

xkkgd xk&gk.ks fuokj.k ep

fo| r dk; nk] 2003 vrxr dye 42 1/5 1/2 vlo; s LFKfi r 1/2
egjk'V' jkT; fo| r forj.k dia uh 1/e; khr 1/2
ifjemy] ukf' kd

nj/ouh 0-% 0253&6526484
QDI 0253&2591031
ey % cgrfnsk@rediffmail.com

xkkgd xk&gk.ks fuokj.k ep
; kps dk; ky;] [kjcnk i kdbz
ifgyk etyk] 115 rs 117]
} kj dk] ukf' kd 422011-

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t k-0% l -l -@xtxkfue@uki @uk-' k-ea@uk-' k-fo-2 @492@23&15@ @ fnukd &04@09@2015

1/4 jft'Vj ikp Onkjs 1/2

njl ds Qjdkph i py{th i Hkkokus ol gyh

Xk&gk.ks nk[ky fnukd % 31@07@2015

fudky fnukd % 04@09@2015

ifr]

1 1/2 Jh- exsk vkj xqrk]
i kVLuj] es xqrk vkWkekckbZl]
gkS u jkM] nOGkyh dW]
ft- ukf' kd 422401
1/2 xk-dia 049021691941 1/2

} rOkj nkj

2 1/2 ukMy vf/kdkjh
e-jk-fot forj.k dia uh 1/e; kZ 1/2
'kgj eMy dk; ky;] ukf' kd

} oht forj.k dia uh

3 1/2 dk; bdkjh vfHk; ark 1/4 k&2 1/2
e-jk-fot forj.k dia uh 1/e; kZ 1/2
foHkfx; dk; ky;
Ukf' kd

fu.kz i =

Jh- exsk vkj xqrk] i kVLuj] es xqrk vkWkekckbZl] gs oht forj.k dia uhps xkkgd vl u R; kuh fot forj.k dia uh dMs njl ds Qjdkph jDde jI- gskcker rdkj vtZ l knj dsk ; k fo'k; h egjk'V' jkT; fo| r forj.k dia uhP; k vrxr xkkgd rOkj fuokj.k l ferhdMs rOkj nk[ky dskh- i.k vrxr xkkgd rOkj fuokj.k l ferhP; k fu.kz kus l ek/kku u >KY; kus vki ys

xklgk.ks R; kauh vuđ ph ^v* e/; s epkdMs l knj dsysrs epkdMs Øekad 170 vUo; s fn- 31@07@2015 jkst h ukno.; kr vkys

epkP; k fn- 31@07@2015 P; k cBdhr gs iđj.k l uko.khl ?ks; kpk fu.k? ?ks; kr vkyk- xklgk.ks vt kph l uko.kh epkP; k dk; kzy; kr fn- 21@08@15 jkst h l dkGh 11-30 oktrk fuf'pr dj.; kr vkyh- ; k l ca/khph l puk rØjnkj xkgd o forj.k dāuhrP; k l af/kr vf/kdkU; kauk fn- 31@07@2015 jkst hP; k i=kUo; s ns; kr vkyh- ; kp i=kl kcr rØkj vt kph ir ukMy vf/kdkjh] 'kgj eMG dk; kzy;] ukf'kd ; kauk nou rØkj vt kUđ kj eđ fugk; vfHki k; 15 fnol kr epkdMs l knj dj.; kckcr o R; kph ir xkgdkyk i kpkfo.; kckcr l fpr dj.; kr vkys

l uko.khl fo|r forj.k dāuhrQž ukMy vf/kdkjh Jh- l h- l h- gē.kj vfr-dk; đkj h vfHk; ark Jh- vsi h- ns ke[k] y[kk l gk; d Jh- ok; - i h-< i ys gs o xkgd Jh- eæs k vkj xtrk gs mi fLFkr gkrs

xkgdkph ckt q %

- 1- Xkgdkus fn- 22@05@2015 jkst h eMy dk; kzy; vrxr rdkj fuokj.k d{kkdMs fcykckcr rdkj dsysy gkrh- ; k rdkjhckcr rdkj fuokj.k d{kkus fn- 02@07@15 jkst h fudky fnysy vkgs d{kkus tks fu.k? fnysy vkgs rks ; kx; dxni=s u c?krk fnysy vkgs d{kkus Hkj kjh i Fkd ; kps vgokykuđ kj vkkLV 2012 rs tkuokjh 2015 i; rps Qjdkps fnysy fotns d ; kx; vkgs vl k vgoky l nj vrxr rdkj fuokj.k d{k ; kauh dks kR; kgh dxni=kph i MrkG.kh u djrk fnysy vkgs
- 2- Xkgdkl vktikorks th fot vkdkj.kh dj.; kr vkyh gkrh R; kiæk.ks oDr' khj fcys Hkjysy vkgs ųykbž LDokM ; kps dke feVj e/khy nsk rl p pkjhckcr vkgs ųykbž LDokM ; kauk r' kh dks krhgh =h vk<Gu vkyh ukgh ųykbž LDokM ; kauk Qjdkph vkdkj.kh dj.; kpk vf/kdkj ukgh- r' kh i fLFkrh vl rkauk vrxr rdkj fuokj.k d{k ; kauh R; kckcr dks krhgh [kykl k dsysy ukgh- l nj d{kk l egkj k'V^a jKT; fo|r eMGkps fn- 22@04@1997 ps i= rl p bMh; u vkkby dki kjs ku fy- ; kps fn- 16@07@1986 ps i= fnys vkgs xkgdkdMs bMLVh; y yk; l i vl u bMLVh; y VfjQ ykxq vkgs vl s i= fnysy vkgs o R; k i=kUo; s xkgdkl bMLVh; y VjhQ ykxq vkgs vl k Li'V [kykl k dsysy vkgs ijarq l njhy nklgh i=kpk mYys[k d#u fu.k? nrkauk vrxr rdkj fuokj.k d{k ; kauh dks kR; kgh iđkjpk [kykl k dsysy ukgh-
- 3- egkforj.k ; kauh xkgdkl , e-, l -Mh- l h-, y l D; ųj 174 fn- 05@09@2012 ckr l u 2015 i; r dGfoysy u0grs o ukgh- xgdkdMu dMu dk; |kus egkforj.k ; kauk rFkkdfFkr Qjdkph jDde ekxrk ; r ukgh- eGkr def' kzy pkt i ykork ; r ul Y; kus dk; |kiæk.ks r' kh Qjdkph jDde egkforj.k ; kauk ekxrk ; r ukgh-

4- ojhy ifjflFkrhr] egkforj.k ; kph bMLVh; y Vq def' kž yph l u 2012 ph ekx.kh v; kX; vl Y; kus r' kh ekx.kh R; kauk 2012 ikl u 2015 ikorks dsyuh ul Y; kus jDde #i; s 1]72]240@& ph 0; ktkph ekx.kh QVKG.; kr ; koh- rl p ol y dsyuh l ol jDde dld 0; ktkl g ijr feGkoh-

5- ųlykbž LDokM ; kauh cdk; nf' kjfjR; k def' kž y VfjQiæk.ks vkdkj.kh d#u fn- 05@09@12 ikl u tkuokjh 2015 ikorkp pdhph def' kžy vkdkj.kh dsyuh vkgs 2012 ikl u 2015 ikorks def' kž y vkdkj.kh ckr egkforj.k vxj ųlykbž LDokM ; kauh ekx.kh ckr dųygh i= fnysys ukgh- l cc xkgdkl def' kž y vkdkj.kh dcy ukgh-

xkgdkP; k ekx.kh %

2012 rs 2015 ikorks def' kžy VfjQiæk.ks dsyuh vkdkj.kh jí- dj.; kr ; koh-

forj.k dā uhp ckt q %

forj.k dā uhp; k orhus ukMy vf/kdkjh ; kauh i= fnukad 13@08@2015 }kjs fnysyk vgoky] l h-i h-, y-P; k uknh o brj i=0; ogkj epki &s l knj dyk- vkiyh cktw ekMrkauk forj.k dā uhp; k ifrfu/khauh ifriknu dsys dh%

1- l njgq vks] kfxd xkgdkP; k tkxph rikl .kh Hkjkh i Fkd] ukf' kd ifjeMG ; kauh dų; kuarj vl s fun' kLkl vkys dh] l nj xkgd gk okf. kFT; d ¼ ųky iā ½ okij djhr vl u fcy vks] kfxd njkus Hkjhr vkgs

2- R; kuđ kj fnukad 31@01@2015 jkst hP; k i=KLo; s Hkjkh i Fkd] ukf' kd ifjeMy ; kauh ojhy xkgdkph ekgs vkkLV 2012 rs tkuokjh 2015 ; k dkyko/khl kBh njl dr Qjdkph (Industrial to Commercial) ol yh dj.; kl kBh vfr- dk; ždkjh vfHk; rk] nōGkyh mi foHkkx ; kauk dGfoys

3- R; kuđ kj vfr- dk; ždkjh vfHk; rk] nōGkyh mi foHkkx ; kauh xkgdkl fn- 26@02@2015 jksth njl dr Qjdkph fcy #- 1]72]240@& Hkj.; kl kBh fnys o l nj Qjdkps fnysys oht fcy ; kX; vkgs

vrxř rdkj fuokj.k d{k kph dk; žkgh

vrxř rdkj fuokj.k d{k ukf' kd 'kgj eMy dk; kžy; ; Fks fn- 20@05@2015 jksth ikl r >kyų; k rdkjhph l uko.kh fn- 12@06@2015 jksth l uko.kh gkou fn- 02@07@2015 jksth i &hyiæk.ks fu. kž ns ; kr vkyk%

rdkjkj xkgd ; kauk Hkjkh i Fkd ukf' kd ; kps vgokykuđ kj vkkLV 2012 rs tkuokjh 2015 i ; ųps #- 1]72]240@& ps oht nj Qjdkph fnysys fotns d ; kX; vkgs

epks fu'd'ž %

1- rØkjkj xkgdkpk i ųky iā kpk 0; ol k; vkgs egjk'V^a fo|ų fu; ked vk; kXkP; k vkn'sk fn- 16-08-2012 ¼cdj.k Ø- 19@2012-½ e/khy ifj' k'V&2 çek.ks eatj dyų; k nji=dkuđ kj i ųky iā kl kBh , yVh&2 ¼def' kž y½ nj l dr ykoyk vkgs gs vkn'sk fn- 01-08-2012 ikl u yxw vkgr- R; ke&s 01-08-2012 ikl u i &s i ųky iā kl kBh nj l dr oxhždj.kkckcr okn ukgh-

2- I nj tkM.khdfjrk forj.k dā uhp vks] kxhd nj lādr ykou tkuokjh 2015 i; īr nš ds nr gkrh- gh nš ds xkgd fu; feri.ks Hkjr gkrs ek=fQjR; k i Fkd kus fnukad 28-01-2015 jkst h dšy; k rikl .khr , yVh&5 ½vks] kxhd½ gk nj lādr pphpk ykoyk vl u rks , yVh &2 ½def'kz y½ vl kok vl s fun'kūkl vk.ku fnys ; k vgokykps vk/kkjkoj forj.k dā uhp; k nōGkyh mi foHkkxh; dk; kzy; kus ekxhy vkkLV 2012 P; k nj i=d vknš kki kl uP; k #- 1]72]240@ Qj d kps nš d xkgd kl Qcpkj h 2015 e/; s fnys

3- tkuokjh 2015 lk; īr xkgd kl forj.k dā uhp vks] kfxd nj lādr ykoyk gkrk- R; keGs vk/kh pphph nš ds fnyh vl Y; kl R; kr xkgd kpk dkghp nkš ukgh- R; kurj vpkudi .ks forj.k dā uhus rks cnyyk- cnyy; k nj lādr kiæk.ks i qhy nš ds ekx.; kckcr dkghp okn ukgh- ek= ekxhy Qj d kph jDde ekx.ks mfpr vkgš dk; \ gk iz u ; Fks mi lFkr >kyk vkgš nj lādr i qoxhdj.kkps vk/kkjkoj forj.k dā uhus dk<y; k ekxhy (Retrospective) ol qhP; k ekx.kh carkh fopkj dyk vl rk ; kckcr e- jk-fo|r fu; ked vk; kxkP; k iz Ø- 24@2001 ojhy vknš k fn- 11@02@2003 pk l nHkz mi yC/k vkgš ; k vknš kkr i fjPNn 23 e/; s vk; kxkus vki yh Hkfedk [kkyhyiæk.ks Li"V dšy vkgš

".....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...."

; kp vknš kpk vk/kkj ?kou ek- fo|r ykdiky] ukxi j ; kuh R; kpdMhy es OgkbM gkĀI i kbj ykMh ; kps izdj .kkrhy (Representation No. 14/2012 in case of M/s. White House Power Laundry, Nagpur. Vs Executive Engineer, MSEDCL,Hingna, Nagpur) fn- 01@06@2012 P; k fu.kz kr vl s vknš k fnys vkgš dh %

".....11. In view of order of the MERC referred to above, it is obvious that the respondent could not ask the appellant to pay difference of tariff retrospectively i.e. from May 2008. The respondent can claim difference of tariff only from the date of the inspection by the Flying Squad i.e. from 04/10/2011 and onwards. In view of this position, the provisional assessment bill for tariff difference amounting to Rs. 2,96,409/- as well as the revised assessment for Rs. 1,94,100/- cannot be sustained and they deserve to be quashed. It seems that this aspect was not brought to the notice of the Forum and the Forum erred in dismissing the Grievance of the appellant . Hence, the impugned order of the Forum needs to be quashed . I, therefore, pass the following order.

a. The Representation is partly allowed.

b. The order of the Forum dated 10.2.2012 is hereby quashed and set aside.

c. The provisional assessment bill for tariff difference amounting to Rs. 2,96,409/- as well as the revised assessment of Rs. 1,94,100/- are hereby quashed and set aside. ..."

- 4- Ekk- vWVsy ¼vMi yV VhC; ¼y QkV byDVhfl Vh ½ us nkok Ø- 131@2013 ¼gh; kUus fo- djy jkT; fo|qr fu; ked vk; kx¼ckcr fn- 07-08-2014 yk fnyV; k fu.kz kr nj l drrkhy Qjdkph jDde] pð fun'kUkl vkyh R; k fnukadki kl u ol y djkoh vl s funž k fnys vkgr -fo|qr ykdiky] ecbz ; kauh n[khy çdj.k Ø- 125@14 ¼ >kdhj gð u fo- egjkVª jkT; fo|qr forj.k dae-½ ; ke/; s fn- 23-12-2014 P; k fudkyi =kr n[khy nj l drrkhy pð fun'kUkl vkyh R; k fnukadki kl up ol yh djkoh vl s funž k fnys vkgr
- 5- ojhy l oZ ckchpk fopkj djrk ep vl s funž k nr vkgs dh iLnr idj.kkr okf.kT; ¼ yVh&2 njl drr½ fn- 28@01@2015 ¼Qjrs iFkd rikl .kph rkjh [k½ ikl u iqs yokok o R; k vk/khP; k dkyko/khph dk<ysh Qjdkph ol yh j l djkoh-
- 6- xkgdkus R; kpdMs vl ysh iæk.ki =s l knj dsh vl u ; k iæk.ki =kps vk/kkj koj R; kauk vks] kfxd njl drr yokok v' kh R; kph ekx.kh vkgs ; k iæk.ki =kpk ri 'khy [kkyhy iæk.ks vkg%

Lkcf/kr vf/kdkjh@ [kkrs	iæk.ki =k@i =koj oj uen 0; ol k;	iæk.ki =k@i =kpk fnukad	'kj k
bMh; u vkbzy dki kj s ku fy-	i v/ky i a	16@07@1986	i v/ky i a dkj [kkus vf/kfu; ek [kkyh ukno. ; kps funž k
egjkVª 'kkl u	bMh; u vkbzy i v/ky i a	fnukad ukgh- ek= 2014&15 l kbh enrok<	dkj [kkus vf/kfu; ek [kkyh ukn. kh
ed [; vfHk; ark] egjkVª jkT; fo qr eMG]i q ks	i v/ky i a	22@04@1997	i q; krhy i v/ky Mhyl l v; l kfl , 'kuyk rRdkyhu vknsyuk l nHkkz fnsys vrfje i =

Ekk= ; k iæk.ki =k@i =kps vk/kkj koj i v/ky i a gk 0; ol k; Bm|kxP vl Y; kpk xkgdkpk nkok fLodkjr k ; s kkj ukgh- dkj.k e-jk-fo|qr fu; ked vk; kxkP; k i z Ø- 111@2009 ojhy vkns k fn- 12@10@2010 ud kj ; kl ca/kh djrkauk vk; kxkus [kkyhy [kykl k dshk vkgs

“A similar impression is conveyed as regards the ‘Industry’ categorisation, with the Commission receiving representations from the hotel industry, leisure and travel industry, etc., stating that they have also been classified as ‘industry’ for the purpose of taxation and/or other benefits being extended by the Central Government or State Government, and hence, they should also be classified as ‘industry’ for the purpose of tariff determination. In this regard, it is clarified that classification under Industry for tax purposes and other purposes by the Central or State Government shall apply to matters within their jurisdiction and have no bearing on the tariffs determined by the Commission under the EA 2003, and the import of the categorisation under Industry under other specific laws cannot be applied to seek relief under other statutes. Broadly, the categorisation of ‘Industry’ is applicable to such activities, which entail ‘manufacture’.”

; k [kqyk' kkuq kj jkT; vFkok dnr l jdkjus brj dk; |k[kkyh fdok djka kBh dsys oxhdj.k njl adrkl kBh vk; ksxkus Bjfoyy; k oxhdj.kkl kBh xkg; /kjr k ; s kj ukgh- fotP; k okijph Loræ igk.kh d#u gk okij mRi knukl kBh 'manufacture' gkrks fdok dl s gs Bjo.ks vko'; d vkgs iLrq idj.kkr mRi knu ifdz k varHkr ukgh- f'kok; egjk'V^a fo|qr fu; ked vk; ksxkP; k vkns'k fn- 16-08-2012 %cdj.k Ø- 19@2012-½ çek.ks iVksy iãkl kBh , yVh&2 %def' kž y½ nj l adr Li'Vi.ks ykxw vl Y; kus vkrk iVksy iãkl kBh vks|kfxd nj l adr ykxw jkg.kkj ukgh-

xkgdkps ifronu] fo|qr forj.k dâ uhpk [kqykl k o l knj dj.; kr vkysyh dkxni =s ; k l ol ckchpk fopkj d#u ep ; k cdj.kh [kkyhy iæk.ks fu.kž nr vkgs

fu.kž

- 1- rØkjnkj xkgd ; kauk okf.kT; ¼ yVh&2 njl adr½ fn- 28@01@2015 ikl u iqs yokok- vk/khP; k dkyko/khph dk<ysh Qjdkph #- 1]72]240@& ph ol yh jí dj.; kr ; r vkgs
- 2 egjk'V^a fo|qr fu; ked vk; ksx ¼ xkgd xklgk.ks fuokj.k ep o fo|qr ykdi ky ¼ fofu; e 2006 e/khy fu; e Ø- 6-12 uq kj ukMy vf/kdkjh ; kauh ; k vkns kP; k iurhpk o vkns kkrhy n[ky ik= fu'd'k@' kš; kajhy dkjokbpk vgoky epkdMs 1 efgU; kP; k vkr l knj djkok-
- 3 ; k fu.kž k fo#/n rØkjnkj ; kauk vihy djko; kps vl Y; kl] egjk'V^a fo|qr fu; ked vk; ksx ¼ xkgd xklgk.ks fuokj.k ep o fo|qr ykdi ky ¼ fofu; e 2006 e/khy fu; e Ø- 17-2 uq kj ek- fo|qr ykdi ky ; kpsdMs] ¼ Onkj k & egjk'V^a oht fu; ked vk; ksx] 606] ^ds kok** caxyk] cknt dkklyDI ¼ ipz ½ epb& 400051]½ ; Fks ; k vkns kP; k fnukadki kl u 60 fnol kP; k vkr rs vihy d# 'kdrkr-

4 funf'kr dkyko/khr forj.k dā uhus ; k vkns kkph veyctko.kh u
 dš; kl e-fo-fu-vk- ¼ xkgd xkūgk.ks fuokj.k ep o fo|q
 ykdiky ¼ fofu; e 2006 e/khy fu; e Ø- 22 vūo; s rØkjnkj egkj k^V
 fo|q fu; ked vk; kxkdMs nkn ekxw 'kdrkr

¼ktu fl - dgd.kz ½ ¼ ješk oa f'konkl ½ ¼ l jšk i ka ok?k ½
 l nL; l nL; &l fpo rFkk dk; z v/; {k
 vfHk; ark
 xk- xk- fu- e- ukf'kd i fjeMG

i r ekfgrhl kBh o ; kX; R; k dk; bkghl kBh vxfr %
 1-e[; vfHk; ark]e-jk-fo-fo-da½e; kZ¼fo|q Hkou]i fjeMG dk; kzy;] ukf'kdj kM
 ¼dk; bkjh vfHk; ark ; i z kkl uA ; kpdjhrk ½
 2-e[; vfHk; ark]e-jk-fo-fo-da½e; kZ¼ fo|q Hkou] i fjeMG dk; kzy;] ukf'kdj kM
 ¼t ul ā dz vf/kdkjh ; kpdjhrk ½
 3-vf/k{k d vfHk; ark ¼ kgj¼ e-jk-fo-fo-da½e; kZ½ ukf'kdj kM