

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

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

Date :

Case No. 197

Hearing Dt. 07/07/2008

In the matter of change in category of the consumer

M/s. Sunjana Developers

- Applicant

Vs.

MSEDCL, Wagle Estate, 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.
- 3) Mrs. Manik P. Datar, Member, CGRF, Bhandup.

B - On behalf of Applicant

- 1) Shri Sanjay Maluskar, Consumer's representative.
- 2) Mrs. Manisha Umbrajkar, Consumer's representative.

C - On behalf of Opponent

- 1) Shri Petkar , Ex. Engr, Wagle Estate, Thane.

Preamble :

Consumer registered his grievance with this Forum on 19/06/2008. Consumer approached this Forum directly as many letters of grievance were submitted to the utility's various level officials, but no action was taken place till date. Hence, CGRF registered case vide case No. 197 on 19/06/2008.

Consumer's say :

M/s. Sunjana Developers is having a business office at Lohar Lane, Near Rly. Station, Thane (W) – 400 601. The property taken for development is situated at Hoist-O-Mech Ltd., Pokahran Road No. 2, Near Ma Niketan, Thane (W) having consumer No. 00006159315.

M/s. Sunjana Developers applied for a new power connection at their Hoist-O-Mech Ltd. at Pokahran Road, Thane (W) site, which was used for security, street lighting, water pump and garden development. The sanction was given by utility by letter reference No. EE/THNWE/ Power Sanction/434 with three phase connection and 8 KW connected load. The said connection was sanctioned under commercial category in Oct-2004.

The consumer was getting the bills under commercial category from date of connection and the bills were also issued with applicable commercial tariff.

Consumer paid the bills regularly, and there was no change in nature of useage till date. However, from Jan-2007, MSEDCL started sending him the bills under "temporary" connection category without any prior intimation to the consumer.

After that consumer sent many letters to the utility's various officials explaining his grievance.

On consumer's request site inspection was carried out by utility's Jr. Engineer on 08/05/2007 who had confirmed that there was no change in usage as per original application. He also mentioned in his report that there were no other activities going on.

Though the consumer was getting bills under "temporary" category, he was paying the bills regularly under protest.

Consumer also approached Chief Engineer, Bhandup on 24th December 2007 with his request. But all efforts resulted in vain.

As per Head Office circular NO. 377, dtd. 02/07/2003 and circular No. 408 dtd. 07/01/2005 reclassification/recategorization of any consumer, for whatsoever reason, was not permitted unless prior approval of Hon'ble commission is obtained. As per letter dtd. 29/09/2007 sent by Ex. Engr., it was clear that he had not followed the circular mentioned above.

Prayer of the consumer :

- 1) For natural justice as well as for immediate restoration of our "commercial" connection from "Temporary" category.
- 2) All under protest paid bills should be adjusted in our future bills with interest applicable, if any.
- 3) To pay as compensation of Rs. 50,000/- for mental torture and harassment caused to us by the wrong billing due to the negligence on the part of the concerned officers of MSEDCL over 18 months.

Utility Say :

- 1) As per application from M/s. Sunjana Developers on 12/10/2004 the temporary supply of 8 KW was sanctioned for construction purpose at their Pokharan road No. 2, Thane site. At that time the tariff for temporary and commercial supply was same. Hence, the sanction was given for commercial tariff for billing purpose.

As per the requirement by the consumer, the technical feasibility report given on based on building construction purpose. At the same time work order dtd. 13/10/2004 also given for construction purpose.

2) As per tariff order No. PR-3/Tariff/36771, dtd. 9th October 2006, there was separate tariff for temporary supply was come into force with effect from 1st October 2006. Hence from October 2006 onwards M/s. Sunjana Developers was billed as per temporary tariff.

Utility sent a letter to M/s. Sunjana Developers on 03/07/2008 to regularize the temporary supply as period of temporary connection had been expired after two years. Utility also sent 15 days disconnection notice to the consumer through this letter.

OBSERVATIONS :

M/s. Sunjana Developers applied for new service connection for construction purpose on 12/10/2004 with 8KW demand. This application was submitted to the Forum by utility with inward No. of auxiliary register (inward No. 1740) dtd. 12/10/2004. After survey technical feasibility report was given by Asstt. Engineer also showed the purpose as building construction on dtd. 13/10/2004 and work order for sanction also indicates the purpose as construction. Accordingly firm quotation was sanctioned on dtd. 20/10/2004 with commercial purpose.

During the hearing M/s. Sunjana Developers also submitted said A1 application form without any inward No., date and with different signature.

The information provided by both parties regarding the load requirement is not matching.

Considering the above facts submitted by utility and consumer, this Forum comes to the conclusion that the actual requirement of the consumer is for construction purpose only. As A1 form submitted by M/s. Sunjana Developers was without inward no. and date. Forum cannot

considered consumer's request as connection was given only for garden lighting, office and water pump.

In the year 2004, when sanction of the above load was given, there was no difference between commercial & temporary tariff and hence load was sanctioned on commercial basis.

As per commercial circular No. 45, dtd. 09/10/2006 based on MERC order PR-3/Tariff/3677 it came into force with effect from 1st Oct 2006 which needs to be implement strictly with guidelines/directives given by the Hon'ble commission. Accordingly the different tariff/guidelines were issued for temporary purpose. Hence action regarding the recovery of the bill were taken by the utility from Feb-2007.

The Forum also observed that the undertaking given by Mr. Farook ro MSEB (Ex.Engr.) mentioned that the meter was for construction purpose.

ORDER

The applicant does not deserve any merit. The tariff applicable for construction purpose falls under "Temporary" purpose. The application stands dismissed. No orders as to costs and compensation.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 8th August 2008.

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.

MRS. M.P. DATAR
MEMBER
CGRF, BHANDUP

S.L. KULKARNI
CHAIRMAN
CGRF, BHANDUP

S.B. WAHANE
MEMBER SECRETARY
CGRF, BHANDUP