

(A Govt. of Maharashtra Undertaking)

CIN : U40109MH2005SGC153645

PHONE NO. : 25664314/25664316

FAX NO. 26470953

Email: cgrfbhandupz@mahadiscom.in

Website: www.mahadiscom.in

Consumer Grievance Redressal Forum

“Vidyut Bhavan”, Gr. Floor,

L.B.S.Marg,Bhandup (W),

Mumbai – 400078.

REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/

Date

Case No.111/2016

Hearing Dt. 14.12.2016

In the matter of applying proper tariff to the premises and refund of excess amount with interest

M/s. Ayurshali wellness Pvt. Ltd.,

Shop No2, 3, 4, 5,&7

Sahyou Comp

Tikujiniwadi Road, Manapada

- Applicant

Vs.

M.S.E.D.C.Ltd., Kolshet Sub Division

- Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

1) Shri. Anil P. Bhavthankar, Chairperson, CGRF Bhandup.

2) Shri.Ravindra S.Avhad, Member Secretary, CGRF Bhandup.

3) Dr. Smt. Sabnis, Member, CGRF Bhandup.

B - On behalf of Appellant

1) Shri. Hemant Hatkar

- Consumer Representative

C - On behalf of Respondent

1) Shri. Sonawane Addl. Executive Engineer, Kolshet sub division

Consumer No. 0000130001360 Category of connection LT X(B)

1. Above named applicant filed grievance against the respondent utility stating that M/s. Ayurshali wellness Pvt. Ltd., occupying the said premises since 20.06.2012.Initially category of supply was applied to the consumer

under LT II commercial since the consumer was paying regular bill till the dispute is raised by him.

2. Consumer applied for reduction of load to the premises by filing application. Accordingly respondent utility visited the premises and verified the category of service provided to the premises. Initially the category was LT II commercial 3 phase CL 44KW SL 44KW. Thereafter the applicant load of application reduction of load form 75KW to 44 KW vide letter dated 28.06.2014 and accordingly the load was reduce. Thereafter the consumer approach to the respondent utility and submitted that the utility should apply proper tariff as per tariff amendment in June 2012 under category of LT X and thereafter the consumer filed all necessary documents to effect applying proper tariff which into shop and establishment licenses issued on 29.1.2010 and registration of nursing home certificate issue on 10.06.2015.

3. Consumer approach to IGRC and raised the complaint on 16.08.2016 consumer attach copy of bill April 2016, copy of tariff rate Schedule, copy of shop and establishment licenses and registration certificate. Dispute raised before IGRC for applying proper tariff LT X B at public service Hospital thereafter respondent utility change the tariff from LT II commercial to LT X (B) public tariff service but the effect was given to the consumer from the period June 2015 to September 2016. Being dissatisfied the relief given by IGRC the claim of the consumer approach to Forum and filed grievance in Schedule 'A' on dated 23.11.2016. Consumer prayed in this representation on the basis of earlier order passed by this Forum in M/s. Deepali construction in case no 65 of 2016 and Siddhanchal Phase III CHS in case 585 of 2015 no proper procedure followed by IGRC. Consumer raised the dispute that since August 2012 the date of supply should be tariff applicable under LT X but the respondent utility not applied proper tariff and continued to recover under commercial tariff till the

grievance is made .Consumer pray the refund of difference with 9% interest without applying DPC and interest on the said amount. Consumer also prays that original consumer sanction supply for 75KW should be maintained. Consumer also prays applying Regulation No 4.13 (b) MERC and refund of difference.

4. After filing the said grievance notice was issued to respondent utility. After service of notice respondent utility appeared and filed reply stating that consumer already given benefit by applying proper tariff LT X-B and difference of Rs.102501-/ till Oct. 2016 was given respondent utility filed details of difference of given since December 2015 to September 2016. Respondent utility submitted that as per sanction letter on the request of applicant from 75 KW to 44KW and the connecting load of 44KW was maintained as per the request of consumer .The prayer of consumer for refund with interest with 9% on the said amount cannot be granted as benefit already given to consumer and amount is adjusted in the bill periodically to which consumer agreed. Respondent utility payer for dismissal of complaint with cost. Respondent utility filed copy of revised bill and showing adjustment in the month of September, October and November 2016.

I have perused all the document filed by consumer and respondent utility. After perusing rival contention following point arose for our consideration to which I gave my finding for the reason.

- a. Whether consumer is entitled for applying proper tariff since earlier revision of tariff June 2012.
- b. Whether consumer is entitled for refund of access amount deposited.
- c. What order?

Reasoning

5. I have given opportunity to consumer and representative to put up the grievance point wise on perusal of document submitted by consumer M/s. Ayurshali wellness Pvt. Ltd., consumer shop and establishment licenses issued for commercial establishment and the registration of nursing home issued in the name of consumer and the address of Godbundar Road dated 16.01.2013. Consumer not filed leave and licenses agreement for proper documentation. Respondent utility replied in their grievance already submitted by consumer applied for reduction of load on 28.05.2014 the revision of tariff come in existence in June 2015. Therefore the difference of tariff after correction of proper tariff application under category from LT II commercial to LT X B application is made by consumer after revision of tariff June 2015. It appears from the dispute that consumer is wanted to take benefit of revision of proper tariff and apply tariff to his establishment to June 2012 as the said dispute the beyond the period of 2 years. Therefore the Forum cannot entertain the dispute and reason to apply revised tariff since June 2012. As per revised tariff applicable to the premises the proper tariff should be applying for the premises made by the consumer for revision of tariff. The certificate which is produce at the time of reduction of load and therefore respondent utility justified in giving benefit to the consumer by applying appropriate tariff to LT X B since June 2015 to September 2016. The amount calculated for difference of tariff 102501.37/- it appears to be correct no interest and DPC is claim in the bill therefore the grievance made by the consumer does not raise any prime-facie case as the claim of consumer applying appropriate tariff since June 2012 is beyond the period of 2 years cannot be entertain by this Forum. Hence the judgment which is already passed by this Forum sided by the consumer is not in respect of LT X B category and therefore the ratio not applicable to the consumer in this present case. To My view the revision of tariff should be applied appropriate tariff to the establishment from the date

of application or earlier event and reason available to the consumer. Hence the difference as per circular properly given to the consumer by utility. I do not found any reason to make interference in the said order. The direction give by IGRC for applying appropriate tariff under LT X B benefit already given no relief survive. Hence consumer complaint liable to be dismiss with cost. Hence I proceed to pass following order.

ORDER

Consumer complaint No.111/2016 stands dismiss with cost.

Both the parties should be informed accordingly.

Proceeding close.

The compliance should be reported within 45 days.

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

Note:

1) If Consumer is not satisfied with the decision, he may file representation within 60 days from the 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 file representation before the Hon. High Court within 60 days from receipt of the order.

I Agree/Disagree

I Agree/Disagree

DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP

ANIL P. BHAVTHANKAR
CHAIRPERSON
CGRF, BHANDUP

RAVINDRA S. AVHAD
MEMBER SECRETARY
CGRF, BHANDUP

