



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/1434/1686 of 2017-18

Date of registration : 16/08/2018

Date of order : 10/10/2018

Total days : 55

IN THE MATTER OF GRIEVANCE NO. K/E/1434/1686 OF 2017-18 OF M/S MOHAMMAD SAJID HAJI SARDAR, H.NO.2796, ISAMANNU COMPOUND, PELHAR, WALIV, PIN CODE- 401 201 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT BILLING DISPUTE.

M/s Mohammad Sajid Haji Sardar,
H.No.2796, Isamannu Compound,
Pelhar, Waliv, Pin Code- 401 201
(Consumer No. 001940782933)

... (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)

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 one M/s Mohammad Sajid Haji Sardar having consumer no. 001940782933. Grievance is that vide letter no.319 dated 15/09/2017 provisional bill for an amount of Rs.30,38,945/- was issued to consumer. Consumer vide letter dt.15/12/2017 submitted their objections and demanded hearing.
- 3) Upon hearing the consumer, Distribution Licensee withdrew proceeding under section 126 against the consumer but issued a revised bill against plain recovery as for the period of Jun-2009 till Feb-2018.
- 4) It is the contention of the consumer that as per APTEL and MERC directives MSEDCL was not allowed to recover tariff difference retrospectively and shall be entitled to prospective recovery only i.e. from the date of detection i.e.21/08/2017. Whenever it is detected that proper categorization of a particular consumer is not done and reclassification is required be done in such cases the distribution Licensee can change the category only from the date of inspection and only prospectively.
- 5) The bill given for the period of June 2009 to Feb-2018 is illegal.
- 6) Distribution Licensee in reply contends that on 21/08/2017 inspection was carried out at consumer's installation and it was found i) Energy was being used for stable ii) Tariff applied was as per industrial category i.e. LT VB1 iii) Tariff applicable was commercial. Hence provisional bill under section 126 was issued to the consumer as the case is under sec. 126 as per MERC (CGRF & EO) Regulation 6.8, this forum has no jurisdiction to entertain the grievance.
- 7) Distribution Licensee further states that consumer made representation and accordingly hearing was given where upon the Addl. Executive Engineer flying squad revised the bill and issued the same for Rs.11,91,395.00.
- 8) We have heard both sides. As we find the supply was given in the year 2009. Consumer had taken the same for electric meter for lifting water for 'Tabela' use. It is pointed out that there was no change of user any time. Right since beginning consumer was being charged under Industrial by the Distribution Licensee itself. Then suddenly on 21/08/2017 an inspection was made and the tariff is changed to commercial. It would therefore amount to reclassification by the MSEDCL itself. It is for this reason the action under section 126 was dropped by MSEDCL and rightly. The tenor of the contentions is that context are very much eloquent. It is stated in the reply during inspection a short coming was seen that the consumer was not properly classified. It appears therefore that initially consumer was incorrectly classified as Industrial and thereafter on inspection he was reclassified. This being so it is a settled principal that in such a case of reclassification retrospective recovery can not be allowed.

Hence the Order

ORDER

- 1) Grievance application of Consumer is allowed.
- 2) The bill tendered towards retrospective recovery 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: 10/10/2018

(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.

