



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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NO. K/E/1591/1912 OF 2019-20

Date of registration : 12/06/2019

Date of order : 11/09/2019

Total days : 91

IN THE MATTER OF GRIEVANCE NO. K/E/1591/1912 OF 2019-20 OF ABDUL REHMAN CHAWANIVALA, CHAWANIVALA CATTLE FARM, ESSAMANU COMPOUND VILLAGE PELHAR, VASAI (E), PIN CODE – 401 202 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT CHANGE OF TARIFF.

Abdul Rehman Chawanivala,
Chawanivala Cattle Farm,
Essamanu Compound Village Pelhar,
Vasai (E), Pin Code – 401 202

(Consumer No. 001940162382) . . . (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution
Company Limited
Through its Nodal 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 Abdul Rehman Chawanivala, Chawanivala Cattle Farm, Essamanu Compound Village Pelhar, Vasai (E) having consumer no. 001940162382. Grievance is that the connection being for Cattle Farm cum Cattle Breeding (Tabela), the applicable tariff is Industrial one. However Distribution Licensee has applied LT-II Commercial tariff. Consumer prays for proper tariff application. In particular to apply LT-IV C – others as per MERC tariff order issued in 2012 or as per erstwhile MSEDCL guidelines issued vide letter no. PR-3/TARIFF/3429 dt.28/05/2002.
- 3) Distribution Licensee in reply contends that consumer was sanctioned with a new connection on 18/10/2011 for commercial purpose with 3.70 kw load. Accordingly consumer is being billed every month.
- 4) On 28/03/2019 consumer applied for Change of Tariff. Accordingly spot inspection was done and reported that supply was being used for Tabela. Consumer has constructed his user as Cattle Breeding Farm.
- 5) Distribution Licensee contends that meaning of cattle breeding farm is production of animals or plant by breeding or hybridization. But consumer has been using the supply for Tabela and milk business as such commercial tariff applies.
- 6) We have heard both sides. Now, verification report shows that supply is being used for Tabela. Tabela is not separately categorized by MERC for tariff application. There is no evidence to show that supply was obtained for specific purpose of Cattle breeding. Consumer is being charged under commercial tariff since the date of connection i.e.18/10/2011. No complaints were made for 8 years. Suddenly it appears that consumer is trying to construe his user as Cattle breeding without any evidence there for. Even otherwise he himself says that his business is Tabela and Cattle breeding. Tabela falls in “others”, not being in any defined category by MERC. In the above background it appears the consumer is suddenly trying to construe is user as Cattle breeding just to avoid proper tariff. Grievance fails.
- 7) Delay is due to non presence of Distribution Licensee for four consecutive hearing. Also the documents asked by forum was not submitted within time. Hence delay.

Hence the order

ORDER

The Grievance application is dismissed.

Date: 11/09/2019

Sd/-
(Mrs.S.A.Jamdar)
Member
CGRF, Kalyan

Sd/-
(A.P.Deshmukh)
Member Secretary
CGRF, Kalyan

Sd/-
(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.