

# xkgd xklgk.ks fuokj.k ep

fo| r dk; nk] 2003 vrxr dye 42 1/5 vUo; s LFkkf r 1/2  
egkjK^ jkT; fo| r forj.k da uh 1/2; kzh r 1/2  
ifjeMy] ukf' kd

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

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

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t k-0% l -l -@xtxfue@uki@uk-'k-@uk-'k-fo-1@522@53&15@ fnukd &03@05@2016

Vlj Q cnykeGs t knk ?kryS; k jdepk Qjd ijr feG.; kckcr  
1/4 jft Vj ikp Onkjs 1/2

Xkk&gk.ks nk[ky fnukd % 21@03@2016  
fudky fnukd % 03@05@2016

ifr]

1 1/2 es f'koe bMLVht]  
i ks feyh n pndkr Hkkj l ]  
lykW ua 36] , e-vk; -Mh-l h-  
vcm ukf' kd 422010  
1/2 xk-da 049025037597 1/2

} r0kj nkj

2 1/2 ukMy vf/kdkjh  
e-jk-fot forj.k da uh 1/2; kZ 1/2  
'kgj eMy dk; kzy; ] ukf' kd  
3 1/2 dk; Bkjh vfHk; ark 1/4 k&1-1/2  
e-jk-fot forj.k da uh 1/2; kZ 1/2  
foHkkfx; dk; kzy; ] ukf' kd

} oht forj.k ijokuk/kkj d

## fu.kz i =

es f'koe bMLVht gs fot forj.k da uhps vks] kfxd xkgd vkgr R; kauh oht  
forj.k da uhdMs vU; k; dkjdjhR; k yko.; kr vkyS; k Vlj QeGs t knk ?kryS; k  
jdepk Qjd ijr feG.; kckcr vtZl knj dsk-; k fo'k; h egkjK^ jkT; fo| r forj.k  
da uhP; k vrxr xkgd r0kj fuokj.k l ferhdMs r0kj nk[ky dsh- i .k vrxr  
xkgd r0kj fuokj.k l ferhP; k fu.kz kus l ek/kku u >kY; kus vki ys xklgk.ks R; kauh  
vuq ph ^v\* e/; sepkdMs l knj dsys rs epkdMs 0ekd 53 vUo; sfn- 21@03@2016  
jkst h ukno.; kr vkys

epkP; k fn- 23@03@2016 P; k cBdhr gsi dj. k l pko. khl ?ks ; kpk fu. kž ?ks ; kr vkyk- xklgk. ks vt kph l pko. kh epkP; k dk; kž; kr fn- 07@04@2016 jkst h l - 11-30 okt rk fuf' pr dj. ; kr vkyh- ; k l ca/khph l puk rØkjnkj xkgd o forj. k dā uhP; k l cf/kr vf/kdkl; kauk fn- 23@03@2016 jkst hP; k i =kUo; sns ; kr vkyh- ; kp i =kl kcr rØkj vt kph ir ukMy vf/kdkjh 'kgj eMG dk; kž; ] ukf' kd ; kauk nou rØkj vt klū kj eī fugk; vfHki k; 15 fnol kr epkdMs l knj dj. ; kckcr o R; kph ir xkgdkyk i kgkfo. ; kckcr l fpr dj. ; kr vkys

l pko. khl fo | r forj. k dā uhrQž dk; ždkjh vfHk; ark Jh- , l - , l - l okbj ke] mi dk; ždkjh vfHk; ark Jh- , u-, e- xk; dokM] mPpLrj fyid Jherh Mh- ch- eksy gs rj xkgdkps orhus Jh- , e- l h- Hkkj l gs mi fLFkr gkrs

**xkgdkph ckt %**

- 1- xkgdkps f' koe bMLVht ukokps Vk; j fjekyMhæps Nks/d s ; fuV , e-vk; -Mh-l h- vcm ; fks vks l njph bMLVh Vkd. kd kBh y?kq | ksxkps i æk. ki = feGfoysys vks
- 2- xkgdkyk fMI æj 2013 i ; ž bMLVh; y Vŵj Qi æk. ks e-jk-fo-fo-da dMµ fu; fer chy ; r gkrs o rs oGr Hkj ys vks
- 3- fn- 08@01@2014 jkst h vpkud #- 2]39]702& def' kž y Vŵj Qi æk. ks e-jk-fo-fo-dā uh rQž dks krhgh i pžYi uk u nrk] nš d ns ; kr vkys ; k ckr xkgdkus fn- 28@01@2016 jkst h mi foHkkxh; dk; kž; kdMs nkn ekxhryh i jarq vt kph n[ ky ?ks ; kr vkyh ukgh-
- 4- Ek-jk-fo-fo-dadMµ chy Hkj. ; kckcrpk rxknk o duD' ku cn dj. ; kckcrP; k okjokj l pukeGs xkgdkus l njps fcy uk [ kkhush Hkj ys
- 5- urj xkgdkyk vl s dGys dh] R; kP; ki æk. kp T; k xkgdkauk Wk; j fjekyMhæ bMLVht ½ v' kh nš ds ns ; kr vkysyh gksh] R; k l okauk epkrQž U; k; feGkyk vks R; keGs gk rØkj vt l l knj djhr vks
- 6- vk/kh vrxr xkgd rØkj fuokj. k l ferhdMs fn- 28@01@2016 jkst h vt l dyk gkrk R; kph l pko. kh fn- 15@02@2016 jkst h >kyh- l nj l pko. kh e/; sns ; kr vkysyk fudky ekU; ul Y; kus gk vt l l knj djhr vks

**xkgdkP; k ekx. ; k %**

vU; k; dkjd yko. ; kr vkys; k Vŵj Q e/khy Qjd ijr feGkok-

**forj. k dā uhph ckt %**

forj. k dā uhP; k orhus ukMy vf/kdkjh ukf' kd 'kgj eMy ; kauh i = fn- 02@04@16 Onkjsfnysyk vgoky] vfr dk; ždkjh vfHk; ark] fl Mdksmi foHkkx ukf' kd ; kps i = fn- 02@04@2016] o brj i =0; ogkj epki qsl knj dyk- forj. k dā uhP; k i frfu/khauh i friknu dsys dh%

- 1- rØkjnkj xkgd ; kauh vl s uen dsys vks dh] Hkjkh i Fkd ; kauh ojhy m | ksxkph rikl .kh d#u R; kP; k vgokykuł kj vkkLV 2012 rs ukGgæj 2013 dkyko/khps vks] kfxd rs okf. kT; hd njkus fcyhæ dj. ; kps funž k fnys i jarq egkj k'V<sup>a</sup> oht

fu; ked vk; kx (MERC) Vfj Q vkmj LT-2 Non Residential Commercial ; kr vl s EgVys vkgs dh] Non Residential, Non Industrial Premises or commercial Premises I kBh Commercial Tariff ykxq gkrks

- 2- Hkjkh i Fkd ; kauh ri kl . kh dsyh R; koGh Vk; j fjekyMhæps dke l e# gkrks l nj dke gsokf. kT; hd njl ædrke/; sekMrs egkj k'V<sup>a</sup> oht fu; ked vk; kx vkmj i æk. ks vkmLV 2012 i kl u Vk; j fjekyMhæph fj d0gjh dk<. ; kr vkysyh vkgs rh ; kx; vkgs vkmLV 2012 rs uk0gæj 2013 ph fj d0gjh fu; ekuq kj ; kx; vkgs
- 3- , dnjhr i gkrk r0kjnkj kP; k vt kr dks krgh rF; ul Y; kpsfnl u ; rs njh xkgd xk&gk. ks fuokj. k epkl fourh dj. ; kr ; rs dh] r0kjnkj es f'koe bMLVht , e-vk; -Mh-l h- væM ukf' kd ; kpk vt l [kkjht dj. ; kr ; kok-

**vræ r0kj fuokj. k d{kkph dk; bkgh**

vræ r0kj fuokj. k d{k] ukf' kd 'kgj eMy dk; ky; ; Fks fn- 28@01@2016 jksth i kl r >ky; ; k r0kj hph l uko. kh fn- 15@02@2016 jksth l uko. kh gkou fn- 20@02@2016 jksth i ehyi æk. ks fu. k; ns ; kr vkyk-

Rk0kjnkj xkgd ; kauh vkdkj. ; kr vkysyk vks] kfxd rsokf. kT; hd njl ædr gk ; kx; vkgs i jarqek- l pkyd ¼ pyu½ epbz ; kps i = da 24156 fn- 18@07@2009 e/; s ueq ds; kuq kj r0kjnkj xkgd ; kauh fourh ds; kl vkmLV 2012 rs uk0gæj 2013 ; k dkyko/khP; k QjdkP; k jDdeps r0<s glrs d#u ns ; kr ; kor-

**epkps fu'd'z %**

- 1- r0kjnkj xkgdkp Vk; j fjekyMhæpk 0; ol k; vkgs egkj k'V<sup>a</sup> fo|q fu; ked vk; kxkP; k vkns k fn- 16-08-2012 ¼cdj. k 0- 19@2012-½ e/khy i fjf' k'V&2 çek. ks eatj dsy; k nji =dkuq kj Vk; j fjVhMhæ@fj ek yMhæ l kBh , yVh&2 ¼def' k; y½ nj l ædr ykoyk vkgs gs vkns k fn- 01-08-2012 i kl u ykxw vkgr- R; keGs 01-08-2012 i kl u i æs Vk; j fjekyMhæ l kBh ykoyyk , yVh&2 ¼def' k; y½ nj l ædr ; kx; vkgs
- 2- l nj t kM. khdfjrk forj. k dæ uhþ vks] kxhd nj l ædr ykou fMI æj 2013 i ; æ ns ds nr gkrh- gh ns ds xkgd fu; feri. ks Hkj r gkrks ek= fQJR; k i Fkd kus dsy; k ri kl . khurj , yVh&5 ¼vks] kxhd½ , oth , yVh&2 ¼def' k; y½ nj l ædr ykou forj. k dæ uhusekxhy vkmLV 2012 i kl u #- 2]39]702& Qjdkpsns d xkgdkl fnukæd 08-01-2014 jksth fnys
- 3- fMI æj 2013 lk; æ xkgdkl forj. k dæ uhup vks] kfxd nj l ædr ykoyk gkrk- R; keGs vk/kh pphph ns dsfnyh vl Y; kl R; kr xkgdkpk dkghp nkæ ukgh- R; kuarj vpkudi . ks forj. k dæ uhurks cnyyk- cnyy; k nj l ædrki æk. ks i ehy ns ds ekx. ; kckcr dkghp okn ukgh- ek= ekxhy Qjdkph jDde ekx. ks mfpr vkgs dk; \ gk i z u ; Fks mi fLFkr >kyk vkgs njl ædr i uoxhædj . kkps vk/kkjkoj forj. k dæ uhurks dk<y; k ekxhy (Retrospective) ol ghyP; k ekx. kh l ækh fopkj dyk vl rk ; kckcr e-jk-fo|q fu; ked vk; kxkP; k i z 0- 24@2001 ojhy vkns k fn- 11@02@2003 pk l æHkZmi yC/k vkgs ; k vkns kkr i fjPNn 23 e/; svk; kxkusvki yh Hkfiædk [kkyhyi æk. ks Li'V dsyh 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. ...”

; kp vkns kkpk vk/kkj ?kou ek- fo | r ykd i ky] ukxi j ; kauh R; kpsdMhy es OgkbV gkAI i kbj ykM/h ; kpsi dj . 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 vkns k fnys vkgr 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. ...”

ri p Ekk- vM Vsy %vM yV VAC; uy QkV byDVhfI Vh ½ usnok Ø- 131@2013 Wgh; kUus fo- dj y jkT; fo | r fu; ked vk; ks ½ ckcr fn- 07-08-2014 yk fnyV; k fu. kZ kr nj l drkrhy Qjdkph jDde] p d fun' kUkl vkyh R; k fnukadki kl u ol y djkoh vl s funk k fnys vkgr -fo | r ykd i ky] epbz ; kauh ns[ khy çdj . k Ø- 125@14 %>kdhj gd u fo- egkj kVª jkT; fo | r forj . k dae-½ ; ke/; s fn- 23-12-2014 P; k fudkyi =kr ns[ khy nj l drkrhy p d fun' kUkl vkyh R; k fnukadki kl up ol yh djkoh vl s funk k fnys vkgr-

ojhy l ozckchpk fopkj djrk fQjrsi Fkd ri kl . khP; k rkj [ ki kl u i s, yVh&2 %def' kZ y½ njl dr ykokok o R; k vk/khP; k dkyko/khph dk<ysh Qjdkph ol yh j l djkoh] v' kh epkph /kkj . kk vl Y; kus; k epkusv' kk ekxhy dkgh i dj . kkr njl dr cnykeGsi py {kh çHkkokust knk ol y dsysh jDde j l dj . ; kpsfu. kZ fnys vkgr-

- 4- xkgdkus ; k epkus ; ckcr i whz fnyV; k ; k fu. kZ kpk mYys[ k d: u R; kps ckcrgh njl dr cnykeG t knk ol y dsysh jDde ijr feGkoh v' kh ekx . kh dsh vkgs ijr ; k epkus ; kp fo'k; kojhy v' kkp , dk Shri- Kambalat Subramanium Babu,Ahmednagar ; kps i dj . kkr ¼ ç-Ø- 14@15] fn- 26-06-2015 ½ fnyV; k vkns kkyk forj . k da uhus ek- epbz mPp U; k; ky; kr vkOgku fnys vkgs gk ; kfpdph ek- epbz mPp U; k; ky; kP; k vkj xckkn [ kMi hBkr fn- 19@10@2015 jkst h WRIT PETITION

NO-10659 OF 2015 }kjs ukn.kh dj.; kr vkyh vl u gh ; kfpdk Pre-Admission stage  
yk vkgs fn- 09@12@2015 yk ek- mPp U; k; ky; kus ; k i dj.kkr ukvhl dk<yh  
vkgs R; keGs I |fLFkrhr gk fo'k; U; k; çfo"V vkgs

5- egkj k"V" fo|r fu; ked vk; kx ¼ xkgd xklgk.ks fuokj.k ep o  
fo|r ykdi ky ¼ fofu; e 2006 e/khy fofu; e 6-7 ¼4½ u| kj tj Bdk krggh  
U; k; ky; ] U; k; kf/kdj.k] yokn vFkok vU; dks krggh çkf/kdj.k ; kP; ki çs R; kp  
xk&gk. ; kP; k I nHkkîr xkgdkpsvfHkonu çyçr vkgsfdok v'kk dks kR; kgh U; k; ky; ]  
U; k; kf/kdj.k] yokn vFkok vU; dks krggh çkf/kdj.k ; kauh ; ki whp fMØh fdok  
fuokMk fdok vîre vkn'sk fnysk vkgsP rj epkyk vl s xk&gk.ks nk[ky  
d#u ?krk ; s kkj ukgh

I cc ; kp fo'k; kojhy xk&gk. ; kckcr çdj.k ek- epbz mPp U; k; ky; kdMs çyçr  
vl Y; kus epkyk vkrk gs xk&gk.ks nk[ky d#u ?krk ; s kkj ukgh -  
xkgdkps i fronu ] fo|r forj.k dâ uhp [kykl k o I knj dj.; kr vkysyh  
dkxni =s ; k I ol ckchpk fopkj d#u ep ; k çdj.kh [kkyhy i æk.ks fu.kz nr  
vkgs

### fu.kz

- 1- ep rØkjnkj xkgdkps xk&gk.ks ukeat ij djhr vkgs
- 2- ; k fu.kz k fo#/n rØkjnkj ; kauh vihy djko; kps vl Y; kl ] egkj k"V"  
fo|r fu; ked vk; kx ¼ xkgd xklgk.ks fuokj.k ep o fo|r ykdi ky ¼  
fofu; e 2006 e/khy fu; e Ø- 17-2 u| kj ek- fo|r ykdi ky ; kpdMs ]  
Wnkj k & egkj k"V" oht fu; ked vk; kx] 606] ^d's kok\*\* çxyk] ckank dMlyDI  
¼ p½ epb& 400051½ ; Fks ; k vkn'sk kP; k fnukdki kl u 60 fnol kP; k vkr rsvi hy  
d# 'kdrkr-

½ktu fl - dyd.kz ½  
I nL;

½ešk oa f'konkl  
I nL; & l fpo rFkk  
dk; ZvfHk; rk

¼ l jšk i ka ok?k ½  
v/; {k

xk-xk-fu-eai fjeMG ukf' kd

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

1-e[ ; vfHk; rk] e-jk-fo-fo-da½e; kZ½ i fjeMG dk; kZy; ] ukf' kd jKM 422101  
½dk; Zdkjh vfHk; rk ; i z kkl uÀ ; kps djhrk½

2-e[ ; vfHk; rk] e-jk-fo-fo-da½e; kZ½ i fjeMG dk; kZy; ] ukf' kd jKM 422101  
½t ul i Ø vf/kdkjh ; kps djhrk½

3-vf/k{k d vfHk; rk] e-jk-fo-fo-da½e; kZ½ 'kgj eMy dk; kZy; ] ukf' kd

