

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

(Appointed by the Maharashtra Electricity Regulatory Commission
under Section 42(6) of the Electricity Act, 2003)

REPRESENTATION NO. 151 to 162 of 2024

In the matter of billing

Rep. No.	Appellant	Consumer No.	Particulars
151 of 2024	Mahalaxmi Textiles	251010151751	Multiparty Power loom Group I
152 of 2024	Smt Nivedita Sambhajirao Mane	251010151743	
153 of 2024	Rajlaxmi Sushantrao Ghatge	251010151760	
154 of 2024	Supriya Jayendra Sardesai	251010151778	
155 of 2024	Dhairiyashil Sambhajirao Mane	251010952819	
156 of 2024	Neharika Satwashil Mane	251010952835	
157 of 2024	Satwashil Sambhajirao Mane	251010952843	
158 of 2024	Sushant Vasanttrao Ghatge	251010952860	
159 of 2024	Mahalaxmi Mahila Autoloams	251010593835	Multiparty Power loom Group II
160 of 2024	Supriya Jayendra Sardesai	251010593819	
161 of 2024	Nivedita Sambhajirao Mane	251010593827	
162 of 2024	Rajlaxmi Sushantrao Ghatge	251010594408	

.....Appellants

V/s.

Maharashtra State Electricity Distribution Co. Ltd., R2 Division, Kolhapur..... Respondent
(MSEDCL)

Appearances:

Appellant : 1. Smt Nivedita Sambhajirao Mane (Ex. M.P. Kolhapur)
2. Sangram Mane
3. Javid Momin, Representative

Respondent: 1. Ganpat Latpate, Superintending Engineer, Kolhapur
2. Dattatray Bhanage, Executive Engineer, R2 Dn. Kolhapur
3. Uttam Landge, Dy. Mgr. (F & A)
4. Vinod Gholap, Dy. EE, Kagal

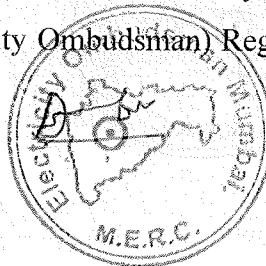
Coram: Vandana Krishna [I.A.S. (Retd.)]

Date of hearing: 20th February 2025 &
21st March 2025

Date of Order : 25th March 2025

ORDER

These twelve Representations were filed on 5th November 2024 individually as per Regulation 19.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2020 (CGRF & EO Regulations 2020)



against the Common Orders dated 14th June 2024 & Review Orders dated 30th August 2024 classified under Group I and Group II as shown in Table 1 passed by the Consumer Grievance Redressal Forum, MSEDCL, Kolhapur Zone (the Forum). Statutory deposit notices were issued to these individual Appellants on 7th November 2024. The Appellants paid the statutory deposit of Rs.25000/- in each Representation on 23rd December 2024. The Representations then came to be registered on 24th December 2024.

2. The Forum registered these grievances Group wise (Group I & Group II) being power loom multiparty connections in one premise. The Forum by its Group wise Common Orders dated 14th June 2024 partly allowed these grievance applications. These orders were then filed for review by the Respondent MSEDCL before the Forum. The details of grievance numbers, date of original orders and review orders are tabulated as below:

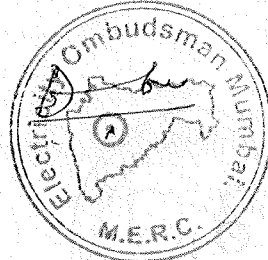
Table 1

Particulars	Name of Consumer	Grievance No.	Date of Orders	Review Application	Grievance No.	Date of Review Orders
Multi Party Group I	Mahalaxmi Textiles	33/2024	14.06.2024	MSEDCL R2 Dn. Kolhapur(dt. 03.07.2024)	72/2024	30.08.2024
	Smt Nivedita Sambhajirao Mane	34/2024			73/2024	
	Rajlaxmi Sushantrao Ghatge	35/2024			74/2024	
	Supriya Jayendra Sardesai	36/2024			75/2024	
	Dhairiyashil Sambhajirao Mane	37/2024			76/2024	
	Neharika Satwashil Mane	38/2024			77/2024	
	Satwashil Sambhajirao Mane	39/2024			78/2024	
	Sushant Vasantrao Ghatge	40/2024			79/2024	
Multi Party Group II	Mahalaxmi Mahila Autolooms	41/2024	14.06.2024	MSEDCL R2 Dn. Kolhapur(dt. 03.07.2024)	80/2024	30.08.2024
	Supriya Jayendra Sardesai	42/2024			81/2024	
	Nivedita Sambhajirao Mane	43/2024			82/2024	
	Rajlaxmi Sushantrao Ghatge	44/2024			83/2024	

3. The operative part of the original common order dated 14.06.2024 is reproduced below:

Group I:- (Grievance Nos. 33 of 2024 to 40 of 2024) :-

- १) वि.प. वितरण कंपनीने तक्रारदार ८ लघुदाब ग्राहकांना एप्रिल २०१६ ते मार्च २०२१ या कालावधीतील तक्ता क्रमांक ३ प्रमाणे एकूण ५, २४, १०९.८७ युनिटचा परतावा देण्यात यावा.
- २) वि.प. वितरण कंपनीने सदर परतावा रक्कमेवर एप्रिल २०२१ पासून ते आजतागायत तक्रारदार ग्राहकास १५% व्याज दराने व्याज परतावा करावा.
- ३) वि.प. वितरण कंपनीने उर्वरित थकबाकीसाठी १२ समान हफ्ते घावेत. सदर हप्त्याची रक्कम तक्रारदार ग्राहकाने चालू वीज देयकांसह भरावी. त्यातील हप्ता थकीत राहिल्यास विद्युत कायदा २००३ अन्वये तक्रारदार ग्राहक कारवाईस पात्र राहतील.



Group II:- (Grievance Nos. 41 of 2024 to 44 of 2024):-

- १) वि.प. वितरण कंपनीने तक्रारदार ४ लघुदाब ग्राहकांना एप्रिल २०१६ ते मार्च २०२१ या कालावधीतील तक्ता क्रमांक ३ प्रमाणे एकूण २२५३११.३२ युनिटचा परतावा देण्यात यावा.
 - २) वि.प. वितरण कंपनीने सदर परतावा रक्कमेवर एप्रिल २०२१ पासून ते आजतागायत तक्रारदार ग्राहकास १५% व्याज दराने व्याज परतावा करावा.
 - ३) वि.प. वितरण कंपनीने उर्वरीत थकबाकीसाठी १२ समान हफ्ते घावेत. सदर हप्त्याची रक्कम तक्रारदार ग्राहकाने चालू वीज देयकांसह भरावी. त्यातील हप्ता थकीत राहिल्यास विद्युत कायदा २००३ अन्वये तक्रारदार ग्राहक कारवाईस पात्र राहतील.
4. Aggrieved by the above original orders of the Forum, the Respondent MSEDCL filed review applications before the Forum which is charted in Table 1. The operative part of the review orders dated 30.08.2024 is reproduced below:

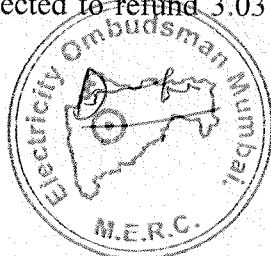
Group I:- (Review Applications Nos. 72 of 2024 to 79 of 2024) :-

- १) वि.प. वितरण कंपनीने तक्रारदार ८ लघुदाब ग्राहकांना एप्रिल २०१६ ते मार्च २०२१ या कालावधीतील तक्ता क्रमांक ४ प्रमाणे एकूण ३०३७३२.८७ युनिटचा परतावा देण्यात यावा.
- २) वि.प. वितरण कंपनीने सदर परतावा रक्कमेवर एप्रिल २०२१ पासून ते आजतागायत तक्रारदार ग्राहकास १५% व्याज दराने व्याज परतावा करावा.
- ३) वि.प. वितरण कंपनीने उर्वरीत थकबाकीसाठी १२ समान हफ्ते घावेत. सदर हप्त्याची रक्कम तक्रारदार ग्राहकाने चालू वीज देयकांसह भरावी. त्यातील हप्ता थकीत राहिल्यास विद्युत कायदा २००३ अन्वये तक्रारदार ग्राहक कारवाईस पात्र राहतील.

Group II:- (Review Applications Nos. 80 of 2024 to 83 of 2024) :-

- १) वि.प. वितरण कंपनीने तक्रारदार ४ लघुदाब ग्राहकांना एप्रिल २०१६ ते मार्च २०२१ या कालावधीतील तक्ता क्रमांक ४ प्रमाणे एकूण १२७०४०.३२ युनिटचा परतावा देण्यात यावा.
- २) वि.प. वितरण कंपनीने सदर परतावा रक्कमेवर एप्रिल २०२१ पासून ते आजतागायत तक्रारदार ग्राहकास १५% व्याज दराने व्याज परतावा करावा.
- ३) वि.प. वितरण कंपनीने उर्वरीत थकबाकीसाठी १२ समान हफ्ते घावेत. सदर हप्त्याची रक्कम तक्रारदार ग्राहकाने चालू वीज देयकांसह भरावी. त्यातील हप्ता थकीत राहिल्यास विद्युत कायदा २००३ अन्वये तक्रारदार ग्राहक कारवाईस पात्र राहतील.

In brief, the calculations of the refundable units were reviewed, and as per the re-calculations, MSEDCL was directed to refund 3.03 lakh units and 1.27 lakh units respectively to the 2



groups of Appellants with 15% interest from April 2021. The balance amount was to be recovered in 12 instalments.

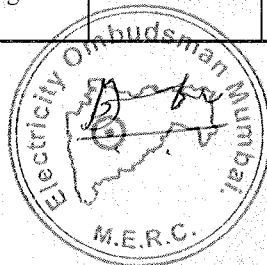
5. The subject matter in these two Groups I and II is common in nature; hence, both these groups consisting of eight and four connections i.e. total twelve representations are clubbed together for the purpose of a common order.

6. The Appellants, aggrieved by these Orders, have filed these representations. A physical hearing was held on 20.02.2025 and a follow up hearing was held on 21.03.2025 when the Appellants remained personally present while the Respondent participated through video conference. Both the parties were heard at length. The written submissions and arguments of the Appellants are stated in brief as below. [Note: The Electricity Ombudsman's observations and comments are recorded under 'Notes' where needed.]

(i) The Appellants are LT Industrial Multiparty Power loom Consumers under Group I and II of the licensee MSEDCL, Rural Division II, Kolhapur, the Respondent. Their details of Sanctioned Load, Contract Demand, date of supply, etc., are tabulated as below: -

Table 2:

Appellant	Consumer No.	Sanct. Load (HP)	Contract Demand (KVA)	Activity	Address	Date of Supply	Particulars
Mahalaxmi Textiles	251010151751	107	88.69	Power loom	T 49, 5 Star MIDC, Kagal, Kolhapur	06.05.2011	Multiparty Power loom Group I (Total Load 868 HP & 702.76 KVA)
Smt Nivedita Sambhajirao Mane	251010151743	107	88.69				
Rajlaxmi Sushantrao Ghatge	251010151760	107	88.69				
Supriya Jayendra Sardesai	251010151778	107	88.69				
Dhairiyashil Sambhajirao Mane	251010952819	105	87			01.12.2014	
Neharika Satwashil Mane	251010952835	105	87				
Satwashil Sambhajirao Mane	251010952843	105	87				
Sushant Vasantrao Ghatge	251010952860	105	87				
Mahalaxmi Mahila Autolooms	251010593835	100	83	Power loom	T 50, 5 Star MIDC, Kagal, Kolhapur	01.08.2009	Multiparty Power loom Group II (Total Load 400 HP & 332 KVA)
Supriya Jayendra Sardesai	251010593819	100	83				
Nivedita Sambhajirao Mane	251010593827	100	83				
Rajlaxmi Sushantrao Ghatge	251010594408	100	83				



Background of District Consumer Disputes Redressal Forum (DCDRF):

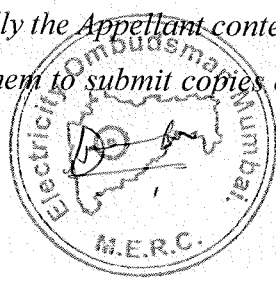
- (ii) Power supplied to power looms is subsidised from 1988 onwards. The Appellants did not have any complaints of billing till April 2016 as they were billed under subsidised (power loom) tariff. The Appellants claim that they were billed under industrial tariff category from May 2016 onwards. They protested verbally/ in writing to the Respondent. However, the Respondent did not revise the bills as per power loom tariff and neglected to solve the complaints. *[Note: The Respondents deny any such prior complaints. The Appellants were directed to submit the specific written correspondence on record with the Respondent during the hearing; however, the Appellants failed to submit such correspondence till the date of order.]*
- (iii) The Appellants filed complaint applications with the **District Consumer Disputes Redressal Forum (DCDRF), Kolhapur in the year 2016** against the Respondent. *[Note: It is not clear why the complaints were not filed with the CGRF.]* Their complaints case numbers are tabulated as below:

Table 3:

Sr. No.	Name of Consumers	Consumer Complaints Case No.	Meter No./Nos.
1	Rajlaxmi Sushantrao Ghatge	329/2016	251010151760 & 251010594408
2	Supriya Jayendra Sardesai	330/2016	251010151778 & 251010593819
3	Smt Nivedita Sambhajirao Mane	331/2016	251010151743 & 251010593827
4	Neharika Satwashil Mane	332/2016	251010952835
5	Sushant Vasantao Ghatge	333/2016	251010952860
6	Mahalaxmi Mahila Autolooms	334/2016	251010593835
7	Dhairyashil Sambhajirao Mane	335/2016	251010952819
8	Satwashil Sambhajirao Mane	336/2016	251010952843
9	Mahalaxmi Textiles	337/2016	251010151751

[Note: In the DCDRF record, meter nos. are shown which are in fact consumer numbers, and should be referred as consumer numbers.]

[Note: Initially the Appellant contended that wrong billing was done from May 2016. (The E.O. asked them to submit copies of such wrong bills, which was not done.) Subsequently



in the 2nd hearing, the Appellant contended that the wrong billing was from June 2018 onwards till March 2021. Further, that the fault was on account of the adjustment units, i.e. the difference between the main meter reading and the individual meter readings.]

DCDRF Kolhapur observed as below in its interim Marathi order dated 22nd February 2017:-

१) प्रस्तूतच्या सर्व तक्रारीचे स्वरूप व तक्रारदारांचे अंतरिम अर्जातील मागणी एकच असलेमुळे सर्व तक्रारीचे आदेश एकत्रितरित्या पारित करणेत येतात.

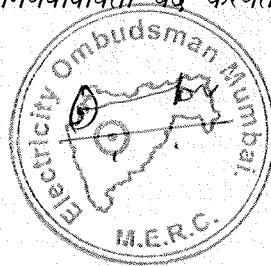
२) तक्रारदारांनी मे. मंचासमोर नि.६ कडे दाखल केलेल्या अंतरिम अर्जावर दि. २५-१०-२०१६ रोजी तुततित अंतरिम आदेश पारित केले.

३) यातील वि.प. यांनी दिनांक २५-१०-२०१६ रोजीच्या मे. मंचाने पारित केलेल्या आदेशाविरुद्ध रिक्वीजन पिटीशन न.२४३/१६ दाखल केले होते त्याचा निकाल दि.१७-१०-२०१७ होऊन मे. सदरचे अपिल मे. राज्य आयोगाने मे. मंचाचा आदेश सेट असाईड (set aside) केला आहे.

४)

५) तक्रारदारांनी त्यांचे दि.६-०२-२०१७ रोजीच्या फेरतुतित अंतरिम अर्जात तक्रारदारांनी वि.प. कंपनीकडून तक्रारदारांचे उदरनिवहाचे व्यवसायाचे कारणाकरिता वापरासाठीच घेतले होते व आहे. वि.प. हे तक्रारदारांना जादा दराने बिल पाठवित होते.

वि.प. यांनी तक्रारदारांकडे विद्युत बिलांची चुकीची आकारणी करून जास्त रक्कमेची मागणी केली आहे. ती चुकीची आहे. तसेच वादातील बिलांची रक्कम बेकायदेशीरपणे वसूल करित आहेत. वि.प. यांनी तक्रारदारांची विज कनेक्शन दि.०२-०२-२०१७ रोजी सकाळी ६.३० वा वि.प. यांनी तक्रारदारांचा विज पुरवठा तोडला आहे. तक्रारदारांनी वीज पुरवठा परत जोडणी होऊन मिळणेकरीता तक्रार अर्ज दाखल केलेले आहे. त्यामुळे तक्रारदारांनी यापूर्वी अंतरिम आदेशाकरीता दाखल केलेल्या अर्जावर फेर आदेश पारित होईपर्यंत तक्रारदारांचा वीज पुरवठा खंडीत करणेत येऊ नये व तक्रारदारांचा वि.प.ने खंडीत केलेला वीज पुरवठा परत सुरू करणेचे आदेश व्हावेत. तक्रारदारांचा वीज पुरवठा तक्रार अर्जाच्या अंतिम निर्णयापावेतो बंद करणेत येवू नये असे आदेश पारित व्हावेत अशी विनंती तक्रारदारांनी केली आहे.



६ वि.प. यांनी हजर होऊन तक्रारदारांचे तुर्तितुर्त अंतरिम अर्जास म्हणणे दाखल करून तक्रारदारांचा अर्ज खोटा, लबाडीचा असून मान्य व कबूल नसलेचे कथन केले आहे.....

वि.प. यांनी तक्रारदारांना कधीही जादा दराने वीज बिल पाठविलेले नाहीत. त्याबाबत तक्रारदारांनी वि.प. यांचेकडे कधीही विज बिलाबाबत तक्रार केलेली नाही. तक्रारदारांना यांना पाठविलेली बिले ही सर्व खरी व बरोबर असून तक्रारदारांनी त्याबाबत वि.प. यांचेकडे कधीही हरकत अगर तक्रार केलेली नाही. वि.प. यांचेकडे तक्रारदारांनी विज बिल भरणेस मुदत मिळावी असे तोंडी व लेखी स्वरूपात वारंवार विनंती केली आहे. सदरची सर्व बिले ही योग्य व वाजवी आहेत. त्यामुळे तक्रारदारांनी वि.प. यांची मागील कोणतीही थकबाकी न भरल्यामुळे वि.प. यांनी दिनांक ०२-०२-२०१७ रोजी सकाळी ७.०० वा तक्रारदारांचा विद्युत पुरवठा बंद केलेला आहे. तक्रारदारांनी विद्युत बिले वेळेवर भरणे गरजेचे होते.

७. तक्रारदारा व वि.प. तर्फे वकिलांचा मा. मंचाने फेर तुर्तितुर्त अर्जावर युक्तिवाद ऐकला.

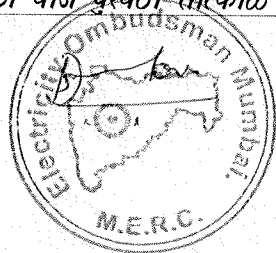
८. वि.प. यांनी दि. १५-०२-२०१७ रोजी दाखल केलेले प्रत्येक तक्रारीतील तक्रारदारांचे जानेवारी २०१७ अखेरचे विद्युत बिल थकबाकीचा तपशिल सादर केलेला आहे.

तक्ता खालील आदेशात नमुद केला आहे

९.दोन्ही बाजूंच्या युक्तिवाद, प्रथमदर्शनी केस बॅलन्स ऑफ कन्व्हिनियन्स व हार्डीशिप इत्यादीचा विचार करता तक्रारदार क्र. १ ते ९ यांनी खाली नमुद केलेप्रमाणे जानेवारी - २०१७ अखेर एकूण थकीत विज देयक रक्कमपैकी २५% रक्कम तक्रारदारांनी या आदेशापासून (६) सहा आठवड्यात मे. मंचात जमा करणेच्या अटीवर तक्रारदारांचे वि.प. यांनी खंडीत केलेला वीज पुरवठा तात्काळ पुर्वित जोडून द्यावा. तसेच तक्रारदार यांनी पुढील येणारी करंट (चालूची) वीज देयकाची रक्कम नियमितपणे वि.प. कडे जमा करणेच्या या अटीवर वि.प. यांनी तक्रारदारांचे विद्युत कनेक्शन तक्रार अर्जांचे अंतिम आदेशापर्यंत खंडीत करू नये असे तक्रारदार व वि.प. यांना निर्देशित करणेत यावे या निष्कर्षाप्रित हे मंच येत आहे. सबब आदेश.

आदेश

१. तक्रारदारांचा अंतरिम अर्ज मंजूर करणेत येतो.
२. तक्रारदार क्र. १ ते ९ यांनी खाली नमुद जानेवारी - २०१७ अखेरची एकूण थकीत विज देयक रक्कमपैकी २५% रक्कम तक्रारदारांनी या आदेशापासून (६) सहा आठवड्यात मे. मंचात जमा करणेच्या अटीवर तक्रारदारांचे वि.प. यांनी खंडीत केलेला वीज पुरवठा तात्काळ पुर्वित जोडून द्यावा. "



अ. क्र.	तक्रार क्र.	तक्रारदाराचे नाव	मिटर न.	धकीत विद्युत देयक रक्कम र.
1	329 / 2016	राजलक्ष्मी सुशांतराव घाटगे	251010594408 / 251010151760	Rs. 8,07,710/- & Rs. 7,23,160/-
2	330 / 2016	सुप्रिया जयेंद्र सरदेसाई	251010593819 / 251010151778	Rs. 5,88,680/- & Rs. 7,12,480/-
3	331 / 2016	निवेदिता संभाजीराव माने	251010593827 / 251010151743	Rs. 11,90,380/- & Rs. 7,39,390/-
4	332 / 2016	निहारीका सन्वशील घाटगे	251010952835	Rs. 7,75,370/-
5	333 / 2016	सुशांत वसंतराव घाटगे	251010952860	Rs. 10,69,807/-
6	334 / 2016	महालक्ष्मी महिला ऑटोल्म्स	251010593835	Rs. 12,11,800/-
7	335 / 2016	धैर्यशिल संभाजीराव माने	251010952819	Rs. 13,84,710/-
8	336 / 2016	सन्वशील संभाजीराव माने	251010952843	Rs. 13,94,540/-
9	337 / 2016	महालक्ष्मी टेक्सस्टाइल्स	251010151751	Rs. 3,44,020/-

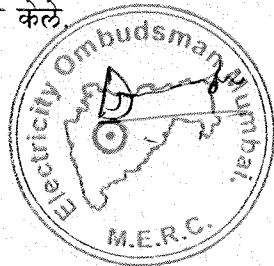
(आदेश दिनांक २२ फेब्रुवारी २०१७)

३. तक्रारदार यांनी पुढील येणारी करंट (चालूची) वीज देयकांची रक्कम नियमितपणे वि.प. कडे जमा करावीत. या अटीवर वि.प. यांनी तक्रारदारांचे विद्युत कनेक्शन तक्रार अजचि अंतिम आदेशापर्यंत खंडीत करू नये असे तक्रारदार व वि.प. यांना निर्देशित करणेत येते.

४. तक्रारदाराने प्रस्तुत आदेशाची वि.प. विद्युत कंपनीवर परस्पर बजावणी करावी.

(iv) In brief, the Complainants contended that MSEDCL had been over-billing them. This was denied by the Respondent which claimed that bills were sent correctly. Since the bills were not paid, the electricity connection was finally disconnected on 02.02.2017. The DCDRF Kolhapur issued interim orders on 22.02.2017 that power supply be reconnected, on the condition that the complainants deposit 25% of the outstanding dues of Rs.1.09 crores with the Forum. Further, the Respondent was directed not to cut the supply as long as the complainants continued to pay the current bills regularly, till the case was finalised. [Note: It is seen that despite the above orders, the complainants did not pay the current bills regularly for 7 years which resulted in increase in outstanding dues. Surprisingly, the Respondent did not take action to disconnect the supply, though the Forum's order allowed it to do so in the circumstance of non-payment of current bills.]

अपिलार्थीने रु.१००/- च्या स्टॅप पेपरवर दिनांक २२.०२.२०२४ रोजी खालीलप्रमाणे प्रतिज्ञापत्र मा. जिल्हा ग्राहक तक्रार मंच यांना सादर केले.



- (१) महावितरण कंपनीने आम्हास जादा दराने आकारणी केलेली आहे, याबाबतच्या तक्रारी क्र.३२९ ते ३३७/२०१६ आम्ही ग्राहक संरक्षण कायदा अंतर्गत जिल्हा ग्राहक तक्रार निवारण मंच, (DCDRF) कोल्हापूर यांच्यासमोर यापुर्वी इ.स. २०१६ मध्ये दाखल केलेल्या आहेत. सदरच्या केसेस अद्याप सुरू असून पुरावं तपासणी सुरू आहे.
- (२) दरम्यान सदर प्रकरणी वीज कायदा २००३ अंतर्गत ग्राहक ग्राहणे निवारण मंच, (CGRF) झोन-कोल्हापूर येथे तक्रारी दाखल करणे आवश्यक व योग्य आहे, अशी माहिती मिळाल्यामुळे आम्ही आमच्या तक्रारी मा. मंचासमोर दाखल करित आहोत.
- (३) जिल्हा ग्राहक तक्रार निवारण मंच, कोल्हापूर यांच्यासमोर सध्या सुरू असलेल्या तक्रारी (केसेस) ग्रा.त.अ.क्र.१६/३२९ ते १६/३३७ आम्ही त्वरीत मागे घेत आहोत.

- (v) The Complainants submitted an affidavit before the District Consumer Disputes Redressal Forum in Kolhapur in Jan/Feb. 2024, and voluntarily chose to withdraw the case. The Forum made the following observation in its order dated 01.03.2024:

"That the complainant is withdrawing the present complaint as he intends to approach other appropriate court (CGRF). Hence this complainant is withdrawing this complaint voluntarily. That the complainant is authorised to withdraw the case through the below Authority holder, and on behalf of the complainant this pursis have been filed by the above-mentioned authority holder.

Hence the Pursis for Withdrawal of Complaint."

- (vi) In brief, the complainants decided to voluntarily withdraw the case from the DCDRF, by filing an affidavit on 22.02.2024, mentioning that they would like to pursue this case before the CGRF Kolhapur. This withdrawal was allowed by the DCDRF vide its order dated 01.03.2024. [Note: We regretfully note that for 7 years the Forum (DCDRF) did not hold any hearings to finalise the case and to determine if the proper tariff had been levied. The DCDRF could also have referred the case to CGRF for quick disposal. This too was not done. Nor were any directions issued to the complainants after 22.02.2017 for 7 years to pay unpaid part of the current bills.]

Main Submissions

- (vii) The Appellants put on record some examples of alleged excess billing done by the Respondent which are charted below:

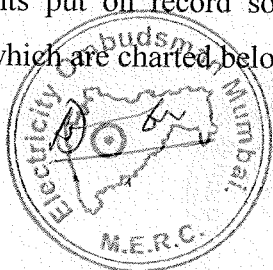


Table 4:

Sr. No.	Appellant	Consumer No.	Units rates (Rs.) for Months mentioned in grievance					
			Apr-16	May-16	Apr-18	May-18	Nov-21	Dec-21
1	Smt Nivedita Sambhajirao Mane	251010151743	2.66	8.79	4.98	2.91	3.76	5.78
2	Mahalaxmi Textiles	251010151751		15.65	4.34			5.78
3	Rajlaxmi Sushantrao Ghatge	251010151760	3.60	4.12				5.78
4	Supriya Jayendra Sardesai	251010151778		5.70		3.18		5.78

[Note: The Appellants have not provided a detailed explanation of how these rates were calculated or how they vary for individual consumers.]

- (viii) The Covid-19 pandemic had an extreme impact on the power loom industry in terms of production, labour availability, financial stability, and demand for textiles. The nationwide lockdown imposed in March 2020 led to the complete shutdown of power loom units. Supply chain disruptions caused a shortage of raw materials such as yarn, dyes, and chemicals. By mid-2021, as restrictions eased, power loom industries resumed operations at partial capacity. Increased production costs due to high raw material prices and fluctuating fuel costs slowed down recovery.

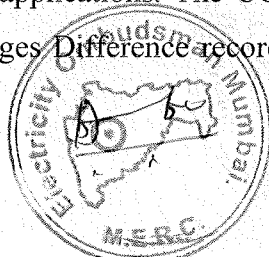
[Note: it is notable that most of the 7 years period (22.02.2017 to 01.03.2024) was not covered by the Covid pandemic.]

- (ix) **The outstanding dues of these 12 consumers were Rs. 8,50,06,286/- up to Dec. 2023.** Out of these, the principal amount, interest & delayed payment charges are tabulated as below:

Table 5:

Principal Amount (Rs.)	Interest & Delayed Payment Charges (Rs.)	Total outstanding dues till Dec. 2023 (Rs.)	Remarks
5,51,41,746	2,98,64,540	8,50,06,286	
65%	35%	100%	% w.r.t. total dues

- (x) The Appellants applied for withdrawal of these complaint applications from District Consumer Disputes Redressal Forum, Kolhapur in the month Jan./Feb 2024. The District Consumer Disputes Redressal Forum permitted these withdrawal applications vide their individual orders dated 01/03/2024. Thereafter, the Appellants filed individual grievance applications with the CGRF on 28.02.2024. [Note: it is not clear how the Appellants filed the case before CGRF one day before the DCDRF allowed them to withdraw the case.]
- (xi) The CGRF vide its common original orders dated 14.06.2024 in Group I and II partly allowed the grievance applications. The CGRF has given a comparatively fair decision regarding Energy Charges Difference recorded on the main consumer's meter & on the



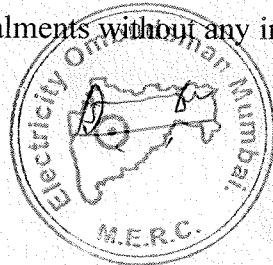
secondary consumers' meters (adjustment units). However, the CGRF did not direct the Respondent to check the entire 59 months billing from 2016 to 2021. However, the Respondent filed review applications against these orders as presented in Table 1. The CGRF by its review orders dated 30.08.2024 partly allowed these review applications which are produced in Para 2. The Appellants did not accept the stand taken in review orders for reducing adjustments units.

- (xii) As per the Forum's order, refund of units was allowed as below:

Table 6:

Particulars	Original Order of CGRF dated 14.06.2024	Review Order of CGRF dated 30.08.2024
	Units Refunded towards main consumer meter & secondary consumers meters	Units Refunded towards main consumer meter & secondary consumers meters
Group I	5,24,909.87	3,03,732.87
Group II	2,25,311.32	1,27,040.32
Total Refundable units	7,50,221.19	4,30,773.19

- (xiii) The Respondent did not refund the subsidy of Government of Maharashtra for these total 7,50,221.19 units. The Respondent was silent on this point. *[Note: When the bills are revised in the system, the subsidy is auto revised and the said amount is adjusted in the Government subsidy.]*
- (xiv) The Appellants contended that the grievances are not time barred, as the grievances were initially filed in the District Consumer Disputes Redressal Forum, Kolhapur in the year 2016, which were not decided within time and hence the same was withdrawn by the Appellants and immediately registered in CGRF Kolhapur.
- (xv) The Appellants paid 25 % amount with MSEDCL in a phased manner (between 20.04.2017 to 04.07.2017) and there was some delay in payment. The delay was due to shortage of funds due to slackness in business.
- (xvi) The adjustment units billed, beyond individual consumption, were identified as abnormally charged in multi-party group connections. A comprehensive review by the Respondent is necessary to assess and reduce the adjustment units.
- (xvii) In view of the above, the Appellants pray that the Respondent be directed
- i. to cancel the disconnection notices of the Respondent dated 15.10.2024.
 - ii. to revise the bills by withdrawing interest & DPC for the period from April 2016 to March 2021 which were excessively billed to the Appellants
 - iii. to withdraw total interest and delayed payments charges till date and to allow instalments without any interest and delayed payment charges



iv. to refund the subsidy of Maharashtra government of 7,50,221.19 units to the Appellant which was wrongly taken by the Respondent.

7. The Respondent filed its reply by its letter dated 15.01.2025. Its submissions and arguments are stated in brief as below:

- (i) The Appellants are LT power loom consumers having sanctioned load, contract demand, date of supply, addresses etc. as tabulated in Table 2. These power loom consumers were entered into multi-partite agreement. There are two Groups, i.e. Group I (8 consumers having cumulative total sanctioned load of 848 HP & Contract demand of 702.76 KVA) & Group II (4 consumers having cumulative total sanctioned load of 400 HP & Contract demand of 332 KVA). Power supply to individual entrepreneurs coming together under one premises through a multi-partite agreement is specially designed for the benefit of power loom consumers, so that they can get the benefit of LT tariff. It is pertinent to note that as per MERC SOP Regulations 2014 Clause 5.3 (ii)

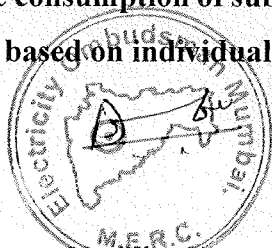
“the LT connections 230V/440V is to be given for load up to 150KW/187 KVA i.e., up to 201 HP”, However, since the load in their combined single premises exceeds 200 HP, under normal circumstances, the aforementioned consumer would be eligible only for an HT connection in a single premises. It is solely due to the special scheme of the multi-partite agreement that these consumers are able to enjoy the benefits of an LT connection with lower tariff rates. The basic data for these consumers is tabulated in Table 2.

In Group I, “**Mahalaxmi Textiles**” is the original consumer and others are sub-consumers. In Group II, “**Mahalaxmi Mahila Autolooms**” is the original consumer and others are sub-consumers. The Appellants are governed by the then prevailing Commercial Circular No. 151 dated 25.11.2011.

Basic Fundamentals of Billing for Energy Consumed & Contract Demand KVA Billing:

Preliminary Discussion on Billing of Energy Charges:

- (ii) In the case of a "Multiparty Group" consisting solely of LT Consumers,
- HT Cubicle is designated as the Main Consumer (Notional Consumer).
 - Energy meters are installed for each LT power loom consumer.
 - Monthly readings are recorded and consumption calculated.
 - **In case of a discrepancy between the main consumer meter reading and the aggregate consumption of sub-consumers, the difference is proportionately allocated based on individual consumption.**

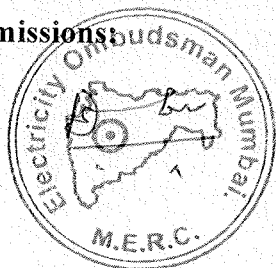


- (iii) Generally, there is not more than 1% to 2% difference between the main meter reading and the aggregate of the individual readings. [Note: During the 2nd hearing the Appellant alleged that there was a substantial difference between these readings from April 2016 to March 2021.]
- (iv) This system is driven by programmed controls managed by the Commercial Section and IT Sections of the Corporate Office, following the rates prescribed in various Tariff Orders of the Maharashtra Electricity Regulatory Commission. These are applied to all Multiparty Group Consumers billed throughout the state under the jurisdiction of MSEDCL.

Preliminary Submissions: (Time barred).

- (v) The Appellants are claiming that wrong tariff was applied as per industrial tariff category instead of power loom tariff in the year 2016-17. As such the cause of action arose in the year 2016-17. The Appellant ought to have filed the grievance before the Forum within 2 years i.e. up to 2018-19 from the cause of action. The Appellant filed the grievance in the Forum on 28.02.2024 with a different prayer, especially for checking of electricity bills in general (not specific), withdrawal of interest, and installments facility of 36 months. The claim of the appellant is time barred and beyond limitation as per Regulation 6.6 / 7.8 of CGRF and EO Regulations, 2006 / 2020, which provides that the Forum shall not admit any grievance unless it is filed within 2 years from the date on which the cause of action arose. Therefore, the claim of the Appellant is not maintainable at the initial stage itself.
- (vi) The Appellants submitted grievances with different prayers to the District Consumer Disputes Redressal Forum in Kolhapur regarding incorrect tariff categorization as Industrial instead of Power loom tariff specifically in May 2016. **The DCDRF was obligated to resolve these grievances within 90 days of their submission. However, the DCDRF failed to do so.** The grievances remained unresolved on record (in fact there were no grievances in May 2016 as the Appellants were continually billed under power loom tariff category). An adverse decision was anticipated in 2024. Consequently, the Appellants chose to withdraw all their cases from the District Consumer Disputes Redressal Forum, Kolhapur, on their own accord. These cases are no longer maintainable under the CGRF and EO Regulations 2020. Therefore, considering all factors, the grievances of the Appellants are not maintainable.sub

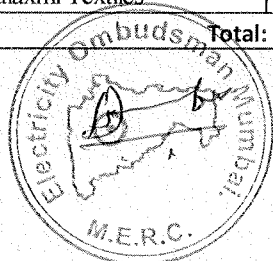
Main Submissions:



- (vii) The Appellants were billed under Multiparty Group I and Multiparty Group II from the supply date mentioned in Table 2.
- (viii) **The Appellants alleged that they were wrongly billed under Industrial Tariff Category** from May 2016 and other months. All bills of these months have been verified at sub-divisional level, and billing of these consumers under Multiparty Power Loom Group I & Group II is found in order. Month wise Consumer's Personal Ledgers of all twelve consumers are kept on record. [Note: The E.O. office has verified that the correct 'power-loom' tariff was levied, and not industrial tariff.]
- (ix) In 2016, the Appellants approached the District Consumer Disputes Redressal Forum (DCDRF) in Kolhapur against the Respondent, alleging incorrect billing in May 2016.
- (x) **The Respondent denied that the Appellants had ever made any written or verbal complaints to MSEDCL before filing the case in DCDRF. The Respondent contended that the Appellants were billed under the power loom tariff category, with all bills generated under Multiparty Group I and Multiparty Group II Tariff Category. In fact, the Appellants were irregular in their payments, accumulating outstanding dues. They sought refuge in DCDRF Kolhapur's complaint to avoid disconnections for unpaid dues.**
- (xi) On 02.02.2017, the Appellants' supply was temporarily disconnected for non-payment of outstanding dues following the issuance of disconnection notices. The Appellants approached for reconnection. The Respondent submitted data of outstanding dues to DCDRF Kolhapur on 15.02.2017. The details of outstanding dues pending up to Jan. 2017 are charted below:

Table 7:-

Sr. No.	Name of Consumers	Consumer Complaints Case No.	Consumer No.	Outstanding Dues of Elect. Bill (Rs.)
1	Rajlaxmi Sushantrao Ghatge	329/2016	251010151760	8,07,810
			251010594408	7,23,160
2	Supriya Jayendra Sardesai	330/2016	251010151778	5,88,680
			251010593819	7,12,480
3	Smt Nivedita Sambhajirao Mane	331/2016	251010151743	11,90,380
			251010593827	7,39,390
4	Neharika Satwashil Mane	332/2016	251010952835	7,75,370
5	Sushant Vasantrao Ghatge	333/2016	251010952860	10,69,807
6	Mahalaxmi Mahila Autolooms	334/2016	251010593835	12,11,800
7	Dhairiyashil Sambhajirao Mane	335/2016	251010952819	13,84,710
8	Satwashil Sambhajirao Mane	336/2016	251010952843	13,94,540
9	Mahalaxmi Textiles	337/2016	251010151751	3,44,020
Total:				1,09,42,147

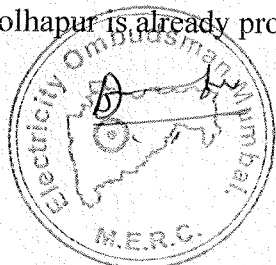


- (xii) The DCDRF Kolhapur, by its interim order dated 22.02.2017, directed the Appellants to pay 25% of the above amount within six weeks i.e. up to about 08.04.2017 and to pay current bills regularly to the Respondent. The supply of the Appellants was reconnected immediately as per the interim order of DCDRF Kolhapur.
- (xiii) **The Appellants did not comply with the interim order in its totality and true spirit. The 25% payment was made late (by about 3 months) between 20.04.2017 and 04.07.2017, rather than within six weeks from the Interim Order date of 22.02.2017 (i.e. by around 8th April 2017).** The statement of payment is provided below:

Table 8:

Name of Appellants	Consumer No	Court Case No	Disputed Amount as per Order. (As per CPL)	25% of Disputed Amount	25 % Amount Paid Details				Total Payment against 25% of Jan.2017 Arrears	Short Payment Against 25% Payments	% of actual Payments wrt disputed Payments
					Partly paid on 20.04.2017	Partly paid on 16.05.2017	Partly paid on 20.06.2017	Partly paid on 04.07.2017			
Mahalaxmi Textiles	251010151751	337/2016	3,42,008	85,502	75,000	0	11,000	12,500	98,500	-12,998	28.8%
Smt Nivedita Sambhajirao Mane	251010151743	331/2016	7,37,105	1,84,276	37,500	1,01,861	46,000	25,000	2,10,361	-26,085	28.5%
Rajlaxmi Sushantrao Ghatge	251010151760	329/2016	7,21,099	1,80,275	37,500	76,929	46,000	12,500	1,72,929	7,346	24.0%
Supriya Jayendra Sardesai	251010151778	330/2016	7,10,034	1,77,508	37,500	62,572	46,000	12,500	1,58,572	18,936	22.3%
Dhairyashil Sambhajirao Mane	251010952819	335/2016	13,35,034	3,33,759	75,000	1,35,590	92,000	25,000	3,27,590	6,169	24.5%
Neerika Satwashil Mane	251010952835	332/2016	7,73,605	1,93,401	75,000	59,422	92,000	25,000	2,51,422	-58,021	32.5%
Satwashil Sambhajirao Mane	251010952843	336/2016	13,84,749	3,46,187	75,000	1,36,817	92,000	25,000	3,28,817	17,370	23.7%
Sushant Vasantrao Ghatge	251010952860	333/2016	10,35,861	2,58,965	75,000	96,226	92,000	25,000	2,88,226	-29,261	27.8%
Mahalaxmi Mahila Autolooms	251010593835	334/2016	12,05,952	3,01,488	75,000	1,13,975	92,000	12,500	2,93,475	8,013	24.3%
Supriya Jayendra Sardesai	251010593819	330/2016	5,88,518	1,47,130	37,500	62,573	46,000	12,500	1,58,573	-11,443	26.9%
Nivedita Sambhajirao Mane	251010593827	331/2016	11,92,896	2,98,224	37,500	1,01,861	46,000	12,500	1,97,861	1,00,363	16.6%
Rajlaxmi Sushantrao Ghatge	251010594408	329/2016	8,09,383	2,02,346	37,500	76,929	46,000	12,500	1,72,929	29,417	21.4%
Total			1,08,36,244	27,09,061	6,75,000	10,24,755	7,47,000	2,12,500	26,59,255	49,806	24.5%

- (xiv) **Further, current monthly bills were also not paid within the time frame stipulated by the interim order, resulting in further accumulation of outstanding dues. As the cases were pending in DCDRF Kolhapur, disconnection could also not be effected properly.**
- (xv) The Appellants were reluctant to submit any information in DCDRF Kolhapur. Throughout the entire group case, Rajlaxmi Sushantrao Ghatge (Appellant No. 12) requested for a cross-hearing only once in February 2022. After 7 years of filing the case, the Appellants, by their Affidavit dated 18.01.2024, requested to withdraw their complaints in DCDRF Kolhapur, intending to approach another appropriate court (CGRF) voluntarily. [Note: This conduct of the Appellant to drag the case for 7 years after receiving a favourable interim order is questionable.]
- (xvi) By its order dated 01.03.2024, DCDRF Kolhapur permitted the withdrawal of these cases from the District Consumer Disputes Redressal Forum. [The order in Marathi of DCDRF Kolhapur is already produced in Para 7(ii).]



- (xvii) The Appellants filed separate grievance applications with the CGRF on 28.02.2024. The CGRF, in its common original orders dated 14.06.2024 for Group I and II, partly allowed the grievance applications as already mentioned in Para 3. As per the Forum's initial order dated 14.06.2024, refunds of 5,24,909.87 units in Group I and 2,25,311.32 units in Group II were allowed, having total refundable 7,50,221.19 units as charted in Table 6. However, there was an anomaly in the calculation in the CGRF order concerning adjustment units during the COVID-19 pandemic period. Hence, the Respondent filed review applications against these orders, as presented in Table 1. The CGRF, by its review orders dated 30.08.2024, accepted the recalculated and reduced refunds. As per the Forum's review order, reduced refunds of 3,03,732.87 units in Group I and 1,27,040.32 units in Group II were allowed, having total refundable 4,30,773.19 units as charted in Table 6.
- (xviii) When the bills are revised in the system, the subsidy is auto revised, and the said amount is adjusted in Government subsidy. Hence, there is no question of refunding government subsidies to the Appellants.
- (xix) The Appellants have alleged wrong billing, which are clarified as below:
The Appellants were billed under the "Power-Loom Tariff" category from the date of supply until the present. **They were never billed under the industrial tariff category.** The Respondent provided the CPL data for all 12 consumers, including the monthly unit rates. A sample abstract of the rate calculations for one of these consumers is provided below:

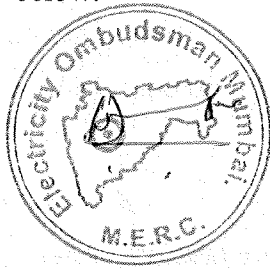


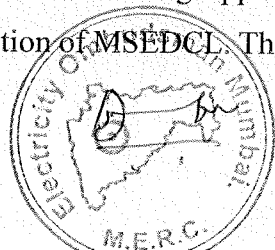
Table 9:

Name : Smt Nivedita Sambhajirao Mane, Cons. No. 251010151743															
Year/ Mth	2016-17			2017-18			2018-19			2019-20			2020-21		
	Cons. (Units)	Energy Charges (Rs.)	Rate/ Unit (Rs.)	Cons. (Units)	Energy Charges (Rs.)	Rate/ Unit (Rs.)	Cons. (Units)	Energy Charges (Rs.)	Rate/ Unit (Rs.)	Cons. (Units)	Energy Charges (Rs.)	Rate/ Unit (Rs.)	Cons. (Units)	Energy Charges (Rs.)	Rate/ Unit (Rs.)
Apr	6,968	18,535	2.66	15,593	41,477	2.66	24,032	69,889	2.91	12,605	53,899	4.28	1,497	6,003	4.01
May	11,282	30,010	2.66	14,805	39,381	2.66	28,774	83,732	2.91	19,952	85,794	4.30	47,084	1,92,903	4.10
Jun	5,504	14,641	2.66	11,702	31,127	2.66	22,039	64,133	2.91	12,951	55,689	4.30	40,840	1,63,768	4.01
Jul	12,448	33,112	2.66	12,989	37,668	2.90	11,813	34,376	2.91	15,924	68,473	4.30	43,693	1,75,209	4.01
Aug	11,916	31,697	2.66	17,282	50,118	2.90	12,135	35,313	2.91	14,946	64,268	4.30	62,347	2,50,011	4.01
Sep	11,247	29,917	2.66	10,146	29,423	2.90	13,849	40,301	2.91	14,813	63,696	4.30	42,419	1,70,100	4.01
Oct	1,774	4,719	2.66	14,064	40,786	2.90	13,957	40,894	2.93	12,318	52,967	4.30	38,394	1,53,960	4.01
Nov	1,317	3,503	2.66	11,509	33,376	2.90	17,892	52,424	2.93	13,809	59,379	4.30	54,446	2,18,328	4.01
Dec	151	402	2.66	17,008	49,323	2.90	14,972	43,868	2.93	15,707	67,540	4.30	52,879	2,12,045	4.01
Jan	107	285	2.66	23,168	67,187	2.90	15,977	46,813	2.93	14,746	63,408	4.30	39,776	1,59,502	4.01
Feb	0	0	2.66	12,630	36,627	2.90	12,828	53,236	4.15	14,466	62,204	4.30	49,728	1,99,409	4.01
Mar	5,625	14,963	2.66	13,206	38,297	2.90	14,797	61,408	4.15	8,680	37,324	4.30	37,506	1,50,399	4.01
Year/ Mth	2021-22			2022-23			2023-24			2024-25					
	Cons. (Units)	Energy Charges (Rs.)	Rate/ Unit (Rs.)	Cons. (Units)	Energy Charges (Rs.)	Rate/ Unit (Rs.)	Cons. (Units)	Energy Charges (Rs.)	Rate/ Unit (Rs.)	Cons. (Units)	Energy Charges (Rs.)	Rate/ Unit (Rs.)			
Apr	27,429	1,03,133	3.76	50,255	1,93,482	3.85	43,849	2,04,775	4.67	49,376	2,41,449	4.89			
May	10,949	41,168	3.76	66,844	2,57,349	3.85	54,058	2,52,451	4.67	42,482	2,07,737	4.89			
Jun	11,216	42,172	3.76	45,188	1,73,974	3.85	33,720	1,57,472	4.67	52,365	2,56,065	4.89			
Jul	20,294	76,305	3.76	50,246	1,93,447	3.85	15,072	70,386	4.67	57,315	2,80,270	4.89			
Aug	23,664	88,977	3.76	61,799	2,37,926	3.85	43,896	2,04,994	4.67	53,903	2,63,586	4.89			
Sep	19,153	72,015	3.76	42,376	1,63,148	3.85	55,014	2,56,915	4.67	46,927	2,29,473	4.89			
Oct	27,077	1,01,810	3.76	53,307	2,05,232	3.85	58,638	2,73,839	4.67	18,307	89,521	4.89			
Nov	37,012	1,39,165	3.76	56,111	2,16,027	3.85	52,333	2,44,395	4.67	44,346	2,16,852	4.89			
Dec	59,967	3,46,609	5.78	58,740	2,26,149	3.85	56,915	2,65,793	4.67	56,242	2,75,023	4.89			
Jan	47,988	2,77,371	5.78	58,781	2,26,307	3.85	50,895	2,37,680	4.67	50,236	2,45,654	4.89			
Feb	54,563	2,05,157	3.76	54,810	2,11,019	3.85	55,454	2,58,970	4.67						
Mar	58,256	2,19,724	3.77	26,258	1,01,093	3.85	54,701	2,55,454	4.67						

The office of the Electricity Ombudsman has verified that the correct unit rates were applied. (For example, the power loom rate is only Rs.2.66 per unit due to the subsidy of about Rs.4.22 per unit for the period from Nov.2015 to June 2017.) **The unit rates for power loom consumers are determined in accordance with the prevailing Tariff Orders and the subsidies provided by the State Government.** The Respondent submitted Commercial Circular No. 257, dated 20.01.2016 of MSEDCL, which is based on the Government Resolution dated 07.11.2015 and its correction dated 03.12.2015. It was specified that a rate of Rs. 2.66 per unit should be applied to all power loom consumers. The contents of the circular in Marathi are reproduced below:

"क) २७ अश्वशक्तीपेक्षा कमी जोडभार असणाऱ्या व २७ अश्वशक्तीपेक्षा अधिक जोडभार असणाऱ्या लघुदाब यंत्रमागधारकांना रु.२.६६ प्रति यनीट असा समान वीज दर आकारण्यात यावा."

The System-Driven Software for power loom consumers is standardized across all such consumers of the Respondent throughout the state. No similar complaint (about industrial tariff being applied) has been raised by any other consumers within the jurisdiction of MSEDCL. This clearly establishes that correct tariff was applied, and the

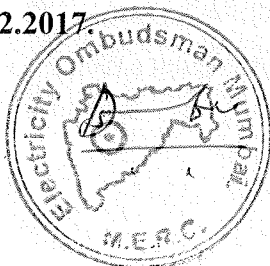


Appellants did not approach the District Consumer Disputes Redressal Forum, Kolhapur in 2016 with clean hands.

- (xx) The Respondent submitted Commercial Circular No. 311 dated 01.10.2018 of MSEDCL which is based on Mid Term Review Order dated 12.09.2018 in Case No. 195 of 2017 of Tariff Order of MERC, whereby the power loom tariff was Rs. 2.93 per unit for the period from Sep. 2018 to March 2019 [Table 13] .
- (xxi) The Appellants did not pay the outstanding dues as per the original order/review order of the Forum. The Appellants did not come forward to pay the instalments along with the current bill as per the 12 instalments granted by CGRF. Therefore, finally the Respondent issued disconnection notices on 15.10.2024, 14.11.2024, 13.12.2024, and 02.01.2025 as per Section 56.1 of the Act. However, the supply of the Appellants was not disconnected.
- (xxii) The Respondent requested the consideration of the following points as part of their arguments:
- (a) The disconnection notices issued by the Respondent in 2024/2025 as per Section 56(1) of the Act are legal in nature.
 - (b) The electricity bills from April 2016 to March 2021 are entirely legal and in accordance with the tariff rate for power looms approved by the Commission.
 - (c) The Appellants failed to pay instalments as per the interim order of DCDRF Kolhapur. The interest and delayed payment charges levied are correct as the Appellants did not pay the current bills regularly, and hence, interest and delayed payment charges should not be waived.
- (xxiii) The Respondent prays that the Appellants' representations be rejected.

8. The Electricity Ombudsman directed during the hearing on 20.02.2025 as follows:

- A. to verify whether the correct power loom tariff category was applied during the disputed period from May 2016 onwards.
- B. to submit data on the total arrears position as of January 2017, the current bills issued, and the total payments made from February 2017 to January 2025, along with the interest calculation thereon.
- C. to submit a calculation sheet of the interest on 75% of the balance arrears as per the interim order of the District Consumer Disputes Redressal Forum, Kolhapur, dated 22.02.2017.



9. As per the above directions, the Respondent, by its letter dated 21.02.2025, invited the Appellants to be present in the Respondent's Office on 03.03.2025 for joint verification of billing done under the multiparty power loom group. The representative of the Appellants visited the Respondent's office on 03.03.2025 for discussions. The tariff rates were found to be in order, as reported telephonically by the Respondent.

10. As per the directions of the Electricity Ombudsman (Mumbai), the Respondent, by its email dated 04.03.2025, submitted a chart of the arrears position as of January 2017 (75% of these arrears were kept aside by the Interim Order of the DCDRF Kolhapur dated 22nd February 2017) and the interest due on these unpaid 75% arrears, as shown below:

Table 10:

Consumer No	Appellants	Disputed Amount as per Order (As per CPL)	Principal Arrears as on Jan.17	Interest	25% Amount Paid	75% Balance of Principal Arrears	Interest from Feb.17 to 31.03.2020 18%	Interest from Apr.20 to Jan.25 15%	Total Interest
A	B	C=D+E	D	E	F	G (D-F)	H(G*18%)	I(G*15%)	J (H+I)
251010151751	Mahalaxmi Textiles	3,42,008	2,93,407	48,601	98,500	1,94,907	1,14,020	1,41,307	2,55,328
251010151743	Smt Nivedita Sambhajirao Mane	7,37,105	6,71,632	65,472	2,10,361	4,61,271	2,69,844	3,34,422	6,04,265
251010151760	Rajlaxmi Sushantrao Ghatge	7,21,099	6,37,126	83,973	1,72,929	4,64,197	2,71,555	3,36,543	6,08,098
251010151778	Supriya Jayendra Sardesai	7,10,034	6,53,781	56,253	1,58,572	4,95,209	2,89,697	3,59,026	6,48,723
251010952819	Dhairiyashil Sambhajirao Mane	13,35,034	12,11,941	1,23,093	3,27,590	8,84,351	5,17,346	6,41,155	11,58,500
251010952835	Neharika Satwashil Mane	7,73,605	6,78,412	95,193	2,51,422	4,26,990	2,49,789	3,09,568	5,59,357
251010952843	Satwashil Sambhajirao Mane	13,84,749	12,50,361	1,34,388	3,28,817	9,21,544	5,39,103	6,68,119	12,07,222
251010952860	Sushant Vasantryao Ghatge	10,35,861	9,47,114	88,747	2,88,226	6,58,888	3,85,450	4,77,694	8,63,144
251010593835	Mahalaxmi Mahila Autolooms	12,05,952	10,66,910	1,39,043	2,93,475	7,73,435	4,52,459	5,60,740	10,13,200
251010593819	Supriya Jayendra Sardesai	5,88,518	5,34,216	54,302	1,58,573	3,75,643	2,19,751	2,72,341	4,92,093
251010593827	Nivedita Sambhajirao Mane	11,92,896	10,73,764	1,19,132	1,97,861	8,75,903	5,12,403	6,35,030	11,47,433
251010594408	Rajlaxmi Sushantrao Ghatge	8,09,383	7,26,372	83,011	1,72,929	5,53,443	3,23,764	4,01,246	7,25,010
Total		1,08,36,244	97,45,036	10,91,208	26,59,255	70,85,781	41,45,182	51,37,191	92,82,373

[Note: The interest of Rs.41.45 lakhs is simple interest (not compound interest) for 3 years, while the interest of Rs.51.37 lakhs is simple interest for about 5 years.]

11. The Respondent, by its email dated 04.03.2025 also submitted a chart indicating the total arrears position as of January 2017, the current bills issued thereafter, the total payments made from February 2017 to January 2025 and the interest on the unpaid amount, which are tabulated as below:

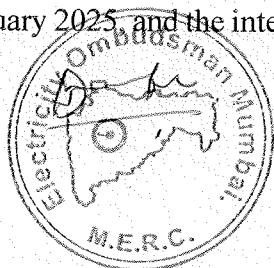


Table 11:

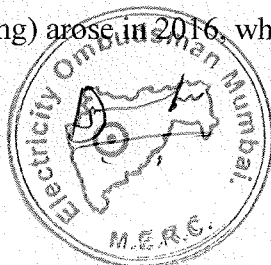
(Amount in Rs.)									
Consumer No	Appellant	Arrears as on Jan.2017	Current Bills from Feb.2017 to Jan.2025	Current bill payment from Feb.2017 to Jan.2025	Difference (Unpaid)	Bill Revision Adjustment as per CGRF Order	Balance as on Jan.2025		
							Principal Arrears	Interest	Total
1	2	3	4	5	6 = (4 - 5)	7	8	9	10
251010151751	Mahalaxmi Textiles	7,37,105	1,16,94,897	95,05,910	21,88,987	3,38,396	16,75,043	12,54,919	29,29,962
251010151743	Smt Nivedita Sambhajirao Mane	10,35,861	1,52,94,634	1,04,54,367	48,40,267	2,11,820	43,27,835	22,27,129	65,54,964
251010151760	Rajlaxmi Sushantrao Ghatge	13,35,034	1,43,19,876	1,08,00,266	35,19,610	1,04,152	32,47,926	29,67,266	62,15,192
251010151778	Supriya Jayendra Sardesai	7,10,034	2,02,86,970	1,38,99,812	63,87,158	1,57,896	59,92,395	41,15,710	1,01,08,105
251010952819	Dhairyashil Sambhajirao Mane	11,92,896	2,00,34,312	1,35,42,038	64,92,274	1,50,826	63,12,207	53,09,713	1,16,21,920
251010952835	Neharika Satwashil Mane	7,73,605	1,74,31,286	1,22,33,371	51,97,915	1,85,203	49,54,854	37,22,689	86,77,543
251010952843	Satwashil Sambhajirao Mane	13,84,749	2,07,05,288	1,58,49,560	48,55,728	1,63,523	46,49,865	40,38,714	86,88,579
251010952860	Sushant Vasantao Ghatge	7,21,099	1,58,67,364	1,25,26,931	33,40,434	1,90,631	33,08,123	24,35,175	57,43,298
251010593835	Mahalaxmi Mahila Autolooms	12,05,952	1,85,06,804	1,29,15,282	55,91,522	72,535	53,57,968	41,16,302	94,74,270
251010593819	Supriya Jayendra Sardesai	3,42,008	1,09,67,183	94,21,934	15,45,249	2,16,868	14,69,909	13,85,915	28,55,824
251010593827	Nivedita Sambhajirao Mane	8,09,383	2,06,06,389	1,54,96,216	51,10,173	1,41,200	53,00,297	39,03,856	92,04,153
251010594408	Rajlaxmi Sushantrao Ghatge	5,88,518	1,10,50,511	90,22,827	20,27,684	2,28,713	21,33,395	17,79,131	39,12,526
Total		1,08,36,244	19,67,65,514	14,56,68,514	5,10,97,001	21,61,762	4,87,29,816	3,72,56,519	8,59,86,334

Note: The unpaid current bills were Rs.5,10,97,001/- . The principal arrears remained of Rs.4,87,29,816/- due to bill revision adjustment of Rs.21,16,762/- as per CGRF order & other adjustment Rs.2,05,423/- (i.e. Rs.4,87,29,816+21,61,762+2,05,423=5,10,97,001/-)

We have studied the above table in detail, and we find the calculations of the last 3 columns relating to principal arrears and interest to be correct.

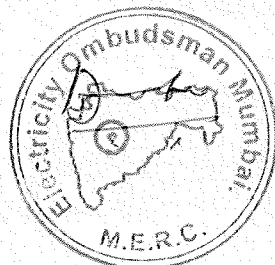
Analysis and Ruling:

12. The basic complaint relates to excess billing in and from the month of May 2016. The Appellants have provided examples of excess billing by the Respondent, as detailed in Table 4. They contended that the Covid-19 pandemic severely impacted the power loom industry. By mid-2021, power loom industries resumed operations at partial capacity. The Appellants neither paid their outstanding arrears as in 2017, nor paid subsequent current bills regularly. The outstanding dues of the 12 consumers had reached Rs. 8,50,06,286/- up to December 2023, including principal amount, interest, and delayed payment charges, as detailed in Table 5 and Table 11. The Appellants applied for withdrawal of complaint applications from the District Consumer Disputes Redressal Forum, Kolhapur in January/February 2024 after the case had dragged on for 7 years without result. The Forum permitted these withdrawal applications via individual orders dated 01/03/2024. The Appellants then filed individual grievance applications with the CGRF on 28.02.2024. The Respondent has contended that the representations are time barred, as the cause of action (alleged overbilling) arose in 2016, while the cases were filed in the CGRF only in 2024.



13. No doubt the grievances were initially filed in District Consumer Disputes Redressal Forum, Kolhapur in 2016. At the same time, we note with displeasure that, after obtaining an interim order from the DCDRF in 2017 to reconnect their supply, the Appellants managed to drag on the case for 7 years without any hearings, while being fully aware that the appropriate Forum for such complaints would be the CGRF. The Appellants paid 25% of the due amount to MSEDCL late and in phases. The delay was allegedly due to a shortage of funds caused by slackness in business. We note that this slackness in business had nothing to do with the Covid pandemic which came many years later. The Appellants claim that they paid all subsequent current bills regularly. However we find this contention too to be incorrect, as Table 11 clearly shows that current bills were not paid fully in time, thereby leading to increasing arrears. The Appellant has requested mainly for withdrawing interest & DPC for the entire disputed period, and 36 installments payment facility for revised bills.

14. The Respondent contended that the cause of action arose in 2016-17, and the grievance should have been filed within two years, i.e., by 2018-19. The Appellant filed the grievance on 28.02.2024, requesting a general electricity bill check, interest withdrawal, and a 36-month installment facility. The claim is time-barred and beyond limitation as per Regulation 6.6 / 7.8 of CGRF and EO Regulations, 2006 / 2020. Therefore, the claim is not maintainable. The Respondent further contended that in 2016, Appellants approached the District Consumer Disputes Redressal Forum Kolhapur, alleging incorrect billing in May 2016. The Respondent denied any prior written or verbal complaints to MSEDCL by the Appellants before filing the case in DCDRF. The Appellants were correctly billed under power loom tariff category, but were irregular in payments leading to accumulating outstanding dues. Appellants sought refuge in DCDRF Kolhapur to avoid disconnections. On 02.02.2017, the Appellants' supply was temporarily disconnected due to unpaid dues after disconnection notices were issued. The Appellants sought reconnection, and the Respondent submitted data of outstanding dues to DCDRF Kolhapur on 15.02.2017 which had reached Rs.1.09 crores up to Jan. 2017. DCDRF Kolhapur, by its interim order dated 22.02.2017, directed the Appellants to pay 25% of the amount within six weeks, and to pay subsequent current bills regularly. The supply was reconnected as per this order. However the Appellants did not comply with the interim order. The 25% payment was made late, i.e. between 20.04.2017 and 04.07.2017, beyond the stipulated six weeks from 22.02.2017. Subsequent current bills were also not paid regularly.



15. Considering the various submissions, arguments, and orders referred to by the Appellants and the Respondent, this Authority has framed the following issues to consider the maintainability as well as the merit of these representations:

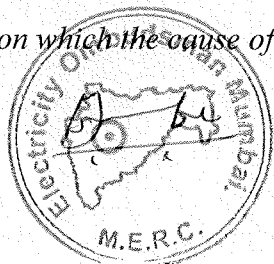
Issue I: Are the grievances submitted before the Forum maintainable as per Regulation 6.6/7.8 of CGRF & EO Regulations 2006/2020?

Decision: Issue I is answered in the negative.

The Appellant argues that the cause of action was continuous from May 2016 onwards, as complaints were raised in 2016/2017 in the District Consumer Disputes Redressal Forum, Kolhapur against billing under the “industrial tariff category” instead of the Power-loom Tariff. The Appellants applied for the withdrawal of these complaint applications from the District Consumer Disputes Redressal Forum, Kolhapur in January/February 2024 which was permitted vide its orders dated 01/03/2024. Thereafter, the Appellants filed individual grievance applications with the CGRF on 28/02/2024. They assert that the causes of action were continuous in nature and hence, the grievances are not time-barred. On the contrary, the Respondent contended that the Appellants are claiming that allegedly wrong tariff was applied under industrial tariff category instead of Power-loom category in 2016/17. As such, the cause of action arose in 2016/17. The Appellant ought to have filed the grievance before the Forum within two years, i.e., up to 2018/19 from the cause of action. Not only that, but the Appellant also filed the grievance in the Forum on 28/02/2024 with different prayers, specifically for checking of electricity bills in general (not specific), withdrawal of interest, and installment facility of 36 months. The claim of the Appellant is time-barred and beyond the limitation as per Regulation 6.6/7.8 of CGRF and EO Regulations, 2006/2020.

Considering the submissions of both parties, we hold that the cause of action arose in 2016/2017. The conduct of the Appellants indicates that they knowingly and deliberately managed to drag on the case in the DCDRF for 7 years after conveniently obtaining an interim stay order in their favour, not to disconnect their supply despite heavy accumulating arrears. The Appellants approached the Forum (CGRF) only on 28/02/2024. The present case does not fit the regulatory framework as envisaged under Regulation 6.6/7.8 of CGRF & EO Regulations 2006/2020, respectively, as the period of relief is not within the limit of two years prior to the date of filing the application with the Forum i.e., 28/02/2024. The said Regulation is quoted below:

“The Forum shall not admit any Grievance unless it is filed within two (2) years from the date on which the cause of action has arisen.”



The cause of action arose in 2016/17. **Issue No. 1 is answered in the Negative**, being time-barred as per Regulation 6.6/7.8 of CGRF & EO Regulations 2006/2020, and not maintainable in the true sense. The Appellants did not come with clean hands before this authority.

However, considering the complexity of these cases and the missing link of accrued interest on 75% of the outstanding dues as of January 2017, which was kept aside and unresolved by the Interim Order of the DCDRF Kolhapur dated 22nd February 2017, this authority has decided to review the merit of the case to understand the factual position.

Issue II: Have the Appellants been incorrectly billed under the Industrial Tariff category instead of the LT Power Loom Tariff category from May 2016 onwards?

Decision: Issue II is answered in the negative.

The Appellants opted for "Multi-Party Group connections" for Group I and Group II and they are the beneficiaries of the scheme. Power loom connections are provided in one "premises" for Group I and one premises for Group II. The Respondent issued a Commercial Circular No. 06 of 2005 dated 01.09. 2005 in the subject matter of "Power supply to individual entrepreneurs coming under the preamble of Circular No. 151 dated 25.11.2011 is reproduced below:

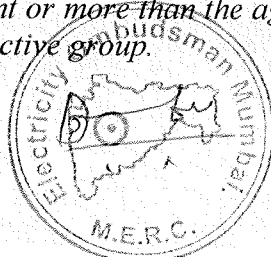
"In view of upward trend for cloth in market, various power loom consumers under one premises/shed are coming up in our State at different locations. The individual entrepreneurs coming under one premises/shed to establish power loom generally needs power supply at Low Tension. As such, all the individual entrepreneurs have to take High tension power supply, which most of the times becomes difficult due to space constraint. It would also not be possible to insist on all individual entrepreneurs to install their own transformers, metering KIOSKS etc. which would occupy considerable space in such common premises/sheds."

The Respondent issued the following guidelines for multi-party consumers as per Commercial Circular No. 06 of 2005 dated 01.09. 2005:

1.....

2.....

3. All these entrepreneurs can install a common transformer of appropriate capacity equivalent or more than the aggregate load requirement of all the entrepreneurs in the respective group.



4. All the individual entrepreneurs in the respective groups having load requirement up to 107HP/201 HP shall be Low Tension consumers of the Board. They will have to opt for M.D. base tariff. Additional guidelines are given under Commercial Circular No. 06 of 2005 dated 01.09. 2005 which are reworded in Commercial Circular No. 151 of 2011. The same are reproduced below:

1. The main consumer shall install & maintain the transformer of requisite capacity.

2.

3. All these consumers billed on LT side must opt for LT-MD tariff and LT-TOD meters to be installed for all these consumers in case of LT connections.

4. The multi — Partite consumers shall be billed energy charges as per the energy actually consumed & recorded by the respective energy meters and shall be billed Demand Charges as per Billing Demand of the individual consumer, to be determined in accordance with the prescribed guidelines, tri partite agreement. Main consumer shall be billed on HT side metering.

5. As compared to the above, the Main consumer shall be billed energy charges on the basis of energy actually & collectively consumed by all the consumers & recorded in the meter installed on High Tension side less energy billed to the multi — Partite consumers.

6. Similarly, the Demand registered / consumed by the Main Consumer shall be equivalent to the Demand registered in the meter on High Tension side less aggregate of the 75% of the Demand recorded by the individual multi • — Partite consumer and based on derived Demand, the Billing Demand of the Main Consumer shall be determined. However, in case the derived Demand of the Main Consumer happens to be more than the Contract Demand, the Main Consumer shall be liable for penalty for exceeding Contract Demand.

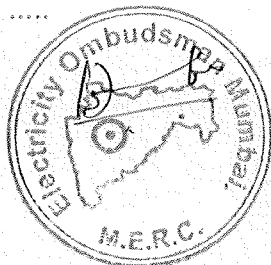
7.

8.

10. All the individual consumer from the respective groups shall have to execute tripartite/multipartite agreement with the company and in case there happens to be agencies sponsoring such group of consumers then such agency shall also be a party to tripartite/multipartite agreement,

11. All the consumers availing power supply by such arrangement shall be billed as per the provisions of the tariff prevailing from time to time and shall also be liable for all such incentives/disincentives as may be applicable.

12.



13. Whenever a group of entrepreneurs is given power supply from a common transformer, these entrepreneurs shall also pay to the company the cost of installation of Metering on High Tension side of the said transformer.

14. In case the sum of the units consumed by the group of consumers are less than the units rerecorded in H.T. meter, then the difference will be distributed proportionately among the group of consumers as a assessed units. However, no benefit will be extended to consumers in case the meter on HT side records less reading than the reading of combined group of consumers.

15. In case of default in payment of energy bill by any one of the consumers from the said group and/or breach of the provisions of the tariff/conditions of supply, the disconnection of power supply to be effected at the main point of supply, which will automatically results in disconnection of power supply of all the consumer at the same time."

Considering the basis of "Multi-Party Group connections" for Group I and Group II, the applicable rates for the Power loom Tariff Category and Industrial Tariff Category in the Multi Year Tariff Order issued by MERC on June 26, 2015, in Case No. 121 of 2014, for the control period FY 2013-14 to FY 2015-16 (effective from June 1, 2015) were as follows:

Table 12:

Powerloom Tariff Category			Industrial Tariff Category		
Rate Schedule			Rate Schedule		
Consumer Category	Fixed/ Demand Charge	Energy Charge (Rs./kWh)	Consumer Category	Fixed/ Demand Charge	Energy Charge (Rs./kWh)
LT-V(A): LT – Industry – Power looms			LT-V (B): LT – Industry – General		
(i) 0-20 kW	Rs. 220.00 per connection per month	5.43	(i) 0-20 kW	Rs. 220.00 per connection per month	5.51
(ii) Above 20 kW	Rs. 150.00 per kVA per month	6.88	(ii) Above 20 kW	Rs. 150.00 per kVA per month	6.98

According to MSEDCL's Commercial Circular No. 257 dated January 20, 2016, based on the Government Resolution dated November 7, 2015, and its correction dated December 3, 2015, a subsidized rate of Rs. 2.66 per unit was applied to all power loom consumers effective from November 2015. Thus, the balance rate ($5.43 - 2.66 = 2.77$ and $6.88 - 2.66 = 4.22$) would be the rate of subsidy. From Sept. 2018, the rates payable by the consumers increased slightly. According to MSEDCL's Commercial Circular No. 311 dated October 1, 2018, based on the Mid-Term Review Order issued by MERC on September 12, 2018 in Case No. 195 of 2017, the power loom rate and subsidy rate were as follows:

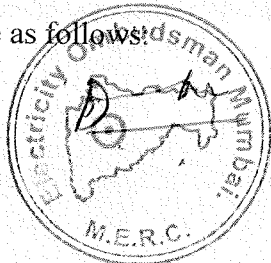


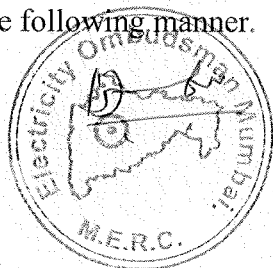
Table 13:

POWERLOOM CATEGORY							
Sept - 18 to Mar - 19							
Type	Category	MERC RATE (TOTAL)		RATE PAYABLE BY CONSUMER		GOM SUBSIDY RATE	
				Rate w.e.f.12.09.2018		As per GR	
		DC	EC+ WC	DC	EC+ WC	DC	EC+ WC
LT Powerloom		Rs./KVA/Month	Rs./Unit	Rs./KVA/Month	Rs./Unit	Rs./KVA/Month	Rs./Unit
Upto 20 KW		350	5.95	200	3.18	150	2.77
Above 20 KW		280	7.15	180	2.93	100	4.22
Note:							
1) Energy Charges are inclusive of Wheeling Charges							
2) Demand Charges for LT Powerloom for slab upto 20 kW is charged Rs./Connection /Month							
DC - Demand Charges		EC - Energy Charges		WC - Wheeling Charges			

We have examined in detail the rates applied by the Respondent to the Appellants. Considering the CPL data submitted by the Respondent and the sample abstract of the rate calculations for one of these consumers provided in Table 9, it is evident that the Appellants were billed under the correct power loom tariff category, and not under industrial category.

Issue III: - Whether the Appellants have been wrongly billed on account of excessive adjustment units i.e. difference between the main meter reading and the sum of the individual meter readings?

The Appellant alleged that there was a vast difference between the main meter reading and the sum of the individual meter readings, i.e. very high adjustment units. This issue has already been examined in detail at the level of the Forum. Besides, this office has also verified the calculations. It is seen that from April 2016 to March 2021, there was a manual system of taking these readings. In fact, the readings were not reconciled regularly every month but were reconciled after a gap of 8/10 months. This led to "zero" adjustment units in some months and high accumulated adjustment units in other months. This led the Appellants to complain about high adjustment units. We have examined the overall adjustment units for this 5-year period. We find that the adjustment units range from 3.43% to 8.75% i.e. average 4.37% of the total consumption for Group I. Similarly, for Group II, we find that the adjustment units range from 3.75% to 6.96% with average 5.15 % of the total consumption. Generally, it is expected that adjustment units should not exceed 1 to 2% of the total consumption, assuming that all meters are functioning properly. In this case, the adjustment units were slightly on the higher side. This aspect was already taken into consideration by the Forum in its order in the following manner.



From April 2021 onwards, the Respondent computerised the metering system for multipartite parties, thereby eliminating the monthly meter reading and manual calculation of the adjustment units. Once the computerised system started functioning, the adjustment units were calculated accordingly and efficiently on month-to-month basis. The Appellant have also accepted that they have no complaint about the adjustment units in this period. It is seen that during this period from April 2021 to March 2024, the adjustment units for Group I came to average 0.94% of the total consumption, whereas for Group II, the adjustment units came to an average of 1.64% of the total consumption. This percentages are quite reasonable and on the expected lines.

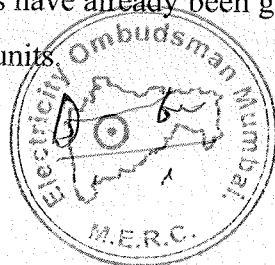
The Forum took this pattern into account and **directed to reduce the adjustment units** during the earlier manual period as per the computerised period. In other words, the Forum has already given the benefit of lower adjustment units to the Appellants based on the later reduced adjustment units.

It was seen that for the 2 months' period of March 2020 and April 2020 i.e. during the Covid-19 Pandemic, the Respondent had billed the Appellants under "Lock Status" which was then refunded in May 2020 bills. This aspect had not been considered in the Forum's initial orders. However, upon review filed by the Respondent, the Forum took this into account and revised the adjustment units accordingly in its review orders. The data is charted below:

Table 14:

Sr. No.	Consumer No.	Appellants	Total units billed from April 2016 to March 2021 as per individual meter	Total Adjustment Units from April 2016 to March 2021	Lock credit Units refunded by System of March 2020 & April 2020 (Covid-19 Pandemic)	Actual total Adjustment Units from April 2016 to March 2021	% of Actual Adjustment Units w.r.to Total Units Billed	Revised Adjustment Units from April 2016 to March 2021 as per Computer System	Revised Adjustment Units Difference	Remarks
a	b	c	d	e	f	g=e-f	h=g/d	i	j=g-i	k
1	251010151751	Mahalaxmi Textiles	11,44,255	1,00,169	16,440	83,729	7%	10,756	72,973	As per Auto Computer billing from Apr 2021 to March 2024, adj. units w.r. to total units billed came to 0.94%. Hence, Adjusted Units was revised from April 2016 to March 2021, based on 0.94%
2	251010151743	Smt Nivedita Sambhajirao Mane	10,96,628	63,905	10,177	53,728	5%	10,308	43,420	
3	251010151760	Rajlaxmi Sushantrao Ghatge	21,38,617	76,338	32,984	43,354	2%	20,103	23,251	
4	251010151778	Supriya Jayendra Sardesai	22,26,509	89,821	36,487	53,334	2%	20,929	32,405	
5	2510101552819	Dhairiyashil Sambhajirao Mane	26,16,675	89,666	36,331	53,335	2%	24,597	28,738	
6	2510101552835	Neharika Satwashil Mane	19,85,542	89,287	35,952	53,335	3%	18,664	34,671	
7	2510101552843	Satwashil Sambhajirao Mane	23,98,511	82,649	29,316	53,333	2%	22,546	30,787	
8	2510101552860	Sushant Vasantrao Ghatge	16,85,637	76,826	23,490	53,336	3%	15,848	37,488	
Total Group I			1,52,92,674	6,68,661	2,21,177	4,47,484	3%	1,43,751	3,03,733	
9	251010593835	Mahalaxmi Mahila Autolooms	19,69,590	74,061	25,978	48,083	2%	32,301	15,782	As per Auto Computer billing from Apr 2021 to March 2024, adj. units w.r. to total units billed came to 1.64%. Hence, Adjusted Units was revised from April 2016 to March 2021, based on 1.64%
10	251010593819	Supriya Jayendra Sardesai	11,78,385	78,658	19,363	59,295	5%	19,326	39,969	
11	251010593827	Nivedita Sambhajirao Mane	21,21,213	98,774	36,456	62,318	3%	34,788	27,530	
12	251010594408	Rajlaxmi Sushantrao Ghatge	11,31,707	78,793	16,474	62,319	6%	18,560	43,759	
Total Group II			64,00,895	3,30,286	98,271	2,32,015	4%	1,04,975	1,27,040	

Thus, the consumers have already been given the benefit of reduced adjustment units by 3.03 lakh units and 1.27 lakh units.



In brief, we are satisfied that the Appellants have been correctly charged for the adjustment units which are not excessive.

Issue IV: - Whether the Appellants are entitled to waive off interest and delayed payment charges on the outstanding arrears?

The outstanding dues (Rs.8.59 Crs.) of the Appellant are shown in Table 11, with the breakup of Principal amount (Rs.4.87 Crs.) and interest (Rs.3.72 Crs.).

In this regard, we have examined whether the Appellants can be provided any relief considering the overall circumstances, and interest rate of 18% charged from Feb.2017 to March 2020, and interest rate of 15% charged from April 2020 onwards. We are inclined to grant partial relief in terms of lower rate of interest on humanitarian grounds, and considering that the cases have already dragged on for almost 9 years. Accordingly, we are directing the Respondent to reduce the applied interest rate by 50%, i.e. from 18% to 9% for the earlier period mentioned above, and from 15% to 7.5% for the subsequent period. Thus, the total interest of Rs.3.72 crores (as per Table 11) is expected to be reduced by half.

No further relief can be granted on account of accumulated principal arrears.

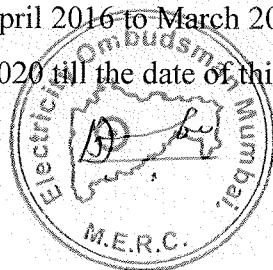
Decision: Issue IV is answered as above.

16. It is notable that this issue of "excessive adjustment units" was not raised by the Appellants either in the prayer before the District Forum or before the Electricity Ombudsman in the preliminary submissions. It was only during the final hearing before the Electricity Ombudsman that this issue was raised at the very last minute. Still, we have considered this issue in detail and given our findings as above.

17. The Forum has issued a reasoned and well-studied order regarding adjustment units in its original and review orders. However, these orders are modified as follows:

The Respondent is directed

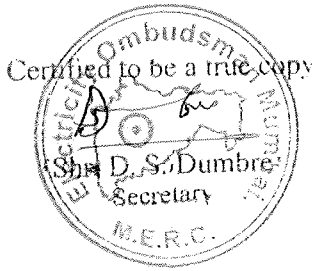
- i. To revise the bill revision done as per the Orders passed by the Forum by withdrawing the 15% interest allowed by it.
- ii. to revise the bill by reducing interest rate by 50% i.e. from 18% to 9% for the period from April 2016 to March 2020, and from 15% to 7.5% for the subsequent period from April 2020 till the date of this order.



- iii. the Appellant may be granted 18 equal monthly installments to pay the revised bill. If the Appellant fails to pay the monthly installment along with the current bill, the Respondent is permitted to recover interest proportionally and take action as per the law.
- iv. Other prayers of the Appellants are rejected.
- v. the compliance report must be submitted within two months from the date of this order.

18. The representations of the Appellants are disposed of accordingly.

19. The secretariat of this office is directed to refund the amount of Rs. 25,000/- taken as a deposit from each Appellant to the Respondent to adjust in the Appellants' ensuing bills.



Sd/
(Vandana Krishna)
Electricity Ombudsman (Mumbai)

