



Consumer Grievance Redressal Forum, Kalyan Zone
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NO. K/DOS/115/1874 OF 2018-19

Date of registration : 10/04/2019

Date of order : 10/07/2019

Total days : 91

IN THE MATTER OF GRIEVANCE NO. K/DOS/115/1874 OF 2018-19 OF SHRI GANESH DADU MEHAR, KATHEPADA, NAVAPUR, VILLAGE VATAR , TAL-VASAI, DIST. PALGHAR, PIN 401202 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT DISCONNECTION OF SUPPLY.

Shri Ganesh Dadu Mehar,
Kathepada, Navapur, Village Vatar ,
Tal-Vasai, Dist. Palghar, Pin 401202
(Consumer No. 001651437861)

... (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 - Absent

For Consumer - Shri.Ramchandra Pandey (C.R.)

[Coram- ShriA.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 Shri Ganesh Dadu Mehar. Having consumer no. 001651437861. LT-AG-63. Grievance is that consumer has two electricity connections 001651437861 with applicable Tariff LT AG- 63 and ii) consumer no. 001600010208 with applicable tariff LT commercial under the jurisdiction of Vatar section office and Nallasopara west sub division and Vasai Circle.
- 3) Consumer submits that the Distribution Licensee intentionally changed the tariff from AG to Commercial illegally.
- 4) Consumer further submits that through, then existing transformer was capable of catering to the commercial demand of the consumer, Distribution Licensee ignored the same and recovered high tariff illegally for Agriculture use. SDO's reply dated 31 July 2017 and 16 Nov-2017 violated tariff Regulation.
- 5) Consumer further states that supply was disconnected in violation of section 56 (1) of electricity Act 2003. Consumer paid the disputed bill of Rs.1,00,000/- on 25 Jan 2019 but supply was not restored.
- 6) Consumer prayed for interim relief of reconnection, Revision bill as per applicable tariff and refund of excess recovered.
- 7) Distribution Licensee in reply stated that in Feb-2017 consumer was detected using Agriculture connection for his newly started resort Atlanta unauthorisedly. Accordingly action was taken as per section 126 and bill was issued to the consumer which he paid. Also the user of the connection was changed from Agriculture to commercial.
- 8) Thereafter consumer made an application for fresh connection to his resort Atlanta. Consumer was granted estimate as on his own expenses. It was mentioned therein that supply will be released after the capacity of existing transformer was increased. Hence in the meantime consumer was using supply to the Resort from the Agriculture connection but consumer was charged commercial tariff which he was paying.
- 9) Distribution Licensee further states that by then the 200 KV transformer was installed at Kathpada Laxmi Narayan Mandir and it was commissioned in Nov-2018 by using increased conductor, thereafter as the load was divided on new transformer, supply was released to the resort of the consumer.
- 10) Distribution Licensee further contends that the well is situated in the middle of the resort and 95 % user is for the resort and user for Agriculture is negligible.
- 11) We have heard both sides. As we see consumer has agriculture land comprising several survey nos. Admittedly there is only one well in the said land. it is not disputed also that it is

situated in the middle of the resort. From the same well water is being used for agriculture with another connection. Consumer was asked to show documents to show that a specific property is shown for the Resort connection and separate specific property is shown for Agriculture connection. Consumer produced several documents including R.O.R. of S.No. 161/24. Consumer claims that the resort is situated in that number. But there is nothing on record to support the said contention. It is also not shown that commercial supply connection was obtained for S.No. 161/24 for resort therein. That being so factually it is seen that for the entire land belonging to consumer, two connections were there, one is Agriculture and other commercial and it is not possible to define the areas exclusively under Agriculture User and commercial user respectively. It was also revealed during arguments that the customers enjoy in the Resort and also move about in the fields and rest there etc. It is in this background the boundaries of the resort are to be imagined. We are of the opinion, therefore there is no illegality in applying commercial tariff to the present connection as well. That being so two commercial connections for the same property cannot be granted.

12) The other point argued by the Consumer Representative is that Distribution Licensee did not release the supply in spite of there being capacity in the transformer. It is to be noted however that Distribution Licensee has not put to the consumer in monetary loss, though supply was not released. A point came that, even if there be capacity, sometimes they harbour a doubt whether supply would be given without break, because giving supply is one thing and commitment is another. In this case they provided the energy for resort and applied commercial tariff. If they had released supply and were unable to fulfill the commitment it would have been difficult for the company. Even there is a mention about the same in the estimate sanction which the consumer did not challenge and on the contrary went on paying the bills accordingly as per user.

13) The third point is that there was disconnection without notice and no reconnection even after payment of 1,00,000/-. It is to be noted that the disconnection is done because commercial connection is granted to the entire property. If this connection is restored this connection is also to be charged under commercial tariff. That being so disconnection of this supply cannot be faulted.

Hence the order

ORDER

- 1) Reconnection cannot be granted.
- 2) If the consumer wants separate Agriculture connection he should specify the property and point out separate well therein.

Date: 10/07/2019

(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, 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.