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Consumer Grievance Redressal Forum
"Vidyut Bhavan", Gr. Floor,
L.B.S.Marg,Bhandup (W),
Mumbai – 400078.

REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/12/141

Date: 30.08.2017

Case No. 12/2017

Hearing DT: 25.05.2017

In the matter application of proper tariff from LT II commercial to LT X (B) and adjustment of amount by clubbing of meter

M/s. Dhanvantari Diagnostics Centre

- Applicant

**And Bapat urology Centre,Gen A.K. Vaidya Marg,
Panchpakhadi,Thane.**

Vs.

M.S.E.D.C.Ltd, Gadkari Sub Division - Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri. Anil P. Bhavthankar, Chairperson, CGRF, Bhandup.
- 2) Shri. R.S.Avhad, Member Secretary, CGRF, Bhandup.
- 3) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Appellant

Mr. Hemant Hatkar - Consumer Representative

C - On behalf of Respondent

Shri. R.B. Kore Addl. Executive Engineer, Gadkari Sub Division.

**Consumer No. 000020229217 date of connection 25.07.1991, connecting Load 90.18KW,
category of the consumer 52LT II 3 phase 20KW, B.U.4728**

1. Above named consumer filed initial application before respondent utility official on 28.07.2014 informing that the connection provided to the premises is charge as LT 52 commercial 3 phase since date of connection. However the premise is use for private Hospital purpose required to be charge as per amended tariff from 01.08.2012. The said application is made by Mr. Ashok Bapat on his letter head without hearing details of connection consumer number and various meter installed in the premises. Thereafter the consumer raised the dispute again by filing application in Schedule 'X' requesting the application of proper tariff LT X(B)

10 since 01.08.2012. Consumer attached copy of earlier application dated. 02.08.2014 as Serial No.2940, copy of registration Maharashtra Medical Council Mumbai dated. 27.02.1967, copy electricity bill December 2016, copy of registration certificate granted by Municipal Corporation dated 26.03.1998 and copy of the bill of Feb.2000. Consumer prays that application of proper tariff to the premises and clubbing of meter since 01.08.2012. After filing the said application IGRC registered Case no 450/2017 IGRC registered the Case 14/2017 on date 11.05.2017. Opportunity of the hearing given was consumer and his representative and on dated 22.05.2017 IGRC pass order in favor of consumer directing respondent utility that since June 2015 the tariff should be applicable as LT X(B) and excess bill recovered charging as commercial tariff should be adjusted in future bill. However IGRC rejected claim of giving difference of tariff since August 2012 earlier application given by consumer on 02.08.2014 was not complete without giving any details of installation of meter and therefore that application was not considered. IGRC also further directed respondent utility to clubbing of 2 meter as the premises clubbing meter as per commercial Circular No. 110 of 16.02.2010. Being dissatisfied with the order of IGRC present consumer appeared before this Forum and raised the dispute in Schedule 'A' requesting application of proper tariff since 2012 from LT X(B) instated of commercial tariff which was wrongly applied to his premises. Consumer attached all necessary document of registration of Nursing Home certificate qualification and Degree Certificate details of deposited of first installment as per change of tariff application filed and copy of IGRC order. Consumer also filed details copy of meter replacement report and bill revision report dated 20.06.2017. After filing the said dispute notice was issued to the respondent utility on 22.04.2017. After receipt of notice respondent utility appeared and filed reply on 01.05.2017. It is contention of respondent utility consumer M/s. Alpana Ashok Bapat having consumer No.000020229217/3 with IGRC on 09.03.2017. During the site inspection on 03.05.2017 along with Section Engineer the inspection was carried out by section Engineer of premises and found there is another one more connection 400000060532/0 is situated in the premises and the consumer is charging as LT X(B) tariff entire premises from the basement consist 3 Floor which is use for Hospital purpose. The said electricity supply is use for all 3 premises and there was instance of earlier 4 meter installed which was club into 2 meters as per document received from IGRC thane on 03.05.2017 . Dr.

Ashok Bapat was not applicant but M/s. Dhanvantari Diagnostic and Bapat Neurology Centre gave letter to MSEDCL for change of tariff from 02.08.2014. Consumer number and bill details was not submitted along with the said application no document or details was submitted to MSEDCL either from M/s. Dhanvantari Diagnostic and Bapat Neurology Centre or by Mrs. Alpana Ashok Bapat regarding their partnership. The letter issued No.450 on 03.05.2017 was replied for changing of tariff consumer no 000020229217/3 and accordingly the hearing was taken on 11.05.2017 and order was passed on 22.05.2017. After order of IGRC Thane the meter no. 000020229217/3 and 400000060532/0 was club as per order of IGRC on 09.06.2017. While compliance with the order of IGRC overall benefit Rs 88768.58/- was adjusted after deduction of SD amount Rs.4210/-which was held by MSEDCL against the connection which was club and credit in consumer no and by B-80 23.06.2017. Respondent utility attachment the copy of B-80 for information as such consumer already received the benefit of monitory transaction already credited there is no refund amounting remains. Consumer grievance of application of proper tariff from 01.08.2012 is retrospective effect cannot be considered hence, consumer complaint liable to dismiss.

2. After perusing the rival contention of consumer and respondent utility following point arose to our consideration to which I have recorded my finding to the point further reason given below
 - I. Whether consumer is entitled for application of tariff from 01.08.2012 from commercial tariff to LT X(B) to the premise.
 - II. Whether consumer is entitled for any refund of amounting with 9% interest?.
 - III. What order?

Reasoning

3. I have given opportunity to the consumer and his representative. I have perused the dispute raised by the consumer for application of proper tariff. It appears from the document provided by the consumer and reply of respondent utility initially consumer Dr. Ashok Bapat made application on letter head on 28.07.2014. The letter was received no 2940 on 02.08.2014. After perusing the said letter it appears that along with this letter no details of consumer number different meter

situated in the premises or any details description about annexure with the document was not supplied to the MSEDCL therefore the letter was not acted upon. In fact as per regulation whenever consumer desired to change the tariff on for other subsequent ground. The application should be in proper format and required to file registration and certificate issued by competent authority time to time. As no proper information provided the application was rightly not considered by respondent utility. However the grievance again raised by the consumer by filing application in Schedule 'X' the copy of bill attached by the consumer in the month of Feb. 2017 for amounting Rs. 1,39,013-/ which was the matter of dispute. The consumer number referred stands in the name of Mrs. Alpana Ashok Bapat consumer no 00002029217 dt. of connection 25.07.91. The said bill shown charge tariff 52 LT-II commercial 3 phase connecting load 20KW sanction load 19.80KW which in use on the premises. After perusing the order pass by IGRC it appears that the application of proper tariff should be enforce from the date of amended circular but the said effect was not made applicable to the premises. The respondent utility relied on the issue of order pass by this Forum earlier and gave effect from June 2015. In this dispute the consumer consistently raised dispute that LT X(B) tariff applicable form 01.08.2012 as consumer himself inform about the establishment on 28.07.2014 and therefore to my view it is duty of respondent utility official to act upon this application and visit the premises and verify the tariff as per regulation but the respondent utility not acted ,it is the not the fault of the consumer. However, the inspection was carried out on 09.06.2017 and benefit of change of tariff was effected from June 2015. Therefore the right of application of proper tariff as the premises was use for Hospital purpose not at all disputed. It is pertaining to note that document provided by consumer deed of admission and continuation executed by agreement first day April 2016, copy of registration certificate dated 07.07.2015. It means the change of user in the premises was not informed at appropriate time and therefore consumer not entitled to get the benefit form 01.08.2012. I have fairly considered the argument of representative appeared before this Forum and the respondent utility official. To my view actual effect of giving benefit to the consumer should be two years from the date of detection of wrong tariff but in this case the intimation already given on 28.07.2014 and as action was not taken by respondent utility at appropriate time which is not fault at the consumer and therefore the crucial date for application of

proper tariff to my view should be considered from 28.07.2014 one month prior to this date 30.06.2014 and therefore I hold that consumer entitled for application of tariff since 01 June 2014. The issue raised as per application by clubbing of this meter the action was already taken as per order of IGRC and now both the connection are club as per the circular issued by respondent utility official and defect was cured. The monitory which calculated by the respondent utility clarified that SD amounting already deducted and adjusted in bill and total benefit by preparing B-80 amount Rs. 88768.58/- already given to the consumer. Therefore grievance of clubbing of meter does not carry forward before this Forum hence no order. Prayed made by the consumer form application of the tariff from 01.08.2012 cannot be effected as the establishment was not in existence and no application in proper format and consumer himself failure to supply proper information at appropriate time. Therefore consumer not entitled to get benefit of application of tariff since 01.08.2012. Hence consumer complaint does not survived with direction to the respondent utility to verify the recent position of clubbing of meter and regularizes the tariff stands at all.

ORDER

The consumer complaint 12/2017 stands dismiss.

No order as to the cost.

Both the parties should be informed accordingly.

Proceeding close.

The compliance should be reported within 45 days.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, and Bhandup.

Note:

1) If Consumer is not satisfied with the decision, he may file representation within 60 days from the 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 file representation before the Hon. High Court within 60 days from receipt of the order.

(I Agree/Disagree)

(I Agree/Disagree)

**DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP**

**ANIL P. BHAVTHANKAR
CHAIRPERSON
CGRF, BHANDUP**

**RAVINDRA S. AVHAD
MEMBER SECRETARY
CGRF, BHANDUP**