



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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NO. K/DOS/131/1918 of 2019-20

Date of registration : 19/06/2019

Date of order : 11/09/2019

Total days : 84

IN THE MATTER OF GRIEVANCE NO. K/DOS/131/1918 OF 2019-20 OF M/S S.J.MEDIRATTE, (USER-NILESH HARSHI DEDHIYA) WALIV VILLAGE, NEAR S/C, NO.R/L, WALIV, VASAI (E), DIST.PALGHAR, PIN – 401 202 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT DISCONNECTION OF SUPPLY.

M/S S.J.Mediratte,
(User-Nilesh Harshi Dedhiya),
Waliv Village, Near S/C, No.R/L,
Waliv, Vasai (E), Dist.Palghar, Pin – 401 202
(Consumer No. 001840496011) . . . (Hereinafter referred as Consumer)
V/s.

Maharashtra State Electricity Distribution
Company Limited
Throughit's 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 M/S S.J.Mediratte (User-Nilesh Harshi Dedhiya) having Consumer No. 001840496011. Grievance is that up to the month of Feb-2019 he was issued bill for about '300' units/month around Rs.3,000/- which he paid regularly.
- 3) Consumer alleges that in the month of March-2019 he received an exorbitant bill for '14581' units Rs.1,74,980/- with the due date 23/03/2019. Consumer on 28/03/2019 wrote a letter to Distribution Licensee for its enquiry. It was pointed out to him that he was billed under commercial tariff. Consumer requested to Distribution Licensee to set it right i.e. change the category to Industrial. Distribution Licensee however disconnected his supply on 30/03/2019 without giving any notice under section 56 (2).
- 4) Consumer prayed for interim relief on payment of correct bill of 5,000/- as per old bill. Action to revise the bill as per rules and also change the category and also grant installment if any anything was found due.
- 5) Distribution Licensee in reply states that electricity supply to M/S S.J.Mediratte (User-Nilesh Harshi Dedhiya) was sanctioned vide consumer no. 001840496011 for commercial purpose from 30/10/1992. There was no dispute regarding the billing till Aug-2018.
- 6) Distribution Licensee further states that in Aug-2018 current reading was 33196 and previous reading 33677 so '239' units. From Sept-2018 to Feb-2019 reading was not taken and consumer was averagely billed for '288' units per month. In March-2018 reading was available as '14581'. Accordingly March-2019 bill was generated to '14581' units (current reading 48497 Aug-2018 reading 33916) then lock credit of 18,578.94 was given in March-2019 bill for average unit 258 x 6.
- 7) Distribution Licensee produces photo of meter reading from the month of March -2019.
- 8) Distribution Licensee further contends that as per MERC supply code 2005 if consumer has any dispute as to correctness of the meter he has to apply for testing the same and pay the testing fees. The grievance filed is premature. Consumer may even now file application for meter testing after paying necessary fees. In the present case meter is correct and bills are proper.
- 9) We have heard both sides. So far as billing dispute is concerned the meter is correct. Consumer does not seek for testing of the same. That being so Distribution Licensee has clearly explained the reason for huge bill in March-2019 that it is accumulated bill for 6 months.
- 10) About the tariff category, submittedly consumer is being charged under commercial tariff since the date of connection way back in 1992. Suddenly now the user -Nilesh Harshi Dedhiya wants to say that they have been engaged in the activity of job work of powder coating, as per orders, so they should be charged under Industrial tariff. That aluminium section and material is

sent to then by the parties as raw material. The said material is immersed in chemical tank for washing and cleaning. There after the alluminium strips are hanged to a conveyer. The conveyer runs with a power Load of 3 HP with two different types of motors fixed overhead, the conveyer rotates the strips with power belt to the powder coating booth where coating work is done with the help of spray machines of 1 HP or so. Fans are not used and light is required very little. From the booth the coated strips clamps move to curing machine called Bhatti for gas heating which runs with 7.5 HP. Load fixed overhead. After this the material becomes ready.

11) We have thoughtfully considered the activity being run by the user. It appears clear that they do an activity in which there is raw material of aluminum strips, coating material and of the things which turns in to as new product i.e. coated strips. We are of the opinion therefore that the activity falls in the category of Industry. Distribution Licensee does not dispute that the user does the above said activity. It can safely be concluded therefore that user is using the supply for Industrial activity.

12) User herein has given the letter for change of tariff on 28/03/2019. That being so change of tariff has to be done from the 2nd cycle from the date of the said letter. Consumer wants the same retrospectively from the date he started his activity there. The said proposition cannot be accepted. The consumer on record since 1992 never objected for commercial tariff charge, obviously because his user was commercial. That being so unless the present user informed the activity to Distribution Licensee after coming into picture Distribution Licensee cannot be expected to know about the nature of the activity. If they ask for retrospective operation of tariff Distribution Licensee will be prejudiced in their right to verify actual user for the period gone by. In that view of the matter the change of tariff can be effected after the letter dated 28/03/2019 given by user and not retrospectively so far as accumulated bill of 6 months is concerned installment in same number may be granted.

13) Delay is due to non presence of Distribution Licensee in two hearings Consumer Representative also seek some time to produce some documents.

Hence the order

ORDER

- 1) The Grievance application of consumer is hereby partly allowed.
- 2) Change of tariff be granted to user from commercial to Industrial from 2nd cycle after the date of the letter given by user i.e.28/03/2019
- 3) For the bill of March-2019 Distribution Licensee to grant installments to user as per regulations.

- 4) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

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, 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.