

.(A Govt. of Maharashtra Undertaking)
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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/

Date:

Hearing Date: 12/06/2018

CASE NO.96/2018

In the matter of refund of tariff difference amount with interest

Dr.Ramesh Vallabhban Patel
Hospital Patel Clinic
Huber Art Joshi Ali
(Consumer Number 028510328711)

. . . . (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution Company Limited
through its Nodal Officer,
Vashi Circle,Vashi

. . . . (Hereinafter referred as Respondent)

Appearance:-

For Consumer – Pranab Shende, M/s. Strom Losungen Pvt. Ltd.

For Licensee:- Absent

[Coram- Dr. Santoshkumar Jaiswal- Chairperson, Shri. R.S.Avhad -Member Secretary and Sharmila Ranade - Member (CPO)].

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 subsection 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] Here in after referred as 'Supply Code' for the sake of brevity. Even, regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply & Determination of Compensation) Regulations, 2014.' Hereinafter referred 'SOP' for the sake of convenience.'

The IGRC, by its order dated 27-03-2018 has issued the order that Complaint is allowed and utility to change the tariff of consumer from its date of application for revision of tariff from July 2017. Being aggrieved with order of IGRC consumer has filed application to this forum raising following points. .

The Petitioner/Applicant is a LT Consumer of MSEDCL having Consumer No. 028510328711/PC-0, BU; 0311 Panvel S/Dn, Sanction Load is 39 KW, Connected load 39 KW, Contract Demand (KVA) 49.00 KVA .

The Applicant Consumer is providing health care facilities. The power supply is connected on 01-04-1995 and since then The Applicant Consumer is receiving regular energy bills without any error in meter or any complaint from the representatives of the respondent (MSEDCL), who use to visit, inspect and record the reading of the energy consumption of the electricity, for raising energy bills and the Applicant Consumer is paying towards energy bills raised by respondent (MSEDCL) from time to time without

any default. DR. RAMESH VALLABHBHAI PATEL, is operated M/s. PATEL CLINIC is thus the end user of electricity supplied by MSEDCL. The Municipal Authorities who are authorized to issue necessary permission to operate the Hospital/Nursing Home same has been obtained of the Maharashtra (Bombay), Nursing Act.1949, from the Municipal Corporation/State Authorities and the Hospital/Nursing Home is providing Health Care facilities.

The Maharashtra Electricity Regulatory Commission (the Commission) in Tariff Order dated 16th August, 2012 in Case No. 19 of 2012 introduced tariff category LT X- Public Services for dispensaries, hospitals, laboratories, etc. and the category has been continued in subsequent tariff orders. The Respondent licensee, however, did not change the tariff category of the Appellant into LT X — Public Services and hence the Appellant made the application on 11-10-2017. Thereafter, the Respondent inspected the premises and changed the tariff category from the month of November 2017. The Respondent did not refund the tariff difference and hence the grievance was filed before the Forum. The Forum has however rejected the grievance. As per the Tariff Order of the Commission, LT X — Public Services tariff category should have been applied. The Respondent MSEDCL has also issued circulars directing the field officers to re-categorise consumers into newly created tariff categories. The Electricity Ombudsman (Mumbai) in Representation No. 41 of 2018 and 61 of 2018 has directed to change the tariff category with retrospective effect for two years. The Appellant has therefore prayed that the tariff category of the Appellant may be changed from April 2015 and to refund the tariff difference along with interest.

Notice was issued to the Nodal officer and Executive Engineer IGRC of Vashi circle. After giving various opportunities to submit reply and to attend hearing the Respondent representative was absent for same.

During the hearing, the Consumer argued that he obtained Low Tension supply form the

Respondent. The tariff LT(X) Public Services was created in 2012 however, the Respondent licensee failed to charge the correct tariff and recovered the tariff under LT II — Commercial. It is only after the application was made by the Appellant, the tariff category has been changed. The Appellant is, however, not claiming the refund of tariff difference from August 2012 but only From Sept 2015. Considering the provisions of Regulation 6.6 of the CGRF Regulations,. The Consumer, therefore, submitted that effect of tariff category of LT X (B) be given from November 2015 instead of from August 2012 and differential amount be refunded to the consumer.

I have gone through the contented of the grievances application and also gone through the point wise reply submitted by the Respondent. It appears admittedly that there is commercial circular no 243 of MSEDCL that as per MERC tariff order dated 26.06.2015 in the case no 121 of 2014 that the date of revised tariff is applicable from 1st June 2015 and will continue till further orders. In this circular serial No.3 the separate category for Gov. school and hospitals are come under LT X (A) and private and other category LT X(B) is made for other public services the applicability for this tariff shall be applicable to educational institutions such as schools and colleges, and Hospitals, Dispensaries, primary Health Care Centers and Pathology Laboratories and Libraries and Public reading rooms other than those of State or Central Government, Municipal Bodies, Zilla Parishads, Panchayat Samities or Gram Panchyat; all offices of Government/Municipal Bodies, Local Authority, local self Government, Zilla Parishad, and Gram Panchayat; Police Stations, Police Chowkies, Post offices, Defence establishments (army, navy and air-force), Spiritual Organizations which are service oriented, Railway/Monorail/Metro except traction, State transport establishments,; and State Transport Workshops, Transport Workshops operated by Local Authority, Fire Services Stations, Jails, Prisons, Courts, Airports (only activity related to aeronautical operations), Ports, Sports Club/Health Club/Gymnasium/Swimming Pool attached to the Educational Institution Hospital

provided said Sports Club/Health Club/Gymnasium/Swimming Pool is situated in the same premises and is primary meant for the students/faculty/employees/patients of such educational Institutions and Hospitals.

For the implementation of this circular as per serial no 4 the field officers are directed to ensure that where ever the tariff category is redefined or newly created by the commission, the existing / prospective consumer should be properly categorized by the actual field inspection immediately and the data to be immediately update in the IT data base.

All the field officer shall sensitize staff about various aspect of the tariff order and give proper guidance to all the officers and the staff members working under them. These are only important guidelines and for the actual implementation, the filed officers are requested to refer the detail order of MERC of 26.06.2015 in case of 121/2014.

I have gone through the application filed by the consumer regarding grievances and also gone through the point wise reply of the Respondent. It appears admittedly that the connection of the electric supply of the consumer is covered under the Hospital, Dispensary and Public Health Care Centre that is in the category of LT X(B) and therefore they are entitled for the said tariff from 1st June 2015. Now, as per Electricity Act 2003, the limitation of recovery given only for 24 months. The CGRF is bond to give the recovery prior to 24 months of filing of case before CGRF. If we considered the MERC order which has given the conservation of tariff to the filed officer by sensitizing the staff appears to be the different from case to case. Therefore, at this juncture we have to see that the right of consumer is protected regarding refund is for 24 months from the date of application before CGRF. Hence, I found that the application made by the consumer regarding change of tariff which is already done by the Respondent to the consumer i.e. LTX (B). Now, question remains to decide is only about refund to be given

Therefore, the applicant consumer is entitled for last 24 months difference in the tariff as per LT X (B) excluding the period from the month when this tariff was changed by the Respondent from the date filing of this application before CGRF. As this amount of refund is out of the balance amount due to change of tariff therefore there is no need to grant interest in the result, the representation is hereby partly allowed. Hence, proceed to pass following order

ORDER

1. This application here by partly allowed.
2. The applicant is entitled for the refund of amount of 24 months prior to the date of filing this application to CGRF i.e. 02/04/2018. The period of getting tariff benefit from LTII to LTX (B) from date of conversion of tariff LTX (B) should be consider in these 24 months.
3. The Respondent MSEDCL shall do needful to adjust the refund the amount in the future bills.
4. Compliance of this order be made within one month from the date of receipt of this order.

No order as to the cost.

I Agree/Disagree

I Agree/Disagree

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

**Dr. SANTOSHKUMAR JAISWAL
CHAIRPERSON
CGRF, BHANDUP**

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

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