

# Xkkgd xkkgk.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 1e; khr 1/2  
ifjeMy] ukf'kd

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

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

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t k-Ø% l -l -@xtkxfue#uki @uk-' k-ea@uk-' k-fo-1 @365@48&14@ @ fnukd &24@03@2015

## 1/ft'Vj i kp 0nkj 1/2

Xkkgk.ks nk[ky fnukd % 26@02@2015  
fudky fnukd % 24@03@2015

ifr]

1- psvjeu]

js kpdkuxj l gdkjh xgfuekZ k  
l LFkk] js kpdkuxj ukf'kd  
1/xk-d&049014049125 1/2

} rØjnkj

2- ukMy vf/kdkjh

e-jk-fot forj.k da uh 1e; kZ 1/2  
'kgj eMy dk; kÿ; ] ukf'kd

} forj.k da uh

3- dk; Zdkjh vfHk; ark 1/4 k&1 1/2

e-jk-fot forj.k da uh 1e; kZ 1/2  
[ kjcnk i kdZ foHkkfx; dk; kÿ;  
Ukf'kd

} forj.k da uh

## fu.kZ i =

psvjeu] js kpdkuxj l gdkjh xgfuekZ k l LFkk] ukf'kd gs oht forj.k da uhps  
Fkh Qst ?kjxrh xkkgd vl u R; kauh fot forj.k da uhdMs njl ædr Qj dKP; k  
jderhy , drQhz ol yh ckr rØkj vtZ l knj dÿk- ; k fok; h egjkV<sup>a</sup> jkT;  
fo| r forj.k da uhP; k vrxr xkkgd rØkj fuokj.k l ferhdMs rØkj nk[ky  
dÿh- i .k vrxr xkkgd rØkj fuokj.k l ferh dMµ foghr dkyko/khr dks krgh  
mRrj i klr u >kY; kus vki ys xkkgk.ks R; kauh vuq ph ^v\* e/; s epkdMs l knj  
dÿsrs epkdMs Øekd 17 vlo; s fn- 26@02@15 jksth ukno. ; kr vkys

epkP; k fn- 27@02@2015 P; k cBdhr gs i d j . k l pko. kh l ?ks ; kpk fu. k? ?ks ; kr vkyk- xklgk. ksv t kph l pko. kh epkP; k dk; k?y; kr fn- 17@03@2015 jkst h nq kjh 12-00 oktrk fuf' pr dj. ; kr vkyh- ; k l ca/khph l puk rØkjknj xkgd o forj . k dā uhp; k l ca/kr vf/kdkl; kauk fn- 28@02@2015 jkst hP; k i =klUo; s ns ; kr vkyh- ; kp i=kl kcr rØkj vt kph ir ukMy vf/kdkjh] 'kgj eMG dk; k?y; ] ukf' kd ; kauk nou rØkj vt k?d kj e? fugk; vfhki k; 15 fnol kr epkdMs l knj dj. ; kckcr o R; kph ir xkgdkyk i kgkfo. ; kckcr l ipr dj. ; kr vkys

l pko. kh l fo| r forj . k dā uhr Q ukMy vf/kdkjh Jh- pnf d' k?j l h- gpe. k? i Hkkjh vfrfj Dr dk; d k?h vfhk; ark Jh- i d t l rkkdj ?kkMd? gs rj xkgd g; kps orhus R; kps i rfu/kh Jh- vkj- th- nGoh] Jh- fnyhi vkj- egjkyh; k] Jh- xykc 0; ogkjs gs mi fLFkr gkrs

**xkgdkph ckt q %**

- 1- n?y ?kVdka kBh xgfuekz k i dYi kP; k vulkaxkusjs kpkuxj l gdkjh xgfuekz k l LFkk LFkki u >kysyh vkgs l LFkP; k , dqk 27 fcYMHax e/; s l k/kkj . kr% 350 qlyw /kkjd jkgrkr- Eg. kts vMhp rs rhu gtkj ykdkph oLrh vkgs ; kst us æk. ks l oZ l Hkk l nkauk fi . ; kps i k. kh i j fo. ; kl kBh tfeuhe/; s nku VKD; k cka'k. ; kr ; opu e-u-i k- ps i k. kh T; kr tek dyst krs l nj tek dysys i k. kh vkØggjgM Vhd e/; s byDVhd ekv/kjus p<foys t krs o rFku l oZ qlyw /kkj dkauk i kb? ykb?Onkjs i j foys t krs fn- 08@02@1984 i kl u ; kl kBh fo| r duD' ku ?ks ; kr vkys vkgs rØgki kl u rs vkrki ; r fot forj . k dā uh ; kauh fny? ; k fcyki æk. ks u pdrk l kd k; Vh fcys Hkjr vkysyh vkgs
- 2- vl s vl rkauk fQjrs i Fkd] ukf' kd ; kauhs fn- 04@06@2014 jkst h oht pkjh 'kks/k ekgh e vr x?r dys? ; k , drQhZ pksd' khoj vk/kkjhr ok<ho fcy jDde #i ; s 2]16]973-70 vl s fn- 16@09@2014 jkst h l LFkyk fnys
- 3- l nj fcykl kcr M?; v/h , D>hD; v/h0g bft fuvj ; kauh fny? ; k i=kr EgVys vkgs dh] l LFkpk nj l d r gk vks| kfxd vl k vl u ek= 3 Qst ?k x r h okWj Vhd l lyk; vl Y; kps fQjrs i Fkd ; kauk vk<Gu vkys fQjrs i Fkd ; kps dMpu l nj pksd' kh gh , drQhZ dj. ; kr vkysyh vkgs nj l d r k e/khy cnykckcr l LFkyk ; k i phz dk; k?y; kdMpu dks kR; kgh i d kj ph l puk vFkok ekfgrh ns ; kr vkysyh ukgh o vpkudi . ks fn- 04@06@2014 jkst h fQjrs i Fkd kus l nj l LFkps i k. kh ; kst uk ; Fks cl fo. ; kr vkys? ; k fo| r duD' kuph ri kl . kh dys h o , drQhZ fu. k? nou oht pkjh d? ; kckcr nM vkdk#u jDde 2]16]973-70 brds fcy cdk; nf' kj jhR; k i kBfoys vkgs
- 4- l nj dk; bkgh ckr fn- 30@10@2014 jkst h dk; k?y; kl i= fnysys vkgs R; kurj fn- 20@12@2014 jkst h fot ns d Hkj . ks ckr dk; k?y; kdMpu i qgk

i = iklr >kysys vkgš oht forj.k dā uhus pphP; k i /nrhus vkh; kfxd nt kZ  
noū I LFkdMū I u 1984 ikl ū ol yh dsyŷh vkgš ; k e/; s I LFkph  
vftckr pđ ukgh o oht pkjh dsyŷh ukgh- gh I oLoh pđ  
dk; kŷ; kph vkgš R; keGš pphP; k ekx.kh cí y I LFkk jDde Hk# 'kdr ukgh-  
rl p pphP; k jdeP; k ekx.kh cí y oht duD'ku rkm.; kph /kedh  
okjokj e-jk-fo-fo-dā uhdMū ns; kr; r vkgš

- 5- ; k ckr I LFkus oGkoGh ofj "Bkuk HkVū I nj ckc I etko.; kpk iz Ru  
dŷk- R; kurj ; kX; i frl kn u feGKY; keGš I LFkus fn- 29@12@2014 jkst h  
dk; ŷkjh vfhk; ark ½dk; kŷ; ½ vaxr rØkj fuokj.k d{k} 'kgj eMy  
dk; kŷ; ; kP; kdMs rØkj vtZnk[ky d#u vki ysEg.k. ks ys[ kh Lo#i kr I knj  
dŷs R; koj I ūko.kh fn- 19@01@2015 jkst h dj.; kr vkyh- I nj I ūko.khP; k  
oGh I LFkP; k vt kŷd kj ; ōrhokn dŷ; kurj I LFkpsEg.k. ks, ōdū R; koj rØkj  
fuokj.k epkus ys[ kh i kfi Mhax dŷso yodjkr yodj I LFkyk fudky fnyk  
tkbŷ vl s vk'okl u fnys i jr qv | ki i korksl nj rØkj epkdMū dks krkgh  
fudky] vknš k vFkok I ūuk feGKY; k ul Y; kus o vtZnk[ky dŷ; ki kl ū  
nku efgū; kpk dkyko/khr ojh"B epkdMs vfi y nk[ky dj.ks vko'; d  
vl Y; kus I njph vihy es epki ŋs nk[ky dj.ks Hkkx i Mys vkgš
- 6- I nj I LFkk gh nŋŷ ?kVdkph jfgokl h I LFkk vl ū I LFkrhy I ol kekū;  
dVpkdMū I LFkk eVvūl Eg.kū dōG 200@ #i; s njegk tek djrs  
I LFkyk brj dks krgh mRi ūu ukgh- e-jk-fo-fo-dā uhp; k fQjrs i Fkdkauh  
cdk; nŋ'kj nMkph vkdkj.kh dŷ; kus I LFkps [ kij ekBs ūpl ku gskkj vkgš
- 7- I nj nMkph jDde jnn- u >kY; kl o ik.kh ; kst ūpk foti jōBk [ kMhr  
dŷ; kl I ŋkjs 2500@ I kekū; tursyk vfr vko'; d fi.; kP; k  
i.k.; ki kl ū ofpr jgkos ykxŷ- v'kkus ekBk xks/kG gkoū i fjfLFkrh gkrckggj  
tk.; kph 'kD; rk ukdkjrk ; s kkj ukgh- R; keGš I nj ckc gh vfr'k; xhkhj  
vl Y; kus R; koj Rojhr fu.kŷ gks ks vko'; d vkgš rl p I njpk pphus i kjhr  
dŷsyk vknš k jī - gks ks vko'; d vkgš
- 8- fnukd 29@11@2014 nš d Øekd 120 gs ?kj xŋh njl ōrk i ŋk.ks vkysŷs #-  
20]600@ ps fcy fn- 24@12@2014 jkst h vnk dsyŷs vkgš oht duD'ku 3  
Qst ?kj xŋh okWj I lyk; vkgš o R; k i ŋk.ks oht fcy Hkj.ks vko'; d vkgš  
rj R; ki ŋk.ks ; ki ŋgh fcys Hkj.; kl r; kj vkgš

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

- 1- fotph vR; ko'; d I ōk vFkok fotps duD'ku rkmū vlū; k; d# u; s
- 2- I LFkph dks krhgh pđ ul rkuk I LFkyk I nj vkdkj.kh o dsyŷk nM gk  
vl Y; kus jī djkok-

**forj.k dā uhp ckt q%**

forj.k dā uhp; k orhusukMy vf/kdkjh ; kauh i = fnukd 11@3@2015 } kjs  
fnysyk vgoky o brj i = 0; ogkj epki ŋsl knj dŷk- vki yh ckt wekMrkuk forj.k  
dā uhp; k i frfu/khuh i fri knu dsyŷ dh%

- 1- vfrfjDr dk; ðkj h vfhk; ark 'kgj mi foHkkx] ukf' kd ; kauh l knj dSY; k Eg.k. ; kuð kj fn- 04@06@2014 jkst h ojhyi æk. ks psvjeu js kþkuxj l gdkjh xgfuekZ k l LFkk e; kZ ; Fkhy oht ehVj ri kl . kh mi dk; ðkj h vfhk; ark] fQjrs i Fkd ukf' kd ; kauh dSY; kurj l nj fBdk. kh oht oki j Fkh Qst ?kj xqrh bekj rhauk ekv/kj Onkjs i k. khi gjoBk dj.; kr ; r vl u rØkjnkj xtgdkl oht fcy vkñ; kfxd nj l ðrkuð kj ns ; kr ; r gkrs R; keGs xtgdkl vkñ; kfxd rs?kj xqrh ekxhy nku o'kkpsnj l ðrke/khy Qjdkps oht fcy #- 2]16]973-70& brds ns ; kr vkys
- 2- vfrfjDr dk; ðkj h vfhk; ark] 'kgj mi foHkkx ; kauh Qjdkj kVhpsfnysys l nj fot ns d ; kX; vl u xtgdkph nj l ðrkrhy Qjdkph jDde jí dj. kckcrph rØkj [kkjht djkoh] gh fourh-

**vrxr rØkj fuokj.k d{ktrph dk; ðkgh%**

vrxr rØkj fuokj.k d{k ukf' kd 'kgj eMy dk; kÿ; ; Fks fn- 29@12@2014 jkst h i klr >ky; k rØkj hph l uko. kh fn- 19@01@2015 jkst h l uko. kh gko u fn- 21@02@2015 jkst hP; k i =kUo; s i qhyi æk. ks fu. kZ ns ; kr vkys%

*BrØkjnkj xtgd ; kauh vkdkj. ; kr vkysyh vks] kfxd nj l ðrki æk. ks Qjdkph jDde gh ; kX; vkgs i jr qek- l pkyd ¼ pyu½ epbl ; kps i = da 24156 fn- 18@07@2009 e/; s uen dSY; kuð kj ftrD; k efgU; kP; k oht ns dkps Qjdkph jDde vkgs fr rds glrs rØkjnkj xtgd ; kauh fourh dSY; kl d#u ns ; kr ; kor-p*

**epkps fu'd'k %**

- 1- l nj tkm. khdfjrk l LFkd forj.k ða uh vks] kxhd nj l ðr ykou ns ds nr gkrh- gh ns ds l LFkk fu; feri . ks Hkj r gkrh- ek= fQjR; k i Fkd kus fnukð 04-06-2014 jkst h dSY; k ri kl . khr , y Vh 5 ¼vks] kxhd½ gk nj l ðr pðhpk ykoyk vl u rks fuokl h vl kok vl s fun' kZukl vk. ku fnys ; k vgokypkps vk/kkjkoj forj.k ða uhP; k ukf' kd 'kgj mi foHkkxh; dk; kÿ; kus tÿs 2014 i kl u ?kj xqrh nj l ðr kus ns ds ns ; kl l jokr dSYh o ekxhy l IVæj 2012 rs vkkLV 2014 ; k nku o'kkP; k Qjdkps ns d Fkdckdh Eg. ku fnys fQjR; k i Fkd kP; k vgokyr Qjd ðgki kl u ol y djkok] ; k l æ'kh dkgh mYys[ k ukgh- rl p mi foHkkxh; dk; kÿ; kus nku o'kkP; k Qjdkph ol yh dBY; k vk/kkjkoj dk<yh ; kpk [kÿkl k ukgh-
- 2- t u 2014 lk; r xtgdkl forj.k ða uhup vks] kfxd nj l ðr ykoyk gkrk- R; keGs vk/kh pðhph ns ds fnyh vl Y; kl R; kr xtgdkpk dkghp nkk ukgh- R; kurj vpkudi . ks forj.k ða uh rks cnyyk- cnyy; k nj l ðrki æk. ks i qhy ns ds ekx. ; kckcr dkghp okn ukgh- ek= ekxhy Qjdkph jDde ekx. ks mfpr vkgs dk; \ gk iZ u ; Fks mi lLFkr >kyk vkgs
- 3- nj l ðr i poxhdj. kkps vk/kkjkoj forj.k ða uh us dk<y; k ekxhy (Retrospective) ol yhP; k ekx. kh l æ'kh fopkj dSYk vl rk ; kckcr e-jk-fo | r

fu; ked vk; kxkP; k i z Ø- 24@2001 ojhy vkn's k fn- 11@02@2003 pk I nHkZ mi yC/k vkg's ; k vkn's kkr i fjPNn 23 e/; s vk; kxkus vki yh Hkfedk [kkyhyiæk. ks Li'V dsh vkg's

*“.....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 vkn's kkp vk/kkj ?kou ek- fo|r ykdi ky] ukxi j ; kauh R; kpdMhy es 0gkbV gkÅI i kbj ykM/h ; kps i 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 vkn's 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. ...”*

4- Ekk- vVvy ¼Mfi yV VhC; qy QkV byDVhfI Vh ½ usnkok Ø- 131@2013 ¼gh; kUus fo- djy jkT; fo|r fu; ked vk; kxkP; kkr fn- 07-08-2014 yk fnys; k fu. kZ kr nj I dkrhy Qjdkph jDde pd fun' kLkl vkyh R; k fnukdki kl u ol ny djkoh vl s fun's k fnys vkgr -fo|r ykdi ky] epbz ; kauh n[ khy çdj. k Ø- 125@14 ¼ >kdhj gL u fo- egjkVª jkT; fo|r forj. k dae-½ ; ke/; s fn- 23-12-2014 P; k fudkyi =kr n[ khy nj I dkrhy pd fun' kLkl vkyh R; k fnukdki kl up ol ny djkoh vl s fun's k fnys vkgr

5- ojhy I oZckchpk fopkj djrk ep vl s l fpr djhr vkg's dh i Lr r i dj. kkr fuokl h ¼ y-Vh-81 nj I dkr ½ fn- 04@06@2014 ¼Qjrs i Fkd rikl . khph rkjh [ k½ i kl u i q's ykokok o R; k vk/khP; k dkyko/khph dk<ysh Qjdkph ol ny jI djkoh-

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

### fu.kž

- 1- iLnr idj.kkr fuokl h iðxkpk njl ðr Hkjkh iFkd riki .khp fnukd  
04@06@2014 ikl u i qsykokok o R; k vk/khp; k dkyko/khph dk<ysyh Qjdkph  
ol yh j l djkoh-
- 2- ; k fu.kž k fo#/n rØjnkj ; kauk vihy djko; kps vl Y; kl ]  
egkj k'V<sup>a</sup> fo|q fu; ked vk; kx ¼ xkgd xklgk.ks fuokj.k ep o  
fo|q ykdi ky ¼ fofu; e 2006 e/khy fu; e Ø- 17-2 uq kj ek- fo|q  
ykdi ky ; kpdMs ] ¼ Onkj k & egkj k'V<sup>a</sup> oht fu; ked vk; kx] 606] ^dš kok\*\*  
caxyk] cknk dklyDI ¼ i p ½ epb & 400051] ½ ; Fks; k vknš kkP; k fnukdki kl u  
60 fnol kP; k vkr rs vihy d# 'kdrkr
- 3- funš' kr dkyko/khr forj.k dā uhus ; k vknš kkph veyct ko. kh u dš; kl  
e-fo-fu-vk- ¼ xkgd xklgk.ks fuokj.k ep o fo|q ykdi ky ¼ fofu; e  
2006 e/khy fu; e Ø- 22 vllø; s rØjnkj egkj k'V<sup>a</sup> fo|q fu; ked  
vk; kxkdMs nkn ekxw 'kdrkr

½kt u fl - dyd.kž ½      ¼ ješ k o- f'konkl ½      ¼ l jš k i la ok?k ½  
l nL;                              l nL; & l fpo rFkk                              v/; {k  
dk; žvfHk; ark

### xkgd xklgk.ks fuokj.k ep - i fjeMG ukf'kd

- i r ekfgrhl kBh o ; kX; R; k dk; žkghl kBh vxš'kr %
- 1 eq ; vfHk; ark] e-jk-fo-fo-da½e; kž¼ fo|q Hkou] i fjeMG dk; kžy; ] ukf'kd j kM  
422101
  - 2 vf/k{k d vfHk; ark ¼ kgj ¼ e-jk-fo-fo-da½e; kž½ ukf'kd