



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
Ph- 2210707, Fax - 2210707, E-mail : cgrfkalyan@mahadiscom.in

**No. K/E/1298/1534 of 2017-18**

Date of registration : 27/02/2018

Date of order : 21/03/2018

Total days : 22

**IN THE MATTER OF GRIEVANCE NO. K/E/1298/1534 OF 2017-18 OF DIGITAL INFOTECH, CYBER CAFÉ, SHOP NO.2, THAKURDWAR COMPLEX, TILAK CHOWK, KALYAN (W), PIN CODE - 421 301 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT BILLING DISPUTE.**

Digital InfoTech,  
Cyber Café, Shop No.2,  
Thakurdwar Complex,  
Tilak Chowk, Kalyan (W),  
Pin Code - 421 301.

(Consumer No. 020024233589) ... (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution  
Company Limited

Through it's Nodal Officer/Addl.EE.

Kalyan Circle-I, Kalyan

... (Hereinafter referred as Licensee)

**Appearance** : For Licensee - Shri.C.G.Meshram, AEE, Kalyan (W) S/dn-II

For Consumer - Shri.Samshed K.Mansuri (C.R.)

[Coram- Shri A.M.Garde-Chairperson, Shri A.P. Deshmukh-Member Secretary  
Mrs.S.A.Jamdar- Member (CPO)].

1) Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003 (36/2003). Hereinafter for the sake of brevity referred as 'MERC'. This Consumer Grievance Redressed Forum has been established as per the notification issued by MERC i.e. "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is referred as 'Regulation'. Further the regulation has been made by MERC i.e. Maharashtra Electricity Regulatory Commission. [Electricity Supply Code and other conditions of supply 2005] Hereinafter referred as 'Supply Code' for the sake of brevity. Even, regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply

& Determination of Compensation) Regulations, 2014.' Hereinafter referred 'SOP' for the sake of convenience.

2) Consumer herein is Digital InfoTech having Consumer Number 020024233589 L.T.V.B. Ind. The grievance is that as per IT/ITES policy they took Industrial connection for their ITES cyber café. Distribution Licensee sent a bill of around 3.2 lakh by applying commercial tariff in Oct-2017. Distribution Licensee demanded permanent registration certificate from DIC. Consumer submit that no such certificate was demanded while applying for connection. Further consumer produced certificate from DIC which is dated 01/01/2018, but the Distribution Licensee did not accept the same for past period for two years from Sept-2015 to Sept-2017 and raised the bill for the difference between Industrial tariff and commercial tariff.

3) Distribution Licensee in reply contends that though the Consumer was being charged under Industrial tariff, during spot inspection it was seen that they had no permanent registration certificate as ITES from DIC, as such commercial tariff was applicable and hence plane recovery for limitation period of two years retrospectively was raised.

4) The connection of Consumer was disconnected for recovery of disputed amount. On 28/02/2016 an emergent hearing regarding disconnection was taken, in which both parties were heard. Accordingly Interim Order was passed to reconnect the supply. Hence next hearing scheduled on 07/03/2018 after reconnection of the supply.

5) We have heard both side. It is true though, that for applying Industrial tariff to IT/ITES units a permanent registration certificate is required from DIC, but equally after it is detected that there is no such certificate with a Consumer, it falls in the grievance of wrong application by tariff by the Distribution Licensee. In such case no retrospective recovery is permissible. There are several judgment of APTEL & Ombudsman on this issue. That being so the bill raised for retrospective period of 2 years is liable to be quashed.

Hence the order

### **ORDER**

- 1) The Grievance application of the Consumer is allowed.
- 2) The bill raised for the retrospective period of two years from Sept-2015 to Sept-2017 is hereby quashed.

- 3) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 21/03/2018

(Mrs.S.A.Jamdar)  
Member  
CGRF, Kalyan

(A.P.Deshmukh)  
Member Secretary  
CGRF, Kalyan.

(A.M.Garde)  
Chairperson  
CGRF, Kalyan.

**NOTE**

- a) The consumer if not satisfied, may file representation against this order before the Hon. Ombudsman within 60 days from the date of this order at the following address.

“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission,606/608, Keshav Bldg, Bandra Kurla Complex,Mumbai 51”.

- b) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or

- c) delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” at the following address:-

“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”

- d) It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.

