ; kr ; koh-
- 3- egkforj. kps ifji=d d- 204 u d kj Public Service yk Electric Duty ekQ vkgs rl p okf. kT; ifji=d dā 241 u d kj e d ; vfhk; ark ; kpk vkns k vkgs dh Electric Duty ekQ vkgs v' kkd k , s t ; p s ku QkmMs kuyk ekgs l IVaj i kl u Electric Duty ekQ dyh R; ki ek. ks l LFkyk i . k Electric Duty ekQ djkoh] gh uez fourh-
- 4- rl p ; k i d j . kkr ts nksh vkgs R; kP; koj ; kX; rh dkjokbz dj. ; kr ; koh-

### xkgdkP; k ekx. ; k %

; kX; rks Vūj Q ykokok-

### forj. k dā uhp ckt %

forj. k dā uhp; k orhus dk; d kjh vfhk; ark 'krxt ekysxkō ; kauh 04@06@2016 Onkjs fnysyk vgoky] o brj i=0; ogkj epki ks l knj dsk- forj. k dā uhp; k ifrfu/kauh ifri knu dys dh%

- 1- es tkeh; k ekge- , s t ; p s ku l kd k; Vh pnuij h rk- ekysxkō xk- dā 065748000199 ; kauk ?kj x r h 1/ks] kxhd vl s goz nj l d r ku d kj fotns dkph vkdkj. kh gkr gkrh- fn- 27@08@2015 jksth vfr- dk; d kjh vfhk; ark Hkj kjh i Fkd] /kGs ; kauh l nj xkgdkph oht feVj o t kMHkj kph

rikl .kh d#u i= da vfr-mi dk; ðkjh vfhk; rk @ Hkjkh i Fkd @ /kGs d#i ekysxkð@03 fn- 27@08@2015 jksth l knj dsys o R; kP; k vgokykP; k vutxkus l nj xtgdkps fotns d gs vksj kfxd iæk. ks gkr vl u rs okf. kT; ifji=d da 243 PR 3/Tariff/27641 fn- 03@07@2015 uq kj Public Services LT-XA ; k njl ðrkuq kj gks ks vko'; d vl u ekgs vkkLV 2012 rs tyS 2015 ; k dkyko/khpk njl ðrkrhy Qjd oht ns dke/; s l ekfoV dj.; kr vkyk-2- l nj nj l ðrkrhy Qjd #- 9]50]903@& xtgdkl ekgs fMI çj 2015 P; k oht ns dkr l ekfoV dj.; kr vkyk vl u rks ; kX; vkgs

**vrxt røkj fuokj.k d{kph dk; ðkgh%**

vrxt røkj fuokj.k d{k ukf'kd xkeh.k eMy dk; kly; ; Fks fn- 23@02@2016 jksth iklr >kyS; k røkjhph l uko.kh fn- 10@03@2016 jksth l uko.kh gkoq fn- 23@03@2016 jksth i qhyiæk. ks fu. kZ ns; kr vkyk%

- 1- es tkeh; k ekq- , s; dsku l kl k; Vh pnuijh rk- ekysxkð ; kauh xtgð da 065748000199 fotns d l nHkkRhy røkjhuq kj vfrjDr dk; ðkjh vfhk; rk Hkjkh i Fkd /kGs ; kauh fn- 27@08@2015 jksth rikl .kh vgokykiæk. ks l nj tkm. khps fotns d gs vksj kfxd LT-37 ; kiæk. ks gkr gkrs
- 2- ijrç l nj fot tkm. khps LT-X(B) Public Service ; k iæk. ks fot nj vkdkj.kh dj. ks vko'; d vkgs
- 3- l nj xtgdkps oht feVj o tkmHkkj rikl .kh vgoky i= da Add. Dy.EE/Fly.Sqd/Dhule/Camp/Malegaon/03 dtd. 27/08/2015 P; k vutxkus mi dk; ðkjh vfhk; rk ekysxkð xkeh.k mi foHkkx ; kauh oht ns d ekgs vkkLV 12 rs tyS 15 ; k dkyko/khps #- 9]50]902-50 ns; kr vkys xtgdkl ns; kr vkysys fotns d gs ; kX; vl u rs xtgdkus Rojhr Hkj. kk djkos

**epkps fu'dkz %**

- 1- l nj tkm. khdfjrk forj.k dá uhrQð , yVh&5 vs ¼vksj kxhd½ nj l ðr ykou tyS 2015 i; ðr ns ds ns; kr ; r gkrh- gh ns ds xtgð fu; feri. ks Hkjr gkrs ek= Hkjkh i Fkdus fn- 26@08@2015 jksth dsys; k rikl .khurj , yVh&5vs , oth , yVh&10ch ¼ fcyd l fol d ½ gk nj l ðr ykou forj.k dá uhus ekxhy vkkLV 2012 rs tyS 2015 i; ðrP; k #- 9]50]902@& Qjdkph jDde xtgdkl fMI çj 2015 P; k ns dkr l ekfoV dj.; kr vkyh-
- 2- røkjnkj xtgð gh , d 'kS'kf.kd l lFkk vkgs l nj xtgdkpk i R; {kkrhy tkmYsyk oht Hkkj 34-76 dðgh, vk<Gyk vkgs egkj k'Vª folç fu; ked vk; kxkP; k vknk fn- 16-08-2012 ¼çdj.k Ø- 19@2012-½ e/khy ifj' k'V&2 çek. ks eatçj dsys; k nji=dkuq kj 'kS'kf.kd l lFkka kBh , yVh&10 ¼ yVh&i fcyd l fol d ½ gk nj l ðr fn- 01-08-2012 ikl u ykxq vkgs ; kr 0 rs 20 dsMCY; q eatçj oht Hkkjkl kBh , yVh&10 vs ] 20 rs 50 dsMCY; q l kBh , yVh&10 ch o 50 dsMCY; qP; koj , yVh&10 l h v'kh osxGh

oxbkjh vkgS 01-08-2012 ikl u iqs l nj l LFkl ykoysk , yVh&10 ch  
¼ fcyd l fol d ½ nj l adr ; kx; vkgS

- 3- tgyS 2015 lk; r xkgdkl forj.k diauhup vks|kfxd nj l adr ykoyk  
gkrk- R; keqs vk/kh fnyS; k pphph ns dkckcr xkgdkpk dkghp nkk ukgh-  
R; kurj vpkudi .ks forj.k diauhus rks cnyyk- cnyyS; k nj l adrkiæk.ks  
i fhy ns ds ekx. ; kckcr dkghp okn ukgh- ek= ekxhy Qjdkph jDde  
ekx.ks mfpr vkgS dk; \ gk izu ; fks miLFkr >kyk vkgS nj l adr  
i poxhdj .kkps vk/kkjkoj forj.k diauhus dk<yS; k ekxhy (Retrospective)  
ol gyhP; k ekx.khl cakh fopkj dyk vl rk ; kckcr e-jk-fo| r fu; ked  
vk; kxkP; k iz Ø- 24@2001 ojhy vknS k fn- 11@02@2003 pk l nHkz mi yC/k  
vkgS ; k vknS kkr i fjPNn 23 e/; s vk; kxkus vki yH Hkfedk [ kkyhyiæk.ks  
Li'V dsh vkgS

*“.....no retrospective recovery of arrears can be allowed on the basis of any abrupt reclassification of a consumer.....Any reclassification must follow a definite process of natural justice and the recovery, if any, would be prospective only as the earlier classification was done with a distinct application of mind by the competent people. The same cannot be categorized as an escaped billing in the strict sense of the term to be recovered retrospectively..... In all those cases, recovery, if any, would be prospective from the date of order or when the matter was raised either by the utility or consumer and not retrospective. ....”*

Okj l nfhkz vknS k tjh fo| r dk; nk]2003 vflrRokr ; s ; ki phs vl ys rjh  
gp rRo vktgh ykxv vkgS ; kckcr ek- vk; kxkus The Seafood Exporters  
Association of India and Maharashtra Veej Grahak Sanghatana Intervenor V/s Maharashtra  
Electricity Distribution Co. Ltd. (CASE No. 42 of 2015 ) ; k cdj .kkryh fn- 13 es 2016  
P; k vknS kkrhy i fjPNn Ø- 16 e/; s i fhyiæk.ks Li'V dsh vkgS

*“16.While that Order was passed prior to the coming into force of the EA, 2003, the same principle continues to apply: the ATE’s more recent Judgment dated 7 August, 2014 in Appeal No. 131 of 2013, for instance, has also been cited in these proceedings. ....”*

- 4- ek- fo| r ykdiky] eçbl ; kuh ns[ khy R; kpdMhy >kdhj gl u fo- egjk'V<sup>a</sup>  
jkT; fo| r forj.k diauh e; k ¼ cdj .k Ø- 125@14 ½ ; ke/; s fn- 23-12-  
2014 P; k fudkyi=kr ns[ khy nj l adrkrhy ppl fun'kukl vkyh R; k  
fnukadki kl up ol gyh djkoh vl s funS k fnys vkgS-; k vknS kkrhy egROkkpk  
Hkx [ kkyhyiæk.k%

*“.....After the tariff order dated 16<sup>th</sup> August, 2012 in Case No. 19 of 2012 of the Commission, the Respondent was required to change the tariff category of the Appellant from LT-VA Industrial to LT-II Commercial and charge the Appellant accordingly. It is the responsibility of the Respondent to apply proper category as per the tariff order of the Commission as per the above Regulation 13 of the Supply Code Regulations.*

The Respondent stated that order dated 11<sup>th</sup> February, 2003 in Case No 24 of 2001 is not applicable to the Appellant as the said order is prior to the commencement of the Electricity Act, 2003. According to the Respondent, that case was related to infrastructure facilities being provided by MIDC. Even it is assumed that facts of the said Case No. 24 of 2001 are not different, yet, the principle laid down by the Commission that recovery should be prospective applies to this case of the Appellant. Moreover, the judgment dated 7<sup>th</sup> August, 2014 of the APTEL in Appeal No. 131 of 2013 is squarely applicable in the present case. APTEL has held that arrears of difference in tariff category would be recovered only from the date of detection of the error. In this case, the error was detected on 20<sup>th</sup> March, 2014. Therefore, the change in tariff category from LT-V A Industrial to LT-II Commercial should be made applicable to the Appellant from March 2014 and arrears should be recovered accordingly. ....”

- 5- Ekk- vV Vsy ¼VW yV VhC; uy QkV byDVhfl Vh ½ us nok Ø- 131@2013 ¼gh; kUus fo- djy jkT; fo|r fu; ked vk; kx½ ckr fn- 07-08-2014 yk fnyV; k fu. k kr nj l drkrhy Qjdkph jDde] ppl fun' kUkl vkyh R; k fnukdki kl u ol y djkoh vl s funðk fnys vkgs
- 6- ojhy l ol ckchpk fopkj djrk Hkjkjh iFkd rikl .khP; k rkj [ki kl u i q s , yVh&10 ch ¼ fcyd l fol d ½ njl dr ykokok o R; k vk/khP; k vkkLV 12 rs t yS 15 ; k dkyko/khph dk<ysh Qjdkph ol yh j l djkoh] vl s funðk ep nr vkgs
- 7- l pko.kh njE; ku xkgdçrfu/khus mi fLFkr dsh; k eq ; kP; k vutk kus forj.k dia uhus ch &80 djrkuk fLFkj vdkjkr oGkoGh dsh; k cnykpk [kykl k rl p fcykoj n'kbyV; k VVhQ dkm ckr [kykl k epkl fn- 14-06-2016 i whz l knj djkok] vl s funðk fnys R; kçek.ks mi dk; ðkjh vfHk; rk] xkeh.k mi foHkkx] ekysko ; kauh i= fn- 14-06-2016 vUo; s ekfgrh l knj dsh vkgs R; kuq kj %
  - ✓ oht xkgd dz: 065748000199 ukes tkeh; k ekgeen , T; pds ku l kl k; Vh ; kpk eatj Hkkj 5 ds0gh-, - Eg.ktp 20 ds MCY; q P; k [kkyh gkrk- ijarq vfr- dk; ðkjh vfHk; rk Hkjkjh iFkd /kGs rikl .kh dsh; koj l nj xkgdkpk tkMHkkj 34-76 ds0gh-, - vl k vk<Gp vkyk Eg.ktp xkgd 20 dsMCY; qP; k oj vkgs , e-b-vkj-l h- VVjQ vkkVj ua 25230 fn- 05@09@2012 vUo; s l nj xkgdkph 20 K.W. above iæk.ks Qjd dk<. ; kr vkyk vkgs T; k efgU; kr xkgdkpk tkMHkkj 20 ds0gh-, - P; k oj xsyk vkgs rFks ch-80 djrkuk fLFkj vdkjkr oGkoGh cny >kyyk vk<Grks v'kh njegk fLFkj vdkj xkgdkP; k

recorded K.V.A. demand i æk.ks vkdkj.kh dj.; kr vkysyh vkgs R; kpk ekgokj rDrk l kcr tkMyyk vkgs

✓ xkgd tkeh; k ekgEen , sT; pds ku l kd k; Vh ; kpk vfr- dk; ldkjh vfhk; ark Hkjkh i Fkd /kGs ; kauh l nj xkgdkph oht ehVj o tkM/Hkkj uq kj o okf.kT; ifji=d da 243 PR3/Tariff/27641 dtd. 03/07/2015 uq kj Public Services LT-XB Tariff code 88 uq kj fcy n#Lrh dj.; kr vkyh- rlp fcy Tariff Code 88 uq kj gks; kl kBh B 31 ekgs vkkLV 15 yk Hkj.; kr vkys ijr q ifpax , tUl hp; k pphes Tariff Code 88 , oth 73 vl k >kyk- l nj pplyyk Tariff i lqk cny dj.; kl kBh ekgs l IVcj 15 yk ifpax , tUl hyk ns; kr vkyc o , tUl hus i lqk ployk Tariff 17 Hkjyk- Eg.ku fcykoj Tariff Code cny >kysyk fnl rks

8- fo|r 'kyd ekQh ca/kh egkforj.kph okf.kT; ifji=d Ø 204 o 241 uen d#u v'kkedk , sT; pds ku QkmM' kuyk ekgs l IVcj 15 ikl u fo|r 'kyd ekQ dys R; kcek.ks l LFkyk i.k fo|r 'kyd ekQ djkoj v'kh fourh rØjnkj xkgdkus dsh vkgs egkforj.k okf.kT; ifji=d Ø 204 fn- 8 vkkLV 2013 o 241 fn- 18-05-2015 ; kpk l nHkZ vksj kfxd o ekfgrh ræKku çoxkshy xkgdkuk egjk'V' 'kkl ukP; k çkRI kgu ; kst usvr xr ns; kr ; s kkl; k fo|r 'kyd ekQ dj.; kl ca/kh o R; kl kBhP; k dk; i) rh l ca/kh vkgs v'kkedk , T; pds ku l kd k; Vhyk fo|r 'kyd ekQh epbz fo|r vf/kfu; e ]1958 P; k dye 3½ ½ ½ , ½ vrxr ns; kr vkys vkgs l nj dyekuq kj epbz l kozt fud U; kl vf/kfu; e ]1950 [kkyh ukn.kh—r /kekzk; l LFkP; k 'kkGk]egkfo|ky; s o çf' k{k.k ; k dkj. kkl kBh fo|r 'kyd ykxr ukgh- çLr çdj.kkr rØjnkj kauh fo|r 'kyd ekQ dj.; kdjhrk forj.k da uhdMs vtZ l knj dsysy ukgh- R; keGs xklqk.; kps dkj.k v|ki fuekz k >kysy ukgh- l nj l LFkus l ol çFke fo|r 'kyd ekQ dj.; kdjhrk foghr dk; i /nrhuq kj ; kX; dkxni=kdg forj.k da uhdMs vtZ l knj djkok- R; kps çdj.k epbz fo|r vf/kfu; e ]1958 P; k dye 3½ ½ ½ , ½ uq kj fo|r 'kyd ekQh kBh ik= vl Y; kckcr fnyy; k dkxni=kph o fo|r okij kph i MrkG.kh gksAu forj.k da uhp; k orhus l {ke vf/kdkl; kekQr fo|r 'kyd ekQh eatj dsh tkby-

xkgdkps i fronu ] fo|r forj.k da uhp [kykl k o l knj dj.; kr vkysyh dkxni=s ; k l ol ckchpk fopkj d#u ep ; k çdj.kh [kkyhy i æk.ks fu.kz nr vkgs

fu.kž

- 1- rØkjkj xkgd ; kauk , yVh&10 ch ¼ fcyd l fol d ½ fn- 26@08@2015  
i kl u i s ykokok- vk/khP; k vkkLV 12 rs tyS 15 ; k dkyko/khl kBh  
dk<ysh Qjdkph ol yh jí dj.; kr ; r vkgs
- 2- egkj kV<sup>a</sup> fo| r fu; ked vk; kx ¼ xkgd xklgk. ks fuokj. k ep o  
fo| r ykdiky ¼ fofu; e 2006 e/khy fu; e Ø- 6-12 uq kj ukMy  
vf/kdkjh ; kauh ; k vkns kkP; k i r h p k o vkns kkrhy n[ ky ik=  
fu" d k e k k ; kajhy dkjokb p k vgoky epkdMs 1 efgU; kP; k vkr l knj djkok-
- 3- funf' kr dkyko/khr forj. k dā uhus ; k vkns kkph veyctko. kh u dš; kl  
e-fo-fu-vk- ¼ xkgd xklgk. ks fuokj. k ep o fo| r ykdiky ¼  
fofu; e 2006 e/khy fu; e Ø- 22 vUo; s rØkjkj egkj kV<sup>a</sup> fo| r  
fu; ked vk; kxkdMs nkn ekx' kdrkr-
- 4- ; k fu. kž k fo#/n rØkjkj ; kauk vihy djko; kps vl Y; kl ]  
egkj kV<sup>a</sup> fo| r fu; ked vk; kx ¼ xkgd xklgk. ks fuokj. k ep o  
fo| r ykdiky ¼ fofu; e 2006 e/khy fu; e Ø- 17-2 uq kj ek- fo| r  
ykdiky ; kpdMs ] Wnkjk & egkj kV<sup>a</sup> oht fu; ked vk; kx] 606]  
^ds kok\*\* cxyk] cknk dklyDI ¼ p½ epb& 400051½ ; Fks ; k vkns kkP; k  
fnukdki kl u 60 fnol kP; k vkr rs vihy d# 'kdrkr-

¼ktu fl - dyd. kž ½                      ¼ gjh -0gh- <kojs ½                      ¼ l jš k i ka ok?k ½  
l nL;    l nL; &l fpo    v/; {k  
xkgd xklgk. ks fuokj. k ep - ukf' kd i fjeMG

i r ekfgrhl kBh o ; kX; R; k dk; bkghl kBh vxš'kr %

- 1-e[ ; vfHk; rk] e-jk-fo-fo-da/e; kZ¼ i fjeMG dk; kŷ; ] ukf' kd jkM  
¼dk; bkjh vfHk; rk ; i z kkl uA ; kpdjhrk ½
- 2-e[ ; vfHk; rk] e-jk-fo-fo-da/e; kZ¼ i fjeMG dk; kŷ; ] ukf' kd jkM  
¼t ul ā dZ vf/kdkjh ; kpdjhrk ½
- 3-vf/k{k d vfHk; rk ¼ xkeh. k¼ e-jk-fo-fo-da/e; kZ¼ ukf' kd jkM