



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
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**NO. K/DOS/86/1817 OF 2018-19**

Date of registration : 13/02/2019

Date of order : 27/03/2019

Total days : 42

**IN THE MATTER OF GRIEVANCE NO. K/DOS/86/1817 OF 2018-19 M/S OF ABDUR RAHIM ANWAR HUSSAIN KHAN, S.NO.90, H.NO.3/2, OPP.POLICE CHAWKI, PELHAR, VASAI (E), PIN CODE - 401 202 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT DISCONNECTION OF SUPPLY.**

Abdur Rahim Anwar Hussain Khan,  
S.No.90, H.No.3/2,  
Opp.Police Chawki, Pelhar,  
Vasai (E), Pin Code - 401 202  
(Consumer No. 001943839022)

. . . (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.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 Mr. Abdur Rahim Anwar Hussain Khan having consumer no. 001943839022 for stable. Grievance is that up to billing month of Sept-2018 there was no complaint about the bills. The bill for Sept-2018 for Rs.56,420/- was paid accordingly.
- 3) Consumer further states that in the last week of Sept-2018 a manually prepared supplementary bill for Rs.5,45,650/- was issued without any details. Thereafter consumer received the bill of Oct-2018 for Rs.63,124/- in which current bill was 30,211/- and debit adjustment 32,913/- total bill up to Oct-2018 became Rs.1,20,440/-.
- 4) Consumer further states that he noticed that his category was changed by the Distribution Licensee from LT – V to LT – II i.e. from Industrial to Commercial and supply was disconnected.
- 5) Consumer further states that in the meantime he received bill for the month of Nov-2018 for '1252' units amounting to Rs.17,242/- with past arrears 1,20,209/- total payable being 1,37,390/-. This was the total bill that consumer was asked to pay and on failure supply was disconnected that too without notice under section 56 (1) IE Act.
- 6) Consumer further states that thereafter he received bill for Dec-2018 to '0' units and fixed charges of Rs.350/- and debit adjustment was shown as 5,45,650/- plus arrears of 1,38,000/-. Thus total amount payable was 6,87,050/-
- 7) Distribution Licensee in reply contends that MSEDCL has sanctioned electricity supply to the consumer for Industrial purpose chargeable under LT-V tariff.
- 8) That in the inspection dt. 31/08/2018 it was observed that consumer was using power supply for the purpose of supply of mineral water for which LT-II a higher tariff is applicable.
- 9) Distribution Licensee states that though as per section 126 of IE Act 2003 change of usage of power supply without permission of MSEDCL is unauthorized use of supply and liable for assessment under section 126 and is also theft of electricity under section 135 of IE Act 2003 being liable for criminal prosecution, MSEDCL has only proposed plain recovery of tariff difference. LT-V to LT-II from May-2017 to Sept-2018.
- 10) Distribution Licensee further states that as per report of inspection team the tariff of the consumer was changed from LT-V to LT-II in the month of Oct-2018 and supplementary tariff difference bill of Rs.5,45,650 was given on 19/09/2018. As the consumer did not pay the same it was debited in energy bill of Jan-2019.

11) Distribution Licensee relies on the judgment in Rototex case (Bombay High Court) and also states that MERC case no. 24 of 2001 and APTEL judgment in 131 of 2013 are not applicable to the facts of this case.

12) We have heard both the sides. Admittedly consumer has taken the supply for Industrial purpose. Distribution Licensee alleges change of usage. On facts Distribution Licensee relies on the Inspections report which we have gone through. There is a Criptive mention as below.

*"IP to CL Billed with Industrial tariff but using supply for mineral water supplies."*

**Consumer states his activity as below :**

- a) There are two motors on bore wells one of 3 HP and second of 2 HP used for lifting water.
- b) Water so lifted is stored in a plastic tank which is in raw condition.
- c) There is 1 HP motor to drain the water from plastic tank.
- d) The water drained is fed to water cycling machine of 1 HP for purification.
- e) The water so purified is stored in one big steel tank scientifically made.
- f) Purified water is taken out and filled in jars of 20 Ltrs. each and sent to users 1 HP.
- g) Hardly one or two bills are used for light. 100 wts.

13) The above submissions of the consumer has not been controverted. That being so consumer submits that as per commissions *"Broadly the categorization of Industry"* is applicable to such activities which entail manufacture." In the present case raw material is raw water and finished goods is pure water. The process transforms raw water in to pure water. Premises is situated well within the Industrial area. Adjoining Galas are Industrial.

14) Above being the state of affairs Distribution Licensee has not established that there was change of usage from Industrial to commercial. Consumer has stated full details of the activity which looks Industrial. Distribution Licensee is unable to state as to how the above discussed activity can be said to be commercial. In conclusion therefore the change of category done by the Distribution Licensee is itself illegal and needs to be restored.

Hence the Order

**ORDER**

- 1) The Grievance application of consumer is allowed.
- 2) The action taken by the Distribution Licensee for change of category of the consumer from Industrial to commercial is hereby quashed.

- 3) Distribution Licensee to revise all bills accordingly and refund the excess paid if any along with interest at bank rate from date of recovery till realization by consumer.
- 4) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 27/03/2019

(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.

