

(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/118/546

Date:22.02.2017

Case No. 118/2016

Hearing DT 10/1/2017

**In the matter of reassessment of Electricity bill and change of category from
LT II commercial to public LT X (B) category since 01.06.2012**

Mr.Rohit Gokhale

Flat No. 104,Pratap Cinema,

AgrasenTower,KolbadRoad,

Thane-400099

- Applicant

Vs.

M.S.E.D.C.Ltd., Vikas S/dn-III sub division

- Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

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

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

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

B - On behalf of Appellant

Shri. Heman Hadkar consumer representative

C - On behalf of Respondent

Shri. G. M.Patil Addl. Executive Engineer, Vikas sub division.

Consumer No. 000027261604

1.Above named consumer premises using the said supply since date of supply 07.01.1998 old consumer No. 2726160.The said premises is used for public

utility hospital purpose this consumer received bill in the month of July 2016 for the period 11.06.2016 to 12.07.2016 under the category of LT II commercial 3 phase sanction load 8 KW connecting load 8 KW. After receiving the said bill consumer made application to Executive Engineer, Thane-II Wagale Estate MSEDCL on dated 22.02.2016 alleging that the said connection used for medical profession falls under the category of Public services LT (B) X category the tariff revised as per MERC direction since 01.06.2015 consumer requested to investigate the said premises and correct the electricity bill under category which effect from June 2012 and give revision of the bill suitably .After making this application the respondent utility visited the premises on 01.09.2015 and found the meter is working condition and in use. The premises are used as dispensary hospital falls under public utility category. Thereafter respondent utility issued letter dtd. 14.07.2016 directing consumer to produce necessary document even thereafter no progress was made and the bill was not revised therefore consumer approach to IGRC and filed application in Schedule 'x' and requested to change the category of tariff and revision of the bill 01.06.2012 and also pray for refund excess amount difference paid by the consumer since 01.06.2012 against the electricity bill charge by utility. After filing the said application the IGRC registered complaint case No.23/2016 on dated 2016, IGRC gave decision allying compliant of the consumer and accordingly the category was change LT X (B). The IGRC followed the circular and decision already given by this Forum in case M/s. Balaji Builders and also followed MERC direction and regulation 4.13 MERC Regulation 2014 . IGRC gave the effect from 01.06.2015 and change the revision of the bill for the period September 2015 to July 2016 and gave credit of Rs. 74,574.27/- credited in the month of August 2016. Being dissatisfied with the said judgment of the IGRC this consumer approach to the Forum and filed complaint in Schedule 'A" on 22.12.2016.

2. After filing this complaint notice was issued to the respondent utility on 26.12.2016 the date for hearing kept on 10.01.2017. Respondent utility appeared and filed reply on dated 07.01.2017. It is contention of respondent utility that since said connection was stands in the name of M/s Deepali construction from 07.11.2011 to August 2016 under the category of commercial purpose. The present consumer Dr. Rohit Ghokhale never inform to the utility about occupying the same premises and used for clinic falls under public utility purpose prior to set. 2015 .since the change of tariff order received on 01.09.2015 the tariff category was change for commercial to public service LT X(B) from August 2016. Accordingly the bill was revised from September 2015 to July 2016 and amount of 24,574.27/- credited in the month of August 2016 shown effect in the bill of Sept. 2016. According to utility the bill revision prior to September 2015 to July 2016 cannot be granted as retrospective effect as the change of tariff always allowed with prospective effect only. Respondent utility filed copy of spot inspection report and procedure of change of tariff effected and letter correspondence made with the consumer.

3. I have perused all the document filed by consumer and respondent utility Concern to the issued and dispute raised in this complaint. After consumer rival contention of consumer and respondent utility following point arose to my consideration to which I have recorded my finding to the point further reason given below

1. Whether consumer is entitled to change the tariff category form commercial to LT X (B) public service category as per direction of MERC since June 2012.

2. Whether consumer is entitled for any further refund of difference prior to September 2015.

3. What order?

Reasoning

- 4.** I have given opportunity to consumer and his representative Shri. Sruyvashi appearing form consumer. I gave opportunity to respondent utility representative of MSEDCL of concern division. I have perused allegation made by the consumer
- 5.** It appears from the dispute that consumer made application dated 22.02.2016 informing about occupation of the premises and used for public services accordingly change of tariff is category LT X (B) was already change by respondent utility and effect of credit bill for the period September 2015 to July 2016 for amounting already given Rs. 74574.27/- . it was already shown in the bill September 2016.As such the consumer already received the credit of difference of bill towards change of category normally the application made by the consumer for change of tariff category form LT commercial to public service LT X (B) category should have been inform to the respondent utility immediately after occupation of the premises and change of user. It is not possible for the utility to visit all the consumer premises periodically and verifying the category fixing appropriate nature of use of occupation of premises by person. It appears that the prayer made by the consumer before this Forum. The introduction of Public service LT X category initially in the MERC directive tariff since 01.06.2012. but consequently the effect could not be available to present consumer as this fact was not brought to notice of utility by filing proper application and concern licenses of occupation of premises which is used for public utility purpose and therefore the change of tariff category could not effected at earlier time.
- 6.**It further appeared to the Forum that the prayer made by consumer himself the effect should be given by subsequent change of tariff category as per MERC direction since second tariff was change effected

from 1 June 2015. Therefore the circular and direction made by authority the respondent utility concern officer Add. Executive Engineer, Vikas Complex Sub-division should have been adopted the directives properly. Consumer raised serious objection and insisted to impose penalty against erring officer admittedly the spot inspection is done by responded utility officer on 1 May 2015 and the report is filed that premises was closed and use for public utility purpose as clinic. The consumer filed all relevant document before this Forum and therefore the change of tariff effected public service LT X (B) is properly but to my view the effect should have been given from 01.06.2015 since the date of change of tariff allowed the benefit must be given to the consumer none application of proper tariff is fault of utility and consumer cannot the suffered. However the grievance already redress by IGRC cell allowed the change of tariff category from the date of application effected and benefit was already given. Further to my view the consumer should not be prevented from taking such benefit. The reason given by IGRC the retrospective tariff effect not allowed financially to the consumer is appears to be not correct. The difference must be given from actually effect change of tariff category introduce by MERC since 01.06.2015. Therefore I found there substance in the contention of consumer and raised the dispute before this Forum. Hence I am inclined to allow the complaint of consumer and proceed to pass following order.

ORDER

1. The consumer complaint 118/2016 is allowed.
2. Respondent utility hereby directed to give effect of change of tariff category form 01.06.2015 to this consume. Hence, prior to the actual

effect was already given from 01.09.2015 to July 2016 already considered and benefit was received to the consumer. Hence, only from 01.06.2015 to September 2015 the effect benefit of difference of tariff should be calculated and credit be given to the consumer is next bill. Accordingly the revision of bill is allow since 01.06.2015.

No order is the 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)

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**