



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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NO. K/DOS/113/1872 OF 2018-19

Date of registration : 10/04/2019

Date of order : 19/06/2019

Total days : 70

IN THE MATTER OF GRIEVANCE NO. K/DOS/113/1872 OF 2018-19 OF MR RAJENDRA S. DALMIYA, S.NO.146, H.NO.1, SAIRAJ CHAWL, BEHIND GOSHALA ASHRAM, WAGHRALPADA, RAJAVALI, VASAI (E), TAL-VASAI, DIST. PALGHAR, PIN- 401 208. REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT DISCONNECTION OF SUPPLY.

Mr.Rajendra S.Dalmiya,
S.No.146, H.No.1, SairajChawl,
Behind Goshala Ashram, Waghralpada ,
Rajavali, Vasai (E), Tal-Vasai,
Dist. Palghar, Pin- 401 208
(Consumer No.002211360162) . . . (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution
Company Limited
Throughit'sNodal Officer/Addl.EE.
Vasai Circle, Vasai

. . . (Hereinafter referred as Licensee)

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

For Consumer - Shri.Vasant 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 Redressal 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.Rajendra S. Dalmiya having consumer no. 002211360162. Grievance is that consumer has a water treatment plan and the supply is meant for that. Supply was disconnected somewhere in the month of Jan-2019 against the arrears of 2,66,040/- i.e. the amount of accumulated bill of 19 month.
- 3) Consumer submits that Distribution Licensee has violated Regulation viz about meter reading to be taken regularly at least once in two months in this case the date of supply was 29/06/2016 where as first reading was taken in March-2017 i.e. after 9 months. The reading was 5713 KWH and accumulated bill of 5711 units was issued for Rs.73,530/- at commercial tariff. Consumer has paid the bill. Second reading was taken in Oct-2018, after 19 months. The reading was '25157' units and accumulated bill of '19444' units was issued for Rs.2,65,320/- which consumer could not afford to pay.
- 4) Consumer further states that his supply was disconnected without notice for non payment of arrears thereby violating section 56 (2)
- 5) Consumer further states that although the connection is meant for water treatment plant with 10 HP load, commercial tariff was applied instead of Industrial tariff. The nature of supply is :
 - a) 1 motor on bore well.
 - b) Water lifted is stored in underground tanks.
 - c) Water is drained out from the underground tank with motor and supplied to r/o tank 2 HP.
 - d) From r/o tank it is lifted to plastic thermal coated tank for self cooling.
 - e) Motor to lift cold water from the tank and used to till up to 17 ltrs. Jars 1 HP.
- 6) Consumer states that obviously from the activity the user is for Industrial purpose.
- 7) Moreover the meter is subjected to be very fast. Meter is of Genus Company which are known to be defective.
- 8) Consumer prayed for interim order of reconnection, revision of bills & meter testing.
- 9) Distribution Licensee in reply contends that the supply has been disconnected for want of arrears of 2,65,320/- the shop is closed. The supply was being used for Bisleri water plant and supply and sale. As such the bills are correct.

10) We have heard both sides. Supply has been reconnected by Interim order. So far as the bill is concerned no prayer is made for testing of meter during hearing. So far as tariff is concerned consumer is being charged under commercial tariff since beginning. No objection was raised till this grievance was filed. Consumer states that his activity falls in Industrial tariff category. We have considered the same. The tariff may be changed hence forth under Industrial.

11) Besides change of tariff consumer claim retrospective refund. For this consumer was asked to produce documents specially application and estimate to show what was the activity shown there which consumer has not produced as such retrospective refund cannot be granted. It is not shown that in spite of the activity as shown in the application and estimate to be Industrial, Distribution Licensee applied Commercial Tariff. Some documents are produced 12/06/2019 like bills etc. they are not enough to show that only Industrial activity was going on.

Hence the order

ORDER

- 1) The Grievance application of consumer is hereby partly allowed.
- 2) Distribution Licensee to change the category of the consumer from commercial to Industrial from the date of this grievance i.e.10/04/2019.
- 3) Distribution Licensee to grant installments to consumer for the accumulation bill no interest and D.P.C
- 4) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 19/06/2019

(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, KeshavBldg, BandraKurlaComplex,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.