



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No. K/E/1433/1685 OF 2017-18

Date of registration : 16/08/2018

Date of order : 26/09/2018

Total days : 41

IN THE MATTER OF GRIEVANCE NO. K/E/1433/1685 OF 2017-18 OF M/S PARAM SYNTHETICS, GALA NO.38 & 39, DEWAN & SHAH IND.ESTATE 3, VASAI EAST., PIN CODE- 401 202 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT BILLING DISPUTE.

M/s Param Synthetics,
Gala No.38 & 39,
Dewan & Shah Ind.Estate 3,
Vasai East., Pin Code- 401 202
(Consumer No. 001610357942) . . . (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution
Company Limited
Through it's Nodal Officer/Addl.EE.
Vasai Circle, Vasai . . . (Hereinafter referred as Licensee)

Appearance : For Licensee - Shri.V.M.Gokhale, AA, Vasai (E) S/dn.

For Consumer - Shri.V.K.Vaze (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 Regulations 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 M/s Param Synthetics., having consumer no. 001610357942. Grievance is that :-

i) That on dtd.16/03/2018 the premises was inspected by F5 unit Vasai and proposed recovery of difference from LT V A to LT V B for the recorded 147537 units to S/dn.as plain recovery. On enquiry with them, it was informed that proper tariff is not being applied. As per FS unit, the proper tariff is LT V B whereas tariff applied was LT V A.

ii) The S/dn office has accordingly issued the provisional bill of Rs.500126/- dtd.10/04/2018. Without any covering letter. Before we raise some objection to it, the said amount of recovery was expeditiously added in the bill for April 2018 leaving no chance for us to put side before MSEDCL.

iii) Being the amount of recovery added in the bill, consumer is unable to pay the bill. Hence they wrote a letter dtd.24/04/2018 to SDO requesting them to accept part payment as also amount of current bill as per MSEDCL' s own letter no.24156 dtd.18/07/2009. This is however without prejudice to their right to file complaint with appropriate authority such as IGRC, CGRF, and Ombudsman etc.to wipe out the recovery as it is illegal and unlawful as per APTEL & MERC directives. With the same intention this complaint is lodged.

Basic objection is to the retrospective recovery. In fact whenever it is detected that proper categorization of a particular consumer is not done and reclassification is required to be done, in such cases the Distribution Licensee can change the category accordingly from the day the inspection is carried out and will be applicable for future. But in no case they can go for retrospective recovery as per APTEL & MERC directives. In support of it a decision in complaint No.22/2012 of CGRF Amaravati is enclosed

Hence it is requested to withdraw the entire recovery of Rs.500126/- raised on to us as it stands unlawful.

iv) MSEDCL in reply contends that supply was taken by the consumer on 25/04/1996 for power loom. Flying squad of vasai inspected the installation of the consumer and found that consumption was being made for industrial purpose. Accordingly on 16/03/2018 assessment sheet was presented. It was reported that bill difference as per industrial tariff from June-2015 to Feb-2018 be prepared.

v) Consumer was using the power for industrial purpose since June 2015 but through oversight the tariff remained to be changed. Distribution Licensee contends that the bill falls within limitation period of two years as such there is no bar. Reliance is placed on Ombudsman case no.78 of 2018.

vi) We have heard both sides. In fact this is a case of 126. Supply was taken for power loom and subsequently industry is started by the present user. Complainant submits that they have

come on the premises subsequently. Earlier occupier has power looms therein. In that event it is clear that present user has been using power looms connection for industry. Ever then Distribution Licensee has simply raised plain recovery which in our opinion quite fair; Grievance fails.

Hence the Order

ORDER

Grievance is dismissed.

Date: 26/09/2018

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

(A.P.Deshmukh)
MemberSecretary
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.

