

**Consumer Grievance Redressal Forum
Maharashtra State Electricity Distribution Co. Ltd.
Bhandup Urban Zone, Bhandup**

Ref. No. Secretary/MSEDCL/CGRF/BNDUZ/

Date :

Case No. 141

Hearing Dt. 05/09/2007

Regarding wrong assessment of energy bill to an ayurvedic dispensary

Dr. S.V. Joshi

- Applicant

Vs.

MSEDCL, Thane U Divn., Thane

- Opponent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri S.L. Kulkarni, Chairman, CGRF, Bhandup.
- 2) Shri S.B. Wahane, Member Secretary, CGRF, Bhandup.

B - On behalf of Appellant

- 1) Dr. S.V. Joshi, Consumer.

C - On behalf of Respondent

- 1) Shri Deshpande, A.E., Thane

PREAMBLE :

The consumer applicant Dr. Joshi runs a private Ayurvedic dispensary at the premises at Naupada since 1965. It is highly dilapidated. The dispensary is meant for poor populace especially tribal. He holds frequent free medical camps at various places. He has been awarded 'Adivasi Seva Puraskar' by State Govt. at the hands of Hon' Dy. Chief Minister. He uses in his dispensary the minimum electrical energy like two tube lights and two fan. He has no compounder or any assisting helping hand and does not give any medicines to the visiting patients by formulation except free samples received and the ayurvedic medicines prescribed. In fact his visiting hours to the dispensary are only 10 am to 12 noon and 7.00 pm to 9 pm.

He receives issues of medical bulletin issued by the association. The latter quoted in it a news item that MSEB (then) vide its circular No. PR-3/Tariff/MERC/27251, dtd. 17/06/2000 has prescribed a concessional tariff for energy users medical practitioners (also other professionals) at residential tariff.

According to the applicant these orders were never given effect in his case. When he enquired with the opponent local utility officials, they told him that the orders of the utility higher ups have been revised in 2003 specifying about medical practitioners in particulars as under :

"The Medical practitioner who reside in his medical business premises and uses some part of medical practice premises only shall get the benefit of orders mentioned above. A practicing residential tariff doctor not staying at the dispensary will not be eligible for such residential tariff". The applicant feels and prays that due justice be given looking to the whole background, since dispensary building is dilapidated it is not know whether a builder (owner since several years) will grant him apart from small portion of dispensary, residential premises.

The utility official confirmed the above say. However the relevant circulars of the utility of 2000 and 2003 were not readily available. The Forum searched for them vigorously and some how got them. This was the reason of delay in delivering the judgment of this apparently clear case.

OBSERVATIONS

- 1) Dr. Joshi is an ayurvedic practitioner doing his practice on charitable basis.
- 2) He neither has a compounder or helper and does not give any medicines to the visiting patients except the medical samples he receives. He has a renowned name in the social/charitable circle in Thane Dist.
- 3) He does not reside at the dispensary premises being very small and in a dilapidated condition.
- 4) As per utility's circular No. PR-3/Tariff/MERC/27251, dtd. 17/06/2000 the general practitioners (irrespective of their residence at the dispensary premises were being charged energy bills at the residential tariff rate. This was not effected in respect of applicant Dr. Joshi.
- 5) However, in 2003 (vide utility's circular No. TRC/TRP/03-04/38634, dtd. 04/12/2003) the consumers having a residence and in part thereof a dispensary (and not a bedded nursing home) are to be charged at residential energy tariff rate. Other non residential dispensary owners to be charged at commercial rate.
- 6) The Forum does not wish to express any opinion except that the devout social worker likes Dr. Joshi could have got justice of residential tariff in the genuine circumstances as mentioned above as per utilities circular of 17.6.2000 till in revision of circular dated 4/12/2003.
- 7) In conclusion, the applicant deserves relief from the utility as per circular dated 17/6/2000 till it's revision by circular dated 4/12/2003.

- 8) In the ultimate analysis, the applicant deserve a bill revision for the period.
- 9) The case was earlier discussed with Nodal Officer which revealed that it needs further detailed study of tariff orders and hence taken directly.

ORDER

- 1) Applicant Shri S.V. Joshi, Naupada, Thane (cons. No. 000011081771) shall be charged domestic rated energy bill for his dispensary at Naupda, Thane with effect from the issue of the circular of the utility with effect from 17/06/2000.
- 2) Subsequently the rate/tariff circular have been revised by utility vide dated 04/12/2003 the applicant being a non resident at the dispensary is to be charged at commercial rate. The bill adjustment due to revision tariff shall be from 17/06/2000 to the revised tariff with effect from 04/12/2003. The difference between tariff charged date 17/6/2000 to 4/12/2003 (i.e. between commercial and residential) be refunded to the applicant Dr. Joshi.
- 3) Applicant shri S.V. Joshi of Naupada shall pay his energy bills as usual.
- 4) Compliance of these orders must positively be reported within 30 days (thirty days) to the Forum from the receipt of these orders.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 16th of October 2007.

Note : 1) If Consumer is not satisfied with the decision, he may go in appeal within 60 days from date of receipt of this order to the Electricity Ombudsman in attached "Form B".

Address of the Ombudsman

The Electricity Ombudsman,
Maharashtra Electricity Regulatory Commission,
606, Keshav Building,
Bandra - Kurla Complex, Bandra (E),
Mumbai - 400 051.

2) If utility is not satisfied with order, it may go in appeal before the Hon. High Court within 60 days from receipt of the order.

**S.B. WAHANE
MEMBER SECRETARY
CGRF, BHANDUP**

**S.L. KULKARNI
CHAIRMAN
CGRF, BHANDUP**

**CONSUMER GRIEVANCE REDRESAL FOURM
MAHARASHTRA STATE DISTRIBUTION COMPANY LTD**

Ph. No. 25664314
25664316

Consumer Grievance Redresal Forum
"Vidyut Bhavan", Gr. Floor,
L.B.S. Marg, Bhandup (W),
MUMBAI - 400 078.□

REF.NO. Secretary/CGRF/MSDCL/BNDUZ/Case No. 141/

Date

To

Dr. Shridhar Vithal Joshi,
Near Laxmi Narayan Mandir,
Naupada, **Thane - 400 602.**

SUB : Registration of your grievances dtd. 13/08/2007.

Dear Sir,

The grievance submitted by you is registered to this Forum vide Sr. No. 141, dtd. 13/08/2007 & hearing date is fixed on 05/09/2007 at 12.00 hrs. at the office of the Consumer Grievance Redressal Forum, Vidyut, Ground Floor, LBS Marg, Bhandup, Mumbai -78.

Therefore, it is requested to attend the hearing on the above date alongwith documents in support of your grievance. In case of failure to attend the hearing on the above date, this Forum shall decide the Grievance Ex-parte on merit which may please be noted.

Thanking you,

Yours faithfully

**SECRETARY
CGRF, MSEDCL,
BHANDUP**

c.f.w.cs. to :

1. **The Executive Engineer (Office) i.e. Nodal Officer,**
C.G.I.R.C., Office of the Suptd. Engr.,
O&M Circle, **Thane**
2. **The Executive Engineer,**
O&M Divn., MSEDCL.,
Thane.

-- He is requested to attend the hearing on the above date alongwith the concerned authority & the details of report related with the grievance of the consumer.

CONSUMER GRIEVANCE REDRESAL FOURM MAHARASHTRA STATE DISTRIBUTION COMPANY LTD

**Ph. No. 25624315
25624316
25624322**

**Consumer Grievance Redresal Forum
"Vidyut Bhavan", Gr. Floor,
L.B.S. Marg, Bhandup (W),
MUMBAI - 400 078.□**

REF.NO. Secretary/CGRF/MSDCL/BNDUZ/Case No. 141/

Date

To

The Nodal Officer & Executive Engineer (Office)
Consumer Grievance Internal Redressal Unit,
Office of the Superintending Engineer,
MSEDCL., **THANE**.

SUB : Submission of point wise compliance
in respect of case No. 141.

As per MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulation 2006 vide clause No. 6.12, the copy of grievance registered at Sr. No. 141 is being forwarded to your office for submission of issue wise compliance. The hearing date of the case is fixed on dated 05/09/2007 at 12.00 hrs. However, the Nodal Officer shall act as the co-ordinator for filing the reply, making submission, providing issue wise comments on the grievance, submitting compliance status / reports etc. Therefore it is requested to submit point wise compliance to this Forum in respect of the case in consultation with concerned authority within 15 days from the date of issue of this letter or one week before the date of hearing which ever is earlier.

The copy of compliance should also be provided by you to the consumer before hearing.

SECRETARY
CGRF, MSEDCL,
BHANDUP

c.f.w.cs. to :

The Executive Engineer, O&M Dn. MSEDCL, Thane.

-- for needful action for submission of issue wise compliance & at attend the hearing along all the relevant documents related with the grievance.