

xkgd xklgk.ks fuokj.k ep

fo| r dk; nk] 2003 vrxr dye 42 1/5 1/2 vll0; s LFkfi r 1/2

egkjKV^a jkT; fo| r forj.k di uh 1/e; khhr 1/2

ifjeMy] ukf'kd

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]

} kj dk] ukf'kd 422011-

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t k-Ø% l -l -@xkxfue@uki @uk-'k-ea@'k-fo-1@468@51&14@ fnukad &17@04@2015

1/4 jft Vj ikp 0nkjs 1/2

Xk&gk.ks nk[ky fnukad % 18@03@2015

fudky fnukad % 17@04@2015

ifr]

1- es ykVI - byDVhdYI }

ds 27] , e-vk; -Mh-l h-

vCM ukf'kd 422010

1/2xk-Øz0490142891511/2

} rØkjnkj

2- ukMy vf/kdkjh

e-jk-fot forj.k di uh 1/e; kZ 1/2

'kgj eMy dk; ky;]

f'kxkMkryko] ukf'kd

} forj.k di uh

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

e-jk-fot forj.k di uh 1/e; kZ 1/2

[kjcnk i kd] foHkkfx; dk; ky;]

ukf'kd

fu.kz i =

es ykVI - byDVhdYI - vCM ukf'kd gs oht forj.k di uhps
vksj kfxd xkgd vkgr- R; kulk e-jk-oht forj.k di uh dMs
def'kz y@0; ki kjh njkus Hkjysyh oht fcykph jDde ijr feG.kckcr
vtZ l knj dyk- rlp ; k fo'k; h egkjKV^a jkT; fo| r forj.k di uhP; k
vrxr xkgd rØkj fuokj.k l ferhdMs rØkj nk[ky dyh- i.k vrxr
xkgd rØkj fuokj.k l ferhP; k fu.kz kus l ek/kku u >kY; kus vki ys
xklgk.ks R; kauh vuq iph ^v* e/; s epkdMs l knj dysrs epkdMs Øekad
56 vll0; s fn- 18@03@2015 jkst h ukno.; kr vkys

epkP; k fn- 20@03@2015 P; k cBdhr gs i d j . k l uko. khl ?ks ; kpk fu. kž ?ks ; kr vkyk- xklgk. ks vt kph l uko. kh epkP; k dk; kžy; kr fn- 07@04@2015 jksth nq kjh 12-00 oktrk fuf'pr dj. ; kr vkyh- ; k l c/khph l puk rØkjnkj xkgd o forj. k dā uhp; k l c/kr vf/kdklū; kauk fn- 20@03@2015 jksthP; k i =kūo; s ns ; kr vkyh- ; kp i =kl kcr rØkj vt kph ir ukMy vf/kdkjh] 'kgj eMG dk; kžy;] ukf'kd ; kauk nou rØkj vt k lū kj eđ fugk; vfhki k; 15 fnol kr epkdMs l knj dj. ; kckcr o R; kph ir xkgdkyk i kkpfo. ; kckcr l fipr dj. ; kr vkys

l uko. kh l fo | r forj. k dā uhrQž ukMy vf/kdkjh Jh- l h- l h- gē. kž mi dk; ždkjh vfhk; ark Jh- ch-Mh- f'knkjž foHkfx; ys[kki ky Jh- Mh- ch- fVDdy] l gk; d ys[kki ky Jh- , l - ch- což gs rj xkgd Lor% mi lLFkr gkr s

xkgdkph ckt %

- 1- forj. k dā uhp; k Hkjkjh i Fkdkus fn- 19-01-2012 jksth dsyž; k rikl .khuarj xkgdkyk oht nj l cdr vks] kxhd ¼ yVh & 5½ , oth okf. kT; ¼ , yVh & 2½ ykokok v' kh f' kQkj l fn- 03@02@2012 yk dsyh- R; kçek. ks R; kP; k ekpl 2012 P; k fcykr ekxhy 24 efgū; kph ol ghy #- 1]64]490 forj. k dā uhus l ekfo"V dsyh- gs oht fcy xkgdkyk ekū; uOgrs i. k fot i j oBk [kMhr gkoq u; s ; kl kBh R; kauh oht fcy Hkj. kk dsyšk vkgs
- 2- xkgdkus forj. k dā uhyk i = fn- 28@08@2012 o 09@10@2012 fnys R; kuđ kj e-jk-fo-fo- da e; kž ps l D; yj ua 175 fn- 05@09@2012 e/; s jkgh= n#Lrhps oØ' kklW gs vks] kfxd , y-Vh- 5- e/; s fnysys vkgs ekxhy 24 efgū; kps jž; yj vks] kfxd oht fcy Hkj. kk dsyys vkgs rjh R; koj fu. kž gkoq l gdk; l djkos o ekxhy 24 efgū; kps def' kž y @0; ki kjh njkus #i ; s 1]64]490& Hkj. kk dsysh oht fcykph jDde ijr feGkoh fdok ekl hd oht fcykrū dk<ū ns ; kr ; koh v' kh fourth dsyh-

xkgdkph ekx. kh %

t knk dk<syh Qjdkph jDde ijr feGkoh-

forj. k dā uhp ckt %

forj. k dā uhp; k orhus ukMy vf/kdkjh ukf'kd 'kgj eMy g; kauh fn- 04@04@2015 jksth fnysyk vgoky o brj i =0; ogkj epki s l knj dyk- vki yh ckt w ekMrkauk forj. k dā uhp; k i frfu/kauh ifri knu dsys dh%

- 1- xtgdkps VRUI QkEj jhisvjhæps odzkkW vl u R; kyk egkforj. kkP; k fu; ekuq kj vks| kfxd njkus oht fcykph vdkj. kh dj. ; kr ; rs gkrh o R; kauh fcygh Hkjyh vkgr- l nj xtgdkph fQjrs i Fkd ; kauh rikl .kh dš; kurj R; kauh vkkLV 2012 ikl u njl ædr Qjdkps 1]64]490@& #- ps fcy fnys o xtgdkus rs Hkjys vl u dā uhP; k fu; eki æk. ks rs ; kš; vkg
- 2- R; keGs xtgdkph njl ædrkrhy Qjdkph jDde ijr feG. kækcrph rØkj [kkjht dj. ; kr ; koh fg fourh-

vræh rØkj fuokj.k d{k kph dk; bkg

vræh rØkj fuokj.k d{k ukf'kd 'kgj eMy dk; kš; ; Fks fn- 18@02@2014 jksth iklr >kyš; k rØkj hph l uko. kh fn- 02@03@2015 jksth l uko. kh gkou fn- 11@03@2015 jksth i qhyi æk. ks fu. kš ns ; kr vkyk%

rØkjnkj xtgd ; kauh vks| kfxd o okf. kT; hd njl ædrkutj vdkj. ; kr vkysyh ekxy nku okkph #- 1]64]490@& ph fj dOgjh ; kš; vkg o R; kpk Hkj. kk rØkjnkj xtgd ; kauh dā uhl dšsyk vkg

epkps fu'd'kz %

- 1- rØkjnkj xtgdkpk jkfg= n#Lrhpk VRUI QkEj fjisvjhæ½ 0; ol k; vkg egkj k'V^a fo| r fu; ked vk; kækP; k vknk fn- 16-08-2012 ½ dj. k Ø- 19@2012-½ e/khy ifjf' k'V&2 çek. ks eatij dšš; k nji =dkuq kj jkfg= n#Lrh dk; ZkkGk VRUI QkEj fjisvjhæ odzkkW ½ ; kl kBh , yVh &5 ½ vks| kxhd½ nj l ædr ykoyk vkg gs vknk fn- 01-08-2012 ikl u yxw vkgr- R; keGs 01-08-2012 ikl u i qš jkfg= n#Lrh l kBh nj l ædr oxhædj. kækcr l hke ukgh-
- 2- l nj xtgdkl forj. k dā uhus vks| kxhd çoxkz kkyh oht ij oBk dšsyk gkrk o rs l jokrhi kl up vks| kxhd nj l ædrkus fcys Hkjr gkrh Hkjkh i Fdkust ægk tkuokjh 2012 e/; s l nj xtgdkph rikl .kh dšyh rægk R; kauh Lor%P; kp ikrGhoj gk nj l ædr cnyyk- v'kkp çdkjph dkgh çdj. ks ek- fo| r ykdiky] ukxiij ; kpdMs nk[ky >kyh vl rk R; kauh ½vfHkonu Ø- 22&25@12 o 49@12½ vknk fn- 03-08-2012 uq kj fu. kš nAu jkfg= n#Lrh l kBh , yVh &5 ½ vks| kxhd½ nj l ædr yokok vl s vknk fnys o ol yhph jDde jī dšyh- ; k vknk krhy l nfHkæ etdj i qhy çek. ks vkg%

“.....
19. In view of the above circumstances, I find that the activities of repairing of transformers can be classified in LT-V (Industrial) category for the tariff purposes. As such there was no need to reclassify the category of the appellants from LT-V (Industrial) to LT-II (Commercial). Consequently the

appellants are not liable to make payment of the alleged assessment done in pursuance of the recommendations/suggestions made by the Flying Squad. The Forum has not properly appreciated the material on record and arrived at an erroneous finding. Hence, the same cannot be sustained. I, therefore, pass the following **order**:-

The Representations are allowed.

1. *The orders of the Forum are quashed and set aside.*
2. *MSEDCL is directed to restore the original tariff i.e. LT-V (Industrial) to the units of the appellants.*
3. *The assessment served by MSEDCL on the appellants are quashed.*
4. *Needless to say that MSEDCL shall not disconnect the electric supply to the units of the appellants on the ground of reclassification of the units of the appellants in LT-II (Commercial) category and consequential non-payment of the assessment.....”*

3- ek- fo|r ykdiky] ukxiy ; kP; k fn- 03-08-2012 P; k fu.kz kfo#) forj.k di uhus ek- ecbz mPp U; k; ky; kP; k ukxiy [kMi hBkdMs ; kfpdk WWP Nos. 304 to 307 and 310 of 2013½ nk[ky dsh gkrh- ek= [kMi hBkus fn- 22-04-2013 P; k vknš kkuo; s gh ; kfpdk QWkGu ykoyh vkgs o ek- fo|r ykdiky] ukxiy ; kpk fu.kz dk; e Boyk vkgs R; keGs jkfg= n#Lrh W/RUI QWkj fjisvjha½ ; kl kBh fn- 01-08-2012 iohns[khy vks] kxhd njl dr ykoyk ikfgts ; k fu"d'kkbj f' kDdkekrz >kys vkgs ek- ecbz mPp U; k; ky; kP; k ukxiy [kMi hBkP; k l nHkhz vknš kkrhy funž k [kkyh fnys vkgs%

“On hearing the learned counsel for the parties and on a perusal of the impugned orders, it appears that the electricity Ombudsman was justified in allowing the representations filed by the respondents. The respondents were placed in the ‘Industrial Consumers’ category since the beginning. The categorization of the respondents was changed to that of ‘Commercial Consumers’ solely on the ground that the respondents were repairing the transformers and that was not an activity which could fall in the ‘Industrial Consumers’ category. On an appreciation of the material on record, the Electricity Ombudsman rightly held that the transformers repairing workshops would be classified in the ‘Industrial Consumers’ category for tariff purpose. The order of the Electricity Ombudsman can be justified on the basis of the order passed by the Maharashtra Electricity Regulatory Commission on 16.08.2012 whereby it is made clear that the tariff applicable to the transformer repairing workshops would be ‘Industrial’ tariff and not ‘Commercial’ tariff. The submission made on behalf of the petitioner that the order dated 16.08.2012 cannot come to the rescue of the respondents for effectively challenging their categorization in the ‘Commercial Consumers’ category as the order dated 16.08.2012 is not a clarificatory order and the said order makes the ‘Industrial’ tariff applicable to the transformers repairing workshop only after 2012 is not well founded and is liable to be rejected. Though the order dated 16.08.2012 may not be a clarificatory order, the order shows that on a proper appreciation of the submissions, the Maharashtra Electricity Regulatory Commissioner observed that ‘Industrial’ tariff would be applicable to the transformer repairing workshops. Though the learned counsel for the petitioner has relied on the orders passed by the Consumer Grievance Redressal Forum in the cases of the respondents, it appears on a perusal of the orders that for holding that ‘Commercial’ tariff would be applicable to the transformer repairing workshops of the respondents, the Consumer Grievance Redressal Forum had relied on the orders passed by the Maharashtra Electricity Regulatory Commission in cases where the Commission was not considering the applicability of the tariff to the transformer repairing workshops. Since the Forum had

relied on the cases, which were not relevant for the purpose of deciding the issue involved, the orders passed by the Forum cannot be of any help to the petitioner. Merely because it was stated in the inspection report that the supply of electricity was used for repairing the transformers and not for any manufacturing, it cannot be said that the change of categorization of the respondents from 'Industrial' to 'Commercial' was just and proper.

Since there is no merit in the petitions, the same are dismissed with no order as to costs."

4- I nj xtgdkl o v'kk çdkjP; k l oł xtgdkl I jokrhi kl u vks] kxhd nj I ðr pkyw vl rkuk o ; kckr fu; ked vk; kxkps dBygh vkn's k ul rkuk Hkjkh i Fkdus Lor-%P; kp vf/kdkjr xtgdkl R; kph ckt w ekM.; kph I a'kh u nrk nj I ðr cnyyk vkg's ojhy I nfHk' ek-fo|r ykdi ky] ukxi ij ; kP; k fu.kz kP; k o ek- eçbz mPp U; k; ky; kP; k ukxi ij [kMi hBkP; k vkn's kP; k vutækus forj.k dā uhp gh dkjokbz pph vl u fn- 01-08-2012 P; k vk/khns[khy I nj xtgdkl vks] fxd nj I ðr p ykxw vkg's l cc okf.kT; nj I ðr ykou dk<ysh vk/khph Qjdkph ol yh jī djkoh o tknk ?kr ysh jDde fo|r dk; nk]2003 P; k dye 62½ uł kj fj>oł çdP; k çd njkuš ijrkok fnukadki ; rP; k 0; kt kl g xtgdkl ijr djkoh- vl s ep I rpr djhr vkg's

xtgdkps ifronu] fo|r forj.k dā uhp [kkykl k o I knj dj.; kr vkysy dknis ; k l oł ckchpk fopkj d#u ep ; k çdj. kh [kkyhy iæ.k. ks fu.kz nr vkg's

fu.kz

- 1- rØkjnkj xtgdk ; kauk vks] k fxd o okf.kT; hd nj I ðrkrhy Qjdkuł kj vdkj.; kr vkysy ekxhy nku o'kkph #- 1]64]490& ph ol yh jī dj.; kr ; r vkg's xtgdkus tknk Hkjysy jDde ; k vkn's kP; k fnukadkarj ; s klu; k i'ehy oht ns dkr fjtoł çdP; k njkuš ijrkok fnukadki ; rP; k 0; kt kl g l ek; k'ftr djkoh-
- 1- egkj k^V fo|r fu; ked vk; kx ¼ xtgdk xklgk. ks fuokj.k ep o fo|r ykdi ky] ¼ fofu; e 2006 e/khy fu; e Ø- 6-12 uł kj ukMy vf/kdkjh ; kauh ; k vkn's kP; k i r'p o vkn's kkrhy n[ky i k= fu'd'k' kš; k'ojhy dkjokb'p vgoky epkdMs 1 efgU; kP; k vkr I knj djkok-
- 2- fun' kr dkyko/khr forj.k dā uhus ; k vkn's kph veyctko.kh u dš; kl e-fo-fu-vk- ¼ xtgdk xklgk. ks fuokj.k ep o fo|r ykdi ky] ¼ fofu; e 2006 e/khy fu; e Ø- 22 vUo; s rØkjnkj egkj k^V fo|r fu; ked vk; kxkdMs nkn ekxw ' kdrkr-

3- ; k fu.kz k fo#/n rØkijnkj ; kauk vihy djko; kps vl Y; kl]
 egkj k'V^a fo| r fu; ked vk; kx ¼xkgd xklgk. ks fuokj. k ep
 o fo| r ykdiky ¼ fofu; e 2006 e/khy fu; e Ø- 17-2 ud kj
 ek- fo| r ykdiky ; kpdMs] ¼onkj k & egkj k'V^a oht fu; ked
 vk; kx] 606] ^ds kok** cxyk] cknk dklyDI ¼ p½ epb& 400051½
 ; Fks ; k vknš kkP; k fnukdki kl u 60 fnol kP; k vkr rs vihy d#
 'kdrkr-

¼ktu fl - dyd.khZ ½ ¼ ješk o- f'konkl ½ ¼ l jšk i ka ok?k ½
 l nL; l nL; &l fpo rFkk dk; Z v/; {k
 vfHk; rk
xkgd xklgk. ks fuokj. k ep - i fjeMG ukf'kd

i r ekfgrhl kBh o ; kx; R; k dk; bkghl kBh vxfr %

- 1- eq[; vfHk; rk] e-jk-fo-fo-da½e; kZ¼ fo| r Hkou] i fjeMG dk; kly;]
 ukf'kdj kM 422101 ¼ dk; bkjh vfHk; rk jizkl uA ; kP; k djhrk ½
- 2- eq[; vfHk; rk] e-jk-fo-fo-da½e; kZ¼ fo| r Hkou] i fjeMG dk; kly;]
 ukf'kdj kM 422101 ¼ tul idz vf/kdkjh ; kP; k djhrk½
- 3- vf/k{k kd vfHk; rk ¼ kgj ¼ e-jk-fo-fo-da½e; kZ½ ukf'kdj kM