



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/1596/1923 OF 2019-20

Date of registration : 04/07/2019

Date of order : 28/08/2019

Total days : 55

IN THE MATTER OF GRIEVANCE NO. K/E/1596/1923 OF 2019-20 OF THE GENERAL MANAGER, ADMINISTRATIVE BLDG., TELECOM, NR.DCP OFFICE, KALYAN (W), PIN – 421 301 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT CHANGE OF TARIFF.

The General Manager,
Administrative Bldg.,
Telecom, Nr.DCP office,
Kalyan (W), Pin – 421 301
(Consumer No. 020020944448)

... (Hereinafter referred as Consumer)

V/s.

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

... (Hereinafter referred as Licensee)

Appearance : For Licensee - 1) Shri.P.L.Kohale, AEE, Kalyan (W) S/dn.-III
2) Smt.Y.H.Dighe, LDC, Kalyan (W) S/dn.-III

For Consumer - Shri.M.N.Kotambe (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 The General Manager (Adm Block) Telecom having consumer no. 020020944448, 71 LT – II Commercial. Grievance is about retrospective recovery done with effect from 01/08/2012 amounting to Rs.12,75,325.70 along with interest of Rs. 65,396.15.

3) MSEDCL Flying Squad visited consumer's premises on 06/01/2018 for inspection and issued an inspection report on the basis of which it also proposed change of tariff from LT-V, Industrial to LT-II B Commercial.

4) Besides change of tariff the Flying Squad also proposed retrospective recovery of difference w.e.f. 01/08/2012. Accordingly Addl. Executive Engineer, Sub Division – III, Kalyan (W) vide letter 19/01/2018 raised assessment for Rs.12,75,325.70 with interest of Rs.65,396/-. The provisional bill was initially given in July-2017 amounting to Rs.10,89,935.78 which was not paid the consumer. MSEDCL claimed that as per Tariff order dated 07/08/2012 all offices and establishments are to be charged under commercial tariff.

5) Distribution Licensee in reply states that pursuant to Flying Squad report and proposal made change of tariff made to commercial and plain recovery of '355634' units was assessed and billed for Rs.1089935.78 for the period from Aug-2012 to June-2017 was issued. As there was no payment made reminder was issued with addition from July-2017 to Jan-2018. Thus there was change of tariff to commercial and retrospective recovery was also proposed.

6) We have heard both sides. This is a case of change of tariff from Industrial to commercial after flying Squad visit and inspection. It was revealed during arguments that the office and establishment has been in existence since beginning when the connection was obtained in the year 2012 it is not known why it was charged as Industrial tariff. Any how now there is change of tariff done and rightly.

7) The question is of retrospective recovery. Wrong application of tariff on the part of Distribution Licensee and change of tariff subsequently does not entitled the Distribution Licensee for any retrospective recovery. As such Distribution Licensee is not entitled for retrospective recovery.

Hence the order

ORDER

- 1) The Grievance application of consumer is hereby allowed.
- 2) Retrospective recovery of difference in tariff prior to date of Inspection is quashed.
- 3) Distribution Licensee to refund the retrospective recovery prior to date of Inspection along with interest at RBI rate from date of recovery till realization by consumer.
- 4) Compliance is made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 28/08/2019

(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.