

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 111 OF 2025

In the matter of retrospective recovery of tariff difference from
Power loom to Commercial Tariff

Keshav Shyamsunder Kothari Appellant
(Cons. No. 250380184466)

V/s.

Maharashtra State Electricity Distribution Co. Ltd., Ichalkaranji Dn.... Respondent
(MSEDCL)

Appearances:

Appellant : 1. Vinay Kothari
2. Deepak Bagewadikar, Representative

Respondent : 1. Vaibhav Gondil, Executive Engineer, Ichalkaranji Dn
2. Sarang Hatolkar, Addl. Ex. Engineer


Coram: Vandana Krishna [IAS (Retd.)]

Date of hearing: 16th January 2026

Date of Order: 23rd February 2026

ORDER

This Representation was filed on 26th November 2025 under Regulation 19.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2020 (CGRF & EO Regulations 2020) against the Order


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai




dated 1st October 2025 (Case No. 55 of 2025) passed by the Consumer Grievance Redressal Forum, MSEDCL, Kolhapur Zone (the Forum). The Forum by its order rejected the grievance application of the Appellant.

2. Aggrieved by the order passed by the Forum, the Appellant has filed the present representation. An online hearing was held on 16.01.2026 through video conference. Parties were heard at length. The Respondent's submissions and arguments are stated as below: - *[The Electricity Ombudsman's observations and comments are recorded under 'Notes.]*

- (i) The Appellant's premises comprises of Ground plus two upper floors and is served by two separate electricity connections. The Appellant's Connection (No. 250380184466) was originally released for operating a powerloom factory and was billed under the Powerloom Tariff category. The other connection, bearing Consumer No. 250652306434, stands in the name of Kothari Anju Sunil and was used for providing residential accommodation to the powerloom workers. The details of both connections are tabulated in Table 1 below.

Table 1:

| Name of Consumer | Consumer No. | Address | Sanctioned load | Date of Supply | Activity | Date of Inspection | Supp. Bill towards Tariff Difference | Purpose |
|---------------------------|--------------|--|-----------------|----------------|-------------------------|--------------------|--|--|
| Keshav Ramchandra Kothari | 250380184466 | H. No. 14/2/16, Industrial Estate, Ichalkaranji, Tal. Hatkangale, Dist. Kolhapur | 19.4 KW | 24.12.2002 | Powerloom to Commercial | 28.03.2025 | R s . 1,80,890/-for period of Mar. 2023 to Feb. 2025 | Originally released for operating a powerloom and was billed under the Powerloom Tariff category |
| Kothari Anju Sunil | 250652306434 | H. No. 14/2/16, Industrial Estate, Ichalkaranji, Tal. Hatkangale, Dist. Kolhapur | 0.5 KW | 20.12.2001 | Res. | NA | NA | Previously used for providing residential accommodation to workers. |


 (Dilip Dumbre)
 Secretary
 Electricity Ombudsman Mumbai



- (ii) The Flying Squad inspected the consumer's premises and, vide letter dated 23.01.2025, reported that the Appellant's premises were being used for commercial purposes. Pursuant thereto, the Assistant Engineer (Urban) conducted a site inspection on 28.03.2025. During the inspection, the voltage and current parameters were observed as below:


Table 2:

| Particulars | Meter Terminal | Meter Display |
|------------------|-------------------------------------|-------------------------------------|
| Voltage measured | 242, 240 & 242 V at R ,Y, & B phase | 242, 240 & 242 V at R ,Y, & B phase |
| Current measured | 22, 21, & 18 A at R ,Y, & B phase | 22, 21, & 18 A at R ,Y, & B phase |

- (iii) A meter of Secure make (No. MSE65005) was found installed at the site, with a reading of 6,10,712 kWh, and was found to be in order. However, the following irregularities were observed:

Although the Appellant was being billed under the Powerloom tariff category, the electricity supply was found to be utilized for residential, godown, and tuition purposes. In view of the said usage, it was recommended that the consumer be billed under the applicable Commercial tariff category.

- (iv) After the flying squad inspection on 23.01.2025, the Appellant officially applied for change of tariff category on 18.03.2025 through the WSS portal of MSEDCL (Application ID No. 62237068) for regularization of tariff category as commercial, which was sanctioned and regularized in March 2025. The tariff category of the Appellant was revised from Powerloom to Commercial- with effect from April 2025 onwards. Thereafter, a supplementary bill amounting to Rs. 1,80,890/- was issued on 16.07.2025 towards retrospective recovery of the tariff difference from the Powerloom


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



category to the Commercial tariff category for the period from March 2023 to February 2025.


- (v) The consumption pattern of the Appellant for the period from April 2021 to January 2026 is tabulated in Table-3 below.

Table 3:

| Year | 2021-22 | 2022-23 | 2023-24 | 2024-25 | 2025-26 |
|----------------|---------------|---------------|---------------|---------------|---------------|
| Month | Cons. (units) | Cons. (units) | Cons. (units) | Cons. (units) | Cons. (units) |
| Apr | 439 | 502 | 793 | 1012 | 388 |
| May | 436 | 535 | 939 | 694 | 387 |
| Jun | 174 | 802 | 914 | 1010 | 418 |
| Jul | 392 | 627 | 825 | 782 | 369 |
| Aug | 279 | 718 | 956 | 875 | 383 |
| Sep | 290 | 549 | 802 | 829 | 397 |
| Oct | 296 | 569 | 969 | 825 | 404 |
| Nov | 349 | 526 | 800 | 1015 | 403 |
| Dec | 350 | 500 | 735 | 764 | 351 |
| Jan | 307 | 732 | 752 | 808 | 357 |
| Feb | 324 | 594 | 826 | 814 | |
| Mar | 739 | 691 | 862 | 457 | |
| Total | 4375 | 7345 | 10173 | 9885 | 3857 |
| Avg/Mth | 365 | 612 | 848 | 824 | 386 |

The reduction in consumption after the change of tariff category to commercial in March 2025 is notable.

- (vi) The consumption pattern of the Appellant was further verified for the period from January 2013 to November 2015. During the said period, the highest consumption of 9,180 units was recorded in February 2015, whereas the lowest consumption of 2,387 units was recorded in September 2015. From December 2015 onwards, there was a substantial reduction in consumption, ranging between 350 and 1,050 units per month, which is similar to the consumption noticed in Table 3 above. The consumer's Personal Ledger for the period from January 2013 to January 2026 is placed on record.


 (Dilip Dumbre)
 Secretary
 Electricity Ombudsman Mumbai




(vii) From the foregoing, it is indicated that the Appellant discontinued the powerloom activity as long ago as November 2015, and was / has been utilizing the electricity supply for other purposes, as observed in the inspection report dated 28.03.2025. Unfortunately, this cannot be verified for past activity, and can only be inferred from the consumption pattern. Hence the Respondent has refrained from any other action (for theft of electricity), and has restricted the retrospective recovery to a period of two years, i.e., from March 2023 to February 2025 in view of Section 56 (2) of the Electricity Act, 2003 and various Forum's orders on record.

(viii) The load of the residential connection (on the upper floors) was also being consumed through this connection till February 2025, which is evident from the fact that there was no consumption on the residential meter recorded till January 2025, i.e. the Flying Squad inspection by the Respondent. Obviously, the Appellant was earlier using the lower powerloom tariff instead of paying residential tariff. Consumption of the residential connection formally started only from March 2025 onwards as shown in Table 4 below:

Table 4:.

| Year | 2023-24 | | 2024-25 | | 2025-26 | |
|-------|---------|---------------|---------|---------------|---------|---------------|
| Month | Status | Cons. (units) | | Cons. (units) | Live | Cons. (units) |
| Apr | Live | 0 | Live | 0 | Live | 346 |
| May | Live | 0 | Live | 0 | Live | 348 |
| Jun | Live | 0 | Live | 0 | Live | 247 |
| Jul | Live | 0 | Live | 0 | Live | 187 |
| Aug | Live | 0 | Live | 0 | Live | 155 |
| Sep | Live | 0 | Live | 0 | Live | 151 |
| Oct | Live | 0 | Live | 0 | Live | 190 |
| Nov | Live | 0 | Live | 0 | Live | 178 |
| Dec | Live | 0 | Live | 0 | Live | 130 |
| Jan | Live | 0 | Live | 0 | Live | 116 |
| Feb | Live | 0 | Live | 0 | | |
| Mar | Live | 0 | Live | 310 | | |

It was further observed during inspection that teaching classes were also being conducted in the premises previously; however, during the inspection, the only classes'



 (Dilip Dumbre)
 Secretary
 Electricity Ombudsman Mumbai



board (nameplate) was observed. All such (commercial / residential) activities were being carried out using the lower and subsidised powerloom tariff for years. The Appellant has not approached this Authority with clean hands.


- (ix) After receiving the Respondent's supplementary bill of Rs.1.8 lakh on 16.07.2025, the Appellant tried to create a false record. By his letter dated 30.07.2025, the Appellant informed that a Leave and License Agreement had been executed between Vinay Brijkishore Kothari (Appellant) and one Shankar Maruti Barge for the period from 04.08.2024 to 03.07.2027, permitting use of the premises as a godown. [Note: The Appellant did not inform the Respondent of this change at the beginning of this leave and licensee agreement, i.e. in August 2024]. The said agreement was executed merely on a ₹100/- notarial stamp and was not registered. The Respondent contends that the said agreement appears to have been created only as an afterthought, with a view to avoid recovery of dues for the preceding two years.
- (x) The Respondent has placed reliance upon the Judgment dated 05.10.2021 of the Hon'ble Supreme Court in *Prem Cottex v. Uttar Haryana Bijli Vitran Nigam Ltd.* In the said decision, the Hon'ble Supreme Court has held that charges for electricity actually consumed are lawfully recoverable in full. It was further clarified that although the remedy for recovery may be subject to the law of limitation, the substantive right to recover such dues is not extinguished.
- (xi) The Respondent added a supplementary bill of ₹1,80,890/- in the bill for July 2025. The Appellant paid the said supplementary bill amount in instalments of ₹27,470/- on 30.08.2025, ₹25,690/- on 11.09.2025, and ₹1,47,050/- on 15.10.2025, along with the current bills. As on date, no amount remains outstanding.
- (xii) In view of the above, the Respondent prays that representation of the Appellant be rejected.

3. The Appellant's submission and arguments are stated as below:


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai




- (i) The Appellant was earlier a power loom consumer up to July 2024. The particulars of the consumer are provided in Table-1. The Appellant closed the powerloom activity and started commercial activity with effect from August 2024 onwards. The Appellant has been regular in payment of electricity bills. The second residential connection (Table 1) on the upper floors is being used as per requirement of the Appellant, and has a separate identity / purpose of residential activity. The Respondent is wrongly linking this connection with the Appellant's connection for creating confusion, and it is a systematic plan against the Appellant. Hence, the data of the said residential connection should not be used for damaging the Appellant's reputation.
- (ii) The Appellant had duly applied for change of tariff category on 18.03.2025 through the WSS portal of Maharashtra State Electricity Distribution Company Limited (Application ID No. 62237068), seeking conversion from Powerloom tariff to Commercial tariff. The approval formalities were under process. (The tariff category was changed in April 2025.)
- (iii) In the meantime, the premises of the Appellant were inspected by the Assistant Engineer of the Respondent on 28.03.2025. Thereafter, on 16.07.2025, the Respondent issued a supplementary bill for an amount of ₹1,80,890/-, purportedly towards tariff difference for the period from March 2023 to February 2025. The said demand, raised on the basis of retrospective reclassification, is wholly arbitrary, without authority of law, unsustainable, and therefore liable to be quashed and set aside.
- (iv) By letter dated 30.07.2025, the Appellant informed the Respondent that his successor had executed a Leave and License Agreement between Vinay Brijkishore Kothari and Shankar Maruti Barge for the period from 04.08.2024 to 03.07.2027, permitting use of the premises as a godown. The licensee vacated the premises in February 2025. Thereafter, the Appellant himself continued to use the premises for godown purposes. Thus, even assuming without admitting that Commercial tariff was applicable, such


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



classification could only arise from August 2024 onwards and not for the earlier period arbitrarily chosen by the Respondent.

- (v) Aggrieved, the Appellant filed a grievance before the Forum on 21.08.2025. The Forum, however, rejected the grievance without properly appreciating the factual matrix. The Appellant's powerloom unit had been a sick industry for several years, operating only at a minimal level until July 2024. Thereafter, the premises were let out under a Leave and License Agreement. The fact that the agreement was executed on a ₹100/- notarial stamp, in accordance with prevailing local practice, cannot be construed adversely nor can it be treated as a circumstance to discredit the transaction. The Appellant acted bona fide and followed the customary procedure prevalent in the area. The Appellant was not aware that the agreement was required to be submitted in advance to the Respondent, and no adverse inference can be drawn on that ground. Despite being aware of the factual position, the Respondent chose to remain silent and level unfounded allegations, which unfortunately found acceptance by the Forum, rendering the impugned order unsustainable. *[Note: If the Appellant gave his premises on rent for godown purpose, he knew that he was changing the use from powerloom to commercial. Therefore, it was his duty to get the tariff changed from powerloom to commercial.]*
- (vi) The Appellant's application for change of tariff category dated 18.03.2025 was processed and sanctioned by the Respondent. Pursuant thereto, the Appellant has been regularly paying electricity bills under the Commercial tariff category with effect from April 2025 onwards, thereby demonstrating bona fides and full compliance with the applicable tariff classification.
- (vii) Grounds of Appeal:
- a) The supplementary bill seeks recovery of alleged arrears beyond the permissible statutory period without demonstrating that such amounts were continuously reflected as recoverable in prior bills. Under Section 56(2) of the Electricity Act,


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai




2003, no sum due can be recovered after two years unless it has been continuously shown as recoverable. The impugned order fails to consider or apply this statutory bar.

- b) There is no provision under the Electricity Act, 2003, the applicable MERC Regulations, or the Tariff Orders that authorizes retrospective reclassification and reassessment of tariff in the manner adopted by the Respondent. The action is without jurisdiction and contrary to settled regulatory principles. The Appellant refers the Commission's order dated 11.02.2003 in Case No. 24 of 2001. The relevant portion is quoted below:

“No retrospective recovery of arrear can be allowed on the basis of any abrupt reclassification of a consumer even though the same might have been pointed out by the Auditor. Any reclassification must follow a definite process of natural justice and the recovery, if any, would be prospective only as the earlier classification was done with a distinct application of mind by the competent people. The same cannot be categorized as an escaped billing in the strict sense of the term to be recovered retrospectively. With the setting up of the MERC, order of the Commission will have to be sought as any reclassification of consumers directly affects the Revenue collection etc. as projected in its Tariff Order. The same could be done either at the time of the tariff revision or through a special petition by the utility or through a petition filed by the affected consumer. In all these cases, recovery, if any, would be prospective from the date of order or when the matter was raised either by the utility or consumer and not retrospective”.

- (viii) The Appellant also referred to the order dated 07.08.2014 of Appellate Tribunal for Electricity (ATE) in Case No. 131 of 2013, wherein it is stated that tariff change is permissible from date of detection of error in tariff classification.



(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



“The State Commission has consistently maintained in the various orders dated 09.01.2008 and 08.10.2009 in case of similar units carrying out filling and packing of oil that they would fall under LT VII (A) – commercial category and that the arrears for difference in tariff could be recovered from the date of detection of the error.”

- (ix) The Appellant also relies upon the Order dated 28.01.2019 passed by the Kolhapur Forum in the case of Godhawat Agro Pvt. Ltd. v. Executive Engineer, MSEDCL, Kolhapur, wherein retrospective recovery of tariff difference was quashed.
- (x) The Forum did not consider Invoice No. 79 dated 29.07.2024 pertaining to sale of four powerlooms for ₹1,20,000/-. The said transaction only evidences discontinuance of powerloom activity and cannot be used to presume any commercial activity prior thereto.
- (xi) The present case is not one of escaped billing. The reliance placed by the Respondent upon the judgment of the Hon’ble Supreme Court in Civil Appeal No. 7235 of 2009, Prem Cottex v. Uttar Haryana Bijli Vitran Nigam Ltd. & Ors., is wholly misplaced and distinguishable on facts. The impugned supplementary bill lacks statutory authority and is violative of Articles 14 and 265 of the Constitution of India.
- (xii) The Appellant paid the supplementary amount under protest in installments of ₹27,470/- on 30.08.2025, ₹25,690/- on 11.09.2025, and ₹1,47,050/- on 15.10.2025, along with current charges, solely due to continuous threat of disconnection. The payments were not voluntary but compelled to avoid coercive action and irreparable loss.
- (xiii) In view of the facts and grounds stated hereinabove, the Appellant prays that this Hon’ble Electricity Ombudsman may be pleased to:

- a) Set aside the Final Order passed by the Forum;


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai




- b) Quash and cancel the Supplementary Bill of ₹1,80,890/- for the period March 2023 to February 2025, and in the alternative, restrict any permissible revision strictly to the period August 2024 to February 2025, with consequential adjustment and credit in the ensuing bills.

Analysis and Ruling

4. Heard the parties and perused the documents on record. The premises of the Appellant in question consists of Ground plus two upper floors, and he is supplied through two separate electricity connections. Connection No. 250380184466 on the ground floor was originally released under the Powerloom Tariff category, whereas the second connection in the upper floors bearing Consumer No. 250652306434 stands in the name of Smt. Kothari Anju Sunil and is meant for residential purpose for workers working on the powerloom.

5. On 23.01.2025, the Flying Squad reported that the premises on the ground as well as upper floors was being used for commercial purposes. Pursuant thereto, the Assistant Engineer conducted a detailed site inspection on 28.03.2025, when it was observed that though the connection was billed under the subsidised Powerloom tariff category, the electricity supply was allegedly being used for residential, godown and tuition activities which carry higher tariff. The meter installed at the site was found to be in order. Based on the inspection report, the Respondent revised the tariff category from Powerloom to Commercial with effect from April 2025. Thereafter, on 16.07.2025, a supplementary bill for ₹1,80,890/- was issued towards retrospective recovery of tariff difference for the period March 2023 to February 2025. The Appellant has challenged this retrospective recovery.

6. The Appellant contends that the powerloom activity continued up to July 2024 and was discontinued only thereafter. According to the Appellant, from August 2024 onwards the premises


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



was let out under a Leave and License Agreement for godown purposes and was used accordingly. On the other hand, the Respondent has argued that the CPL from 2013 onwards indicates that the highest consumption (up to 9180 units) was recorded prior to December 2015. From December 2015 the consumption pattern changed to 350-1050 units p.m. which indicates that the powerloom activity may have discontinued as far back as December 2015. The drastic change in consumption patterns does indeed point to this inference.

7. The following Issue is framed for consideration:

Issue : Whether retrospective reclassification from powerloom to commercial for the period from March 2023 to Feb. 2025 for two years instead of August 2024 to Feb. 2025 is justified?

- The consumption pattern of the Appellant during the period when the power loom activity was in full operation, i.e., from January 2013 to November 2015, is tabulated as per CPL of the Appellant herein below:

Table 5:

| Year | 2012-13 | 2013-14 | 2014-15 | 2015-16 |
|------------|---------------|---------------|---------------|---------------|
| Month | Cons. (units) | Cons. (units) | Cons. (units) | Cons. (units) |
| Apr | | 6195 | 7876 | 7207 |
| May | | 6376 | 7981 | 7099 |
| Jun | | 7211 | 7046 | 5629 |
| Jul | | 7418 | 7011 | 5665 |
| Aug | | 8907 | 7194 | 5459 |
| Sep | | 7827 | 8429 | 2387 |
| Oct | | 6072 | 6947 | 6705 |
| Nov | | 5010 | 2785 | 3970 |
| Dec | | 4587 | 5764 | 11 |
| Jan | 5976 | 6891 | 7477 | 712 |
| Feb | 6092 | 7799 | 9180 | 210 |
| Mar | 7011 | 8238 | 6680 | 10 |
| Total | 19079 | 82531 | 84370 | 45064 |
| cons. /Mth | 6360 | 6878 | 7031 | 3755 |



(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



- It is clear that the consumption suddenly dipped from December 2015. This is unlikely to have happened, had the powerloom activity continued. After that the consumption ranged from 100 units to 1000 units from 2016-17 to 2019-2020. Table 3 reflects the average monthly electricity consumption for the period from April 2020 to January 2025. The year-wise average consumption per month is reproduced as follows:


Table 6:

| Year | 2021–22 | 2022–23 | 2023–24 | 2024–25 | 2025–26* |
|--|---------|---------|---------|---------|----------|
| Avg./Month (Units) | 365 | 612 | 848 | 824 | 386 |
| *Consumption for 2025–26 is considered up to January 2026. | | | | | |

8. The Appellant’s sanctioned load is 19.5 kW. The Flying Squad conducted an inspection of the consumer’s premises and, vide letter dated 23.01.2025, reported that the premises were being used for commercial purposes. Thereafter, the Appellant submitted an application dated 18.03.2025 seeking change of tariff category to commercial. The timing of this application clearly demonstrates that the request for change of tariff was made only after the inspection by the Flying Squad and appears to be an afterthought.

9. Upon examination of the overall consumption pattern from January 2013 onwards, it is clearly indicated that the power loom activity was operational only up to November 2015. From December 2015 onwards, there was a substantial and consistent reduction in electricity consumption, materially altering the load and usage characteristics of the premises. In this background, it is totally justifiable that the Respondent issued a supplementary bill dated 16.07.2025 towards tariff difference for the period from March 2023 to February 2025.

10. It is further noted that the Appellant did not intimate the Respondent about the alleged Leave and License Agreement stated to have commenced from August 2024 for use of the premises as a godown. The disclosure of such arrangement only after the inspection proceedings


 (Dilip Dumbre)
 Secretary
 Electricity Ombudsman Mumbai



lends credence to the conclusion that the same is an afterthought. Considering the entire sequence of events, the inspection findings, the belated application for change of tariff category, and the historical consumption pattern, it is evident that the power loom activity cannot be said to have been in operation during the period from March 2023 to February 2025. Consequently, the claim of continued eligibility under the power loom tariff for the said period is untenable and does not merit acceptance.

11. The Hon'ble Supreme Court of India in its Judgment dated 18.02.2020 in Civil Appeal No.1672 of 2020 in case of Assistant Engineer, Ajmer Vidyut Vitran Nigam Limited & Anr. V/s. Rahamatullah Khan alias Rahamjulla has held that:

“9. Applying the aforesaid ratio to the facts of the present case, the licensee company raised an additional demand on 18.03.2014 for the period July, 2009 to September, 2011.


The licensee company discovered the mistake of billing under the wrong Tariff Code on 18.03.2014. The limitation period of two years under Section 56(2) had by then already expired.

Section 56(2) did not preclude the licensee company from raising an additional or supplementary demand after the expiry of the limitation period under Section 56(2) in the case of a mistake or bona fide error. It did not however, empower the licensee company to take recourse to the coercive measure of disconnection of electricity supply, for recovery of the additional demand.”

In view of the above Judgment of the Hon'ble Supreme Court, we hold that the Respondent can recover the tariff difference for 24 months retrospectively. The Electricity Ombudsman (Mumbai) in several representations has allowed recovery of 24 months towards tariff difference.

12. The Commission, by its various Tariff Orders, has decided the tariff for categories of consumers. The Tariff Categories for Commercial Consumers are nearly the same as concerned load slab specified in Commission's Mid-Term Review order in Case No. 226 of 2022 with effect from 01.04.2023. The relevant portion of the tariff order is quoted below:

MERC Mid Term Review Order dated 31st March 2023 in Case No. 226 of 2022


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



The rates per month for commercial and power loom are as below:


II: LT – Non-Residential or Commercial: LT II (A): 0 - 20 kW

& LT V: LT- Industry: Applicability: 0 to 20 kW

| Rate Schedule | | | |
|--|-------------------------------|---------------------------------|-----------------------------------|
| Tariff w.e.f. 1 April, 2023 to 31 March, 2024 | | | |
| Consumer Category | Fixed / Demand Charges | Energy Charges (Rs./kWh) | Wheeling Charges (Rs./kWh) |
| <i>LT II (A) (0-20 kW)</i> | <i>Rs. 470.00 per Month</i> | <i>8.27</i> | <i>1.17</i> |
| Consumer Category | Fixed / Demand Charge | Energy Charges (Rs./kWh) | Wheeling Charges (Rs./kWh) |
| LT-V: LT – Industry* (0-20 | Rs. 530.00 per | 5.98 | 1.17 |
| <i>Charge Component (including FAC, if applicable) of Tariff for both slabs (<20 kW and > 20 kW) for <u>LT – Industry (Powerloom)</u> as against approved Energy Charge Component of Tariff applicable for respective slabs under LT-Industry.</i> | | | |

In view of the Judgment of the Hon'ble Supreme Court dated 18.02.2020 in Civil Appeal No. 1672 of 2020 in the case of *Assistant Engineer, Ajmer Vidyut Vitran Nigam Limited & Anr. v. Rahamatullah Khan alias Rahamjulla*, it has been authoritatively held that recovery of electricity dues is permissible within a period of 24 months in terms of Section 56(2) of the Electricity Act, 2003. Applying the said principle to the present case, the retrospective reclassification of tariff from Powerloom to Commercial for the period March 2023 to February 2025, being confined strictly to a period of two years, is legally sustainable and justified.

The judgments and orders relied upon by the Appellant stand impliedly overruled or rendered inapplicable in view of the aforesaid binding pronouncement of the Hon'ble Supreme Court. Accordingly, the recovery restricted to 24 months does not suffer from any legal infirmity.



 (Dilip Dumbre)
 Secretary
 Electricity Ombudsman Mumbai



➤ *The Issue is answered in the Affirmative.*

13. The Order passed by the Forum is well-reasoned and legally sustainable. No case for interference is made out, and therefore the same deserves to be upheld. The Representation is rejected and disposed of accordingly.

Sd/
(Vandana Krishna)
Electricity Ombudsman (Mumbai)


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

