

supplying Form No.- A and along with all relevant documents category of connection as LT V B. The said connection was sanctioned by Competent Authority of Respondent Utility. Thereafter consumer received the bill time to time and it was paid by consumer satisfactorily.

It is contention of consumer on 8.5.2018 Flying Squad visited the premises & on 16.5.2018. Consumer received reply letter of change of tariff category from LT V B to LT II C Consumer was also charged under 126 of Indian Electricity 2003. Copy of the said letter was communicated to the consumer attached on 16.5.2018. Consumer received assessment provisional bill under 126 Indian Electricity Act 2003 along with the units and demand letter and supplementary bill for amounting Rs.13,77,040/- was demanded. Thereafter on 7/6/18 consumer raised objection for the proceeding of 126 Indian Electricity Act and raised representation to the Competent Authority and after hearing by Flying Squad on 12.06.2018, the proceedings of the 126 Indian Electricity Act 2003 was dropped and the consumer was demand plain recovery bill for difference of tariff amounting Rs.6,53,170/- for the period of Sept.2017 to June 2018. Copy of the said assessment bill is attached by consumer. The consumer objected the said bill and raised the objection, however consumer agreed to pay the bill under protest by installments. Intention of the consumer was informed to the Utility on 18.7.2018 & copy of the said letter is filed. According to consumer the provisional assessment bill issued to the consumer for amounting Rs.6,53,170/- is retrospective recovery and which is illegal. Consumer is not liable to pay any interest. Consumer also demanded excess amount paid under installment alongwith the interest. According to consumer in view of the MERC Representation case No.48 of 2016 dated 3.11.2016 tariff order is applicable under circular No.284 dated 11.4.2017 is not implemented by Utility properly. The tariff which was Publish in the tariff order LT-II non-Residential and Commercial which was category was changed since July-2018 and the said change of tariff category subsequently is wrong and incorrect. The supplementary bill which was retrospective period claim by Utility is wrong and incorrect exorbitant, therefore consumer filed initial complaint in Form No. - X to IGRC, relying on various decision of MERC Ombudsman and APTEL authority. In Appeal No.131 of 2013 order dated

7.8.2014. After filling the said representation prompt and appropriate action was not taken by IGRC as consumer stated that there was instance of demand of supplementary bill along with notice of disconnection issued under Section 56 (2). This consumer approached to this Forum by filing complaint in Form No.- A. Consumer attached copy of supplementary bill, copy of demand notice under section 56(2), copy of earlier bill issued to the consumer on given address, copy of sanctioned order, copy of proceeding of 126 under Indian Electricity Act 2003 after filing the said complaint, this office register the case on 13.11.2018, vide case No.51 of 2018. Thereafter office issued notice to the Respondent Utility on dated 15.11.2018 given direction to Utility filed parawise reply on or before 29.11.2018. After receiving the copy of the said notice Respondent Utility appeared and filed reply to the complaint on dated 29.11.2018. According to Utility the consumer received the supply on 18.9.2017. The Flying Squad visited the premises and found the actual use of the supply is for Automobile Repairing Centre which falls under the category of LT II Commercial & not LT V B. The proceeding under Section 126 was initiated against the consumer and double assessment bill was demanded Rs.13,77,040/-. On 12.6.2018 hearing was made against the representation given by the consumer and the proceedings of the 126, Indian Electricity Act,2003 was dropped by the order on 12.06.2018 & intimation was given to the consumer and the plain recovery bill of tariff difference issued as per direction of hearing under the proceedings for amounting Rs.653170/- and the proceedings under 126 was dropped. The Flying Squad inspection report indicates that the use of the premises was Commercial and therefore appropriate tariff LT-II was to be charged instead of LT V B which was wrongly charged against the consumer for earlier period. Bill issued to the consumer which was initially agreed to pay in installment and therefore it is not the re assessment of categorization assessment against the consumer and therefore the provisions of retrospective recovery cannot be made as objected is not tenable. The consumer is liable to pay plain recovery tariff difference since the date of connection till June-2018. The representation made by the consumer as no substance liable to be dismissed with cost.

Respondent Utility attached copy of load sanctioned order dated 11.5.2016, copy of release power LT supply specific of connection, copy of firm quotation, and all other relevant documents.

I have perused recycle of consumer complaint and document filed along with the compliant that consumer. I also minutely perused reply of Utility and gone through the documents which was supplied by the Utility for perusal. Following points arose for my consideration to which I have recorded my findings to the points for the reason given below:

- 1) Whether Respondent Utility entitled to recover plain recovery bill from Sept.2017 to June - 2018 for change of tariff category i.e. LT-II Commercial.
- 2) Whether consumer is entitled to re assess the bill from the date of detection of errors i.e. date of inspection of Flying Squad.
- 3) Whether consumer is entitled for any relief?
- 4) What order?

REASONING :-

I have given opportunity to consumer and his representative on 11.12.2018. The dispute was heard by this Forum minutely, it is admitted fact the consumer was initially charged under the provision of Section of 126 of Indian Electricity Act 2003 during the objection and hearing Competent Authority proceeded to pass the order and draft the proceeding action taken against 126 of Indian Electricity Act 2003 was considered and order was issued for plain recovery bill since the date of connection 18.09.2017. In spite of that the consumer made representation for dropping the procedure of 126 not raised the said point before Competent Authority but after receiving supplementary bill of single assessment bill Rs.6,53,170/- alongwith notice of demand raised the dispute. It appears that the consumer at the time of obtaining connection for the premises which is admittedly situated in Hadapsar area falls under the small scale Industry obtain LT connection for Industrial purpose Form NO. A and other relevant document submitted by consumer to the Authority and obtain sanctioned under Industrial supply. It is surprisingly to note that the sanctioned order which is provided by Utility during the course of hearing clearly indicates in direction

to the Respondent Utility to verify the actual purpose of obtaining supply should be verified and accordingly the appropriate tariff is applicable to the premises from time to time. Even the consumers enter into agreement on the Stamp Paper of Rs.200 and agree to pay the tariff applicable time to time. In spite of this term and conditions consumer continue to receive the bill under the category of Industrial supply when the activity undertaken by the consumer was admittedly Automobile Repairing Centre under the tariff category which was provided at the relevant time. The activity falls under the category of LT-II Commercial. Even then the consumer not raised any objection for the same and continued to take benefit of wrong till the date of Flying Squad visit.

The report and verification of Flying Squad indicates the user of premises is for Commercial purpose and therefore the assessment under LT II Commercial category was directed to recover bill. Therefore at previous stage since the date of connection of Sept. - 2017 the consumer taken undue advantage of wrong representation made by him and pay the bill under Industrial category LT V B under wrong presumption. It is surprising to know that the consumer approached in the year 2017 earlier to this Forum and even representation is made to competent authority of utility as well as consumer approached Hon'ble, High Court in W.P.to raised objection for categorization of his unit billing charged at various places & the series of litigation already aware by this consumer even then this consumer submitted that applying proper category is the job of utility and now retrospective recovery is highly objected to my view. It is not used the classification of tariff category apply to this consumer at this time but it was investigation or wrong categorization bill issued to the consumer and wrong tariff was charged earlier which is due to mistake of load sanction under Industrial LT V B category and consumer since Sept.2017 & hence the said premises use was Commercial purpose which is not disputed.

Hence I come to conclusion the categorization of LT-II commercial or to have been applying since the date of connection and therefore Respondent Utility have not committed any wrong charging and assessment of plain recovery bill to claim the difference from LT V B changed since Sept. - 2017 till the period June, July-2018 difference of tariff to LTII Commercial to

have been charge. Therefore to my view supplementary bill and demand notice is legal valid and proper. The objection raised by the consumer regarding objection of retrospective recovery & hence it was not applicable in the present case as it is recovery of wrong tariff arrears of difference of tariff claim and therefore I have no other option to reject the representation of consumer.

The time limit of 60 days prescribed for disposal of the grievance could not be adhered due to member/secretary was on leave. Hence I proceed to pass the following order:

ORDER

1. Consumer Complaint of Case No.51 of 2018 is rejected, no order as to the cost.
2. The Respondent Utility to recover the tariff difference from LT V B to LT II commercial at applicable rates since Sept.-2017 (i.e date of connection) as per assessment bill in 6 equal monthly installments.
3. The Licensee to report compliance within one month from the date of this order.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Pune Urban Zone, Pune on 06th Feb. - 2019.

Note:-

- 1) If Consumer is not satisfied with the decision, he may file representative within 60 days from date of receipt of this order to the Electricity Ombudsman in attached "Form B".

Address of the Ombudsman

The Electricity Ombudsman,
Maharashtra Electricity Regulatory Commission,
606, Keshav Building,
Bandra - Kurla Complex, Bandra (E),
Mumbai - 400 051.

- 2) If utility is not satisfied with order, it may file representation before the Hon. High Court within 60 days from receipt of the order.

I agree / ~~Disagree~~

I agree / ~~Disagree~~

Sd/-

ANIL JOSHI
MEMBER
CGRF:PZ:PUNE

sd/-

A.P.BHAVTHANKAR
CHAIRPERSON
CGRF: PZ:PUNE

sd/-

BEENA SAVANT
MEMBER- SECRETARY
CGRF:PZ:PUNE

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