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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/ 71/448 Date: 24.04.2018

Hearing Date: 13.03.2018

CASE NO.71/2018

In the matter of Refund of excess amount according to tariff difference

Dr. Narendra K. Biradkar,
RH B-1Gr. Floor,Sector-4,
Airoli,Navi Mumbai-400708.
(CONSUMER NO.000097281211)
..... (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution Company Limited
through its Nodal
Officer,
Vashi Circle,Vashi
..... (Hereinafter referred as Licensee)

Appearance : For Shri. M.B.Deshpande, Addl.Executive Engineer, Airoli.
Licensee
For Consumer – Mr.Suraj Chakrabourty – **Consumer Representative**

[Coram- Shri A.M. Garde- Chairperson, Shri. R.S.Avhad -Member Secretary
and Sharmila Rande - Member (CPO)].

1. Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003 (36/2003). Hereinafter for the sake of brevity referred as 'MERC'. This Consumer Grievance Redressal Forum has been established as per the notification issued by MERC i.e. "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum

& Ombudsman) Regulation 2006" to redress the grievances of consumers vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is referred as 'Regulation'. Further the regulation has been made by MERC i.e. Maharashtra Electricity Regulatory Commission. [Electricity Supply Code and other conditions of supply Regulations 2005] Hereinafter referred as 'Supply Code' for the sake of brevity. Even, regulation has been made by MERC i.e. 'Maharashtra Electricity.

2. Consumer herein is one Dr. Narendra K. Biradkar having consumer No. 000097281211 LT consumer to LT public service, Grievance is that

- I. The petitioner is LT (Low Tension) consumer a Govt. Recognised Dispensary. The Petitioner is affiliated to Doctor Association of Mumbai. The petitioner are having all registrations and permissions from State Govt. The date of connection is year 2012. From the date of connection, the petitioner are having the tariff as per Hon'ble MERC guideline i.e. commercial from D.L.(Distribution Licensee MSEDCL and the tariff is concessional tariff i.e. public Services-tariff category till the date 01.08.2012 introduce by Commission.
- II. But on dated 01.08.2012 the MSEDCL official have not change our tariff to public services as per their own Circular 175. Which is bad in law.
- III. In spite of our frequent follow up verbally, the MSEDCL has not corrected our tariff till date Nov. 2017 and not refunding our excess amount. The MSEDCL has charged us commercial tariff form 2012 to till date. Which is never intimated to us nor have we given any commitment note. It is MSEDCL duty to refund back and change our tariff as per corrected in time.
- IV. The petitioner is a public services and commercial tariff is not applicable to them. So we have written a letter to Sub-Div S.D.O. But still tariff is not corrected. The said negligence has taken place to

generate revenue of MSEDCL, which violation of law. How MSEDCL, which violation of law. How MSEDCL can take such action without intimating his consumer.

V. The MSEDCL also violated the Hon'ble MERC guideline tariff order 2008 and 2012; MSEDCL concern officer must be booked under section 142 and under section 146 of E.A.2003. Non compliance of Commission order. Please levy us the public services tariff from the date August 2012 and refund us the excess amount paid by us with interest @ 18% per year as per section 62 (6) of E.A. 2003.

3. D.L. in reply states that the consumer Dr. Narendra K. Biradkar, Sector-4, Airoli, Navi Mumbai (consumer No. 000097281211) applied on 31.10.2017 for correction of tariff (commercial to public services) and refund as per MERC order.

a) As per consumer's application tariff was changed and reflected in the bill for the month of December -2017. In fact, the changed tariff (LT-XB,PUB SER OTH) is indicated on the bill for the month of Jan-2018 which is enclosed with the grievance submitted by the consumer.

b) Meanwhile, the consumer approached IGRC, Vashi and IGRC, vashi vide its order no.7082, proper and valid certificates from date of application.

c) Accordingly, B-80 for refund of amount due to change fo tariff w.e.f. date of application i.e. 31.10.2017 is fed on line(amount Rs.3,033-/) and will be reflected in the bill for month of March 2018.

4. We have heard both sides. It is not in dispute that Hospitals have been since 2012 (MERC Case No. 19 of 2012) categorised under Public service with concessional tariff than commercial tariff. Consumer has been running a Hospital at consumer address as such applied for change of tariff which has been granted with difference refund from date of application.

Consumer prays for refund for two years preceding his application dtd. 30.10.2017.

5. Consumer has produced registration certificate from NMMC. We have perused the same. That does not ipso facto prove that hospital was being run there at the consumer address. Even if it is presumed so, that alone is not sufficient.
6. There is nothing on record to indicate that consumer had obtained the connection specifically for Hospital or that D.L. had knowledge that Hospital was being run there. With the supply and in spite of that after 2012 tariff order D.L. applied wrong tariff. In such facts tariff cannot be applied retrospectively. Just as D.L. officials could not monitor/supervise to check the user retrospectively. D.L. has changed the tariff as per SOP 3.14(B).
7. In the above view Grievance fails.

ORER

1. Grievance is dismissed.

The compliance should be report within 30 Days .

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

Note:

- a) The consumer if not satisfied, may file representation against this order before the Hon. Ombudsman within 60 days from the date of this order at the following address. " Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission,606, Keshav Building,Bandra - Kurla Complex, Bandra (E),Mumbai - 400 051"
- b) b) consumer, as per section 142 of the Electricity Act, 2003, can approach Hon'ble Maharashtra electricity Regulatory Commission for non- compliance, part compliance or

- c) Delay in compliance of this decision issued under" Maharashtra Electricity Regulatory Commission (consumer Redressed Forum and Ombudsman) Regulation 2003" at the following address:-

"Maharashtra Electricity Regulatory Commission, 13th floor,world Trade Center, Cuffe Parade, Colaba, Mumbai 05"

- d) It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.

I Agree/Disagree

**MRS. SHARMILA RANADE,
MEMBER
CGRF, BHANDUP**

**ANANT M. GARDE
CHAIRPERSON
CGRF, BHANDUP**

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