

CONSUMER GRIEVANCE REDRESSAL FORUM,
AKOLA ZONE, AKOLA.

"Vidyut Bhavan" Ratanlal Plot, Akola. Tel No 0724.2434475

ORDER.

Dt. 19/05/2017

Complaint No. :- 16/2016

In the matter of grievance pertaining to change of tariff from Commercial to Residential and adjustment of amount in energy bills.

Quorum

Shri. R.A. Ramteke ,Member-Secretary

Shri. D.M.Deshpande-Member (CPO)

Shri Pravin Lokhande Secretary :- Complainant
Malti Residency, Near
Pundlik Baba Ashram, Rautwadi,
Akola ,Distt.Akola.For Jitendra Paturkar
Consumer No. CL-310071357774

.....Vrs.....

Ex.Engineer, Urban Divn. :- Respondent.
MSEDCL, Akola

Appearances: -

Complainant Representative :- Absent.

Respondent Representative :- G.T.Sorte Add. Ex.Engineer, MSECL
Akola Urban Divn. Akola.

1. On being aggrieved by the decision of IGRC Akola issued vide order No. SE/AKL/IGRC/702 Dt. 14.02.2017, The complainant Shri Pravin Lokhande, Secretary Malti Residency, Near Pundlik Baba Ashram, Rautwadi, Akola approached this forum with grievance as per provision of MERC CGRF Ombudsman regulation 2006. Complainant's case in brief is that the said connection is taken for construction purpose in the name of Jitendra Paturkar having connection No. 310071357774. The said electric connection is being used for common water source, common lighting and common lift. The apartment is being used for residential purposes and there are 16 Flats in the apartment. It has been noticed by the complainant that energy bills for above common connection are being issued with commercial tariff, instead of residential and hence complaint is registered

with IGRC Akola on 09.01.2017. IGRC Akola has taken hearing in the above complaint on 04.02.2017, in presence of complainant and it was specially brought to the notice of IGRC Akola that Non- applicant MSEDCL are issuing energy bill for said connection with commercial tariff though from 17.05.2013 it is being used for residential purposes and requested to revise the bill from 17.05.2013 with residential tariff and further requested to adjust difference in amount in energy bills. According to complainant N.A. MSEDCL have charged, as per residential tariff from October-2016 and difference for Oct-16 to Dec-16 is adjusted in the bills. According to complainant N.A. MSEDCL have not corrected the bill from 17.05.2013 despite the fact that completion report was submitted to MSEDCL and prayed for change of tariff from Commercial to Residential from 17.05.2013 with adjustment of difference in the amount in future bills and payment of interest at bank rate as complainant has paid all energy bills up to 20.03.2017. Complainant annexed with the complaint the documents such as IGRC complaint, MSEDCL letter 260 D. 01.02.2017, IGRC Order, completion certificate dated 17.05.2013 and duplicate energy bill for Jan-2017.

2. Reply came to be filed on 05.04.2017 by N.A.MSEDCL with copy endorsed to complainant. According to N.A.MSEDCL complainant has applied for change of tariff from commercial to residential on 05.01.2017 and change of tariff is effected from JAN-2017 and effect of change of tariff is given from Oct-2016 and difference in amount is adjusted in the energy bill for FEB-2017. According to N.A. due cognizance of complainant's grievance is taken and that too within time limit prescribed and hence IGRC Akola have decided the grievance as already resolved by MSEDCL and requested Forum to dismiss the complaint. N.A. MSEDCL Annexed with reply the documents such as IGRC Order, adjustment of bill, copy of CPL, complainants application dated 05.01.2017 for change of tariff and spot inspection report dated 11.01.2017.

3. Hearing was scheduled on 25.04.2017 with written and telephonic communication to complainant and N.A. MSEDCL. Complainant remain absent for hearing on 25.04.2017, when N.A. MSEDCL representative was present. In the interest

of justice the hearing was adjourned on 25.04.2017 and rescheduled on 16.05.2017 with due intimation and confirmation, to complainant and N.A. Complainant again remain absent on 16.05.2017 when N.A. Representative was present. Heard N.A. Representative on 16.05.2017. N.A. Representative urged that said connection is taken for construction purposes on 06.12.2011 with applicable tariff as commercial. As per provision of supply code 2005 complainant has to apply for change of tariff when the purpose is changed and MSEDCL have to change the tariff from next billing cycle. N.A. Representative Shri Sorte Additional Ex. Engineer urged that complainant have given the change of purpose application on 05.01.2017 and accordingly they have carried out site inspection on 11.01.2017 and on having confirmed, the tariff is changed to Residential and energy bill for Jan-2017 is issued with applicable tariff as residential. NA's Representative urged that effect of change of tariff is given from Oct-2016 and amount Rs. 2553/- towards difference is adjusted in the bill for Feb-2017. NA's Representative further brought to the notice of forum that completion certificate dated 17.05.2013 enclosed with the grievance is never submitted to any of the offices of MSEDCL and not submitted before IGRC Akola, also.

4. Forum have gone through the complaint on record with documents and reply filed by N.A. MSEDCL and considered the arguments by N.A. MSEDCL. Forum is of the view that there is substance in the defense of MSEDCL that application for change of tariff is received by them on 05.01.2017. As per provisions of supply code 2005, consumer has to apply for change of tariff and N.A. MSEDCL to comply it within next billing cycle. Forum is convinced that this is not a case of wrong application of tariff by MSEDCL. It is not disputed by complainant that connection was taken for construction purposes with applicable tariff as commercial. It was the duty of complainant to submit completion report with change of tariff application to MSEDCL. In spite giving chance to remain present, complainant remain absent even on adjourned date and could not produce document of application to MSEDCL for change of tariff earlier to 05.01.2017. Complainant could not bring on record the authenticity of document dated 17.05.2013 which is completion report signed by complainant himself without having acknowledged by any of the offices of MSEDCL. Forum is of

the view that, it is not just and proper on the part of complainant to claim change of tariff from 17.05.2013, when change of tariff application was submitted to MSEDCL on 05.01.2017. Forum is of the view that N.A.MSEDCL have correctly resolved the grievance and effected change of tariff to residential. In view of above observation forum thinks it proper to dismiss the complaint for application of residential tariff from 17.05.2013. With these observations forum proceeds to pass following unanimous order.

// ORDER //

1. The complaint No.16/2017 is here by dismissed.
2. The parties to bear their own cost.

Sd/-
Member/Secretary

Sd/-
Member (CPO)

Contact details of Electricity Ombudsman appointed by MERC (CGRF&EO) Regulations 2006 under Regulation 10:

THE ELECTRICITY OMBUDSMAN,
Office of Electricity Ombudsman (Nagpur)
Plot No.12, Shrikrupa, Vijaynagar, Chhaoni, Nagpur-440 013.
Phone : 0712-2596670

No.CGRF /AKZ/ AKL/ 92

Dt. 19.05.2017

TO,
The Nodal Officer,
Executiive Engineer Urban Division, MSEDCL, Akola.

The order passed on 19/05/2017 in the Complaint No. 16/2017, is enclosed herewith for further compliance and necessary action.

Secretary,
Consumer Grievance Redressal Forum,
MSEDCL, Akola Zone, Akola

Copy fwc to:-

1. The Superintending Engineer O&M Circle, MSEDCL, Akola.
2. Shri Pravin Lokhande, Secretary, Malti Residency, Near Pundlik Baba Ashram, Rautwadi, Akola, Distt. Akola.