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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/72/450

Date: 24.04.2018

Hearing Date: 13.03.2018

CASE NO.72/2018

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

Mr. Yadavrao Vitthal Shinde,
Shop No. 20,Plot No.05/06,
Sector -03,Ghansoli,Navi Mumbai.
(CONSUMER NO.000156545961)
... (Hereinafter referred as Consumer)

Versus

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

Appearance : For Mrs. S.D. Deshmukh, Assistant Acc. KK. Sub Division.
Licensee
For Consumer – Mr. Suraj Chakraborty - Consumer Representative.

[Coram- Shri A.M. Garde- Chairperson, Shri. R.S.Avhad -Member Secretary
and Mrs. 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 Mr. Yadavrao Vitthal Shinde, having LT consumer No.000156545961 three phase LT commercial-LT public service.
3. 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 2006. 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.
4. 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.
5. 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 we have given any commitment note. It is MSEDCL duty to refund back and change our tariff as per corrected in time.
6. 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. 20.09.2017. 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 intimidating his consumer.

7. 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.
8. There is no reply filed by D.L. in spite of the Forum waiting for long time.
9. We have heard both sides. Representative of D.L. assured to send the reply later but the same has not been received by the Forum.
10. There is no dispute that Hospitals have been classified as public service for a concessional tariff than commercial one vide MERC order in case No. 19 of 2012 as well as vide subsequently issued tariff orders. It is not in dispute that consumer was being charged under commercial tariff in spite thereof. He gave a letter dtd. 20.09.2017 for change of tariff. Thereafter it was changed. The question is of past refund of difference.
11. We have gone through the documents produced with respect to running of Hospital. Consumer has produced one registration certificate. The date of registration shown is 24.05.2016.
12. The certificate merely shows registration of Ankur Maternity Home at consumer address. That does not ipso facto prove that maternity Home has been actually run since then. Even if it is presumed so, that alone is not sufficient. There is nothing on record to indicate that consumer had obtained connection specifically for maternity home or that D.L. had the knowledge that maternity Home was being run there with the supply and in spite of that after 2012 change in category D.L. applied wrong tariff. In such fact tariff cannot be applied retrospectively just as D.L. officials could

not monitor/supervise the user retrospectively. D.L. has changed tariff as applicable as per 3.14 (B) (SOP).

13. In the above view of the matter Grievance fails.

ORDER

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**