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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/31/172

Date: 26.09.2017

Case No. 31/2017

Hearing DT: 06/09/2017

In the matter change of tariff from LT II commercial to LT X(B) for hospital purpose

Dr. D.D.Khona

– consumer

Vs.

M.S.E.D.C.Ltd., Add Ex. Engineer, Pachrasta 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. Pravin Thakkar - Consumer Representative

C - On behalf of Respondent

Shri.Kuril Addl. Executive Engineer, Pachrasta Sub Division.

Consumer No.000093180985

1. Above named consumer is old consumer date of connection 08 October 1988 connecting load 1KW sanction load 3.8KW situated at Gala No R.N.S Road Mulund -400080 above named consumer received bill applying tariff of LT II commercial to his premises dated 22.08.2017 for amounting Rs.-33550 along with current bill. After receiving the said bill consumer made application to respondent utility for change of tariff LT II commercial to LT X(B) for dispensary. The application is made as per circular 175 dated 05.09.2012. Consumer also demanded back excess amount paid since 01.08.2012 and pray for refund. Initially the consumer filed this grievance before IGRC in Schedule 'X' consumer relied on circular No.175 dtd.05.09.2012. After filing the said grievance IGRC registered the grievance case no 3791 on dated 18.07.2017 opportunity was given for hearing and on

31.07.2017 IGRC pass order in favor of consumer directing change of tariff from LT II commercial to LT X(B) as premises is occupied for hospital purpose since June 2015. IGRC Also given direction to respondent utility the difference of change of commercial tariff excess amount shall be adjusted 30.06.2015. However IGRC rejected the prayer for refund and adjustment since august 2012. Being aggravate the said order above said consumer approach to this Forum and filed this grievance stating that spot inspection was made on 17.05.2017. The premises are use for hospital purpose since date of connection as per circular application of proper tariff as per commercial Circular 284 applied LT X(B) tariff to the premises. Consumer filed copy of circular No. 175 ,copy of IGRC decision, copy of bill August 2017 and Feb. 2017 consumer also filed date of registration certificate, registration certificate of Maharashtra Medical Council ,registration certificate under Bombay Nursing Home registration Act and claim for refund August 2012. After filing the said grievance before this Forum notice was issued to the respondent utility. After receiving the said notice on 6/9/2017 reply file by respondent utility on 06.09.2017. It is contention of respondent utility consumer submitted application to pachrasta subdivision for change of tariff form 28.02.2017. Thereafter verification by assistant Engineer section office made on 17.05.2017 and proposed change of tariff form LT II to commercial to LT X(B). After submission of relevant document of consumer which is not annexure II. It is inform by utility accordingly tariff was change from LT II commercial to LT X(B) form June 2017 and inform to the consumer IGRC order directed to give credit to the consumer 36,560/- was already given and it is inform to the consumer by letter mark annexure-IV. The period of credit as per government commercial circular 224 date 5/7/2017 effect given for 1 June 2015 the tariff circular No 175 applicable from 05.10.2012 and tariff consumer no 284 applicable from 11.04.2017.

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 entitled for change of tariff from LT II to LT X(B) from 01.08.2012.
- II. Whether consumer entitled for refund of and adjustment of amount
- III. What order?

Reasoning

- 1.** I have given to opportunity to consumer and his representative who appeared before this forum. I have perused order passed by IGRC dated 31.07.2017. It appears from the record consumer made application in proper format to additional Ex. Engineer, Pachrasta sub division for change of tariff. The date of filing application as mention on 28.02.2014. The said application was not traceable as reply filed by respondent utility thereafter assistant Engineer visited premises on application on 17.05.2017 and verify the occupation relevant document submitted by consumer. Accordingly spot inspection report filed dated 17.05.2017 revealed that premises is occupied for Hospital. As ENT surgeon Dr. Khona is occupation in premises as public utility services. Therefore it is incumbent on the part of respondent utility to apply proper tariff and after receiving the letter the respondent utility acted and applied proper tariff from LT II commercial to LT X(B) and inform to the consumer on 30.05.2017. After verification of action of respondent utility it appears that consumer raised the dispute and claims the relief as circular No 175. The said circular is regarding application of tariff to the public utility hospital purpose. Admittedly, no earlier application is submitted. The required application submitted by consumer along with document in proper format and thereafter the inspection was made by respondent utility on 17.05.2017. Therefore the effect of application of proper tariff became serious prejudices to the consumer as per limitation provide to raise the dispute consumer can raised the dispute within period of 2 years from the date of cause of action as no point of time the period of limitation can be exceeded more than 2 years as claim by consumer since August 2012. The category of private hospital introduced under category LT X (B) in tariff since June 2015 therefore effect of proper tariff from LT II commercial to LT X(B) from June 2015. Application of proper tariff therefore should have been coming as per uniformity Rule from June 2015. Therefore order pass by IGRC is modified and in view of application proper tariff since June 2015 the effect should be given to the consumer. Hence, I am inclined to accept the contention of consumer partly is entitled to benefit of proper tariff LT X(B) since June 2015.
- 2.** The prayer made by consumer to apply the tariff from 01.08.2012 cannot be considered as it is time barred beyond the period of 2 years from the date of

raising grievance of cause of action. The respondent utility directed adjust difference of calculation of amount from change of tariff category for LT II commercial to LT X(B) and give credit to the consumer in future bill. Hence I am inclined to allow partial complaint of consumer and proceed to pass following order.

ORDER

The consumer complaint 31/2017 is allowed.

Respondent utility shall calculate the benefit of change of difference of LT-II commercial LT X(B) public utility purpose tariff form 1 June 2015

The credit shall be given to the consumer accordingly, if not given.

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**

