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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/126/581

Date:16.03.2017

Case No. 126/2017

Hearing Dt. 24/1/2017

**In the matter of application of proper tariff and refund of difference arrears
since Jan.2012**

M/s. St Mary's School

Koperkhairne Sector-10

Navi Mumbai

- Applicant

Vs.

M.S.E.D.C.L. Vashi 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. Archana Sabnis, Member, CGRF, Bhandup.

B - On behalf of Appellant

- 1) Shri. Suraj Chakraborty – Consumer Representative

C - On behalf of Respondent

- 1) Shri.E. Ragnathan Assistant Engineer, Vashi Sub Division.

Consumer No 000480931572

1. Above named consumer filed this complaint against the respondent utility alleging that the consumer received power supply to the premises

since the date of connection meter number MHD13347. The supply since the dated of connection 14/10/1986 installed under the category LT II (B) 2 premises charge tariff unit as per rate 10.20 consumer filed application on 04.07.2016 informing to the respondent utility that as MERC guideline and revises of tariff to the premises use for educational purpose duly registered under Govt. of Maharashtra Should have been applied the proper unit under the tariff category LT X (B) and concessional tariff at the rate of 7.32 should have been applied. Consumer filed application to respondent utility for modification and change of tariff category from LTII (B) to LT X (B). After receiving the said application as per request of consumer he demanded refund of different arrears already paid by him during the said period and request to apply the proper tariff. After receiving the said application the respondent utility followed the circular dated 21.06.2014 and earlier commercial Circular 175/ 2012. On dated 25.07.2016 the respondent utility visited the premises and check the meter accu-check and found that premises use for the school situated under the name as scared high School and propose change of tariff to LT X (B) since the date of inspection onwards. Thereafter initially the consumer approach to IGRC cell and made complaint on 15.09.2016. After receiving the said complaint IGRC registered the case 102/2016-17. On dated 23.11.2016 opportunity was given to the respondent utility for hearing. The respondent utility submitted that the category is change as per LT II B to LT X (B) from the date of application 30.06.2016. On dated 16.01.2017 respondent utility reply was heard and opportunity was given IGRC gave decision on 16.01.2017 directing the utility to change and apply proper tariff from the date of application. However the prayer of refund

of difference of arrears was not considered since June 2012. The IGRC gave finding to calculate the different from the date application 30.06.2016 and accordingly the effect was given .Being dissatisfied with the order of IGRC the present consumer approach to the Forum and filed application in form no. 'A' .Consumer pray that IGRC not considered all the aspect of registration of School as an educational institute having valid licenses also IGRC not considered Circular commercial 175/2012 to 05.09.2012 and not followed proper guideline issued by MERC and not followed the Circular dated 21.06.2014. Consumer prays for availing of electricity duty and refund of access duty amount tariff difference since June 2015. After filing the said complaint on 15.09.2016 notice was issued to the respondent utility. After service of notice respondent utility appeared and filed reply on dated 24.01.2017. Respondent utility submitted that the said consumer was billed LT II (B) tariff. The grievance filed by consumer for refund excess amount collected as Vashi Circle in IGRC Case. 104/2016 .As per commercial Circular 175 MERC referred in case No. 90/2012 new tariff category was introduce falls LT X public service with come into LT X (A) 0 to 20KW and LTX(B) for 20 to 50 KW the said category is applicable in educational institute amount the other various public purpose. Now the consumer applied the change tariff accordingly since date of application 30.08.2016. The respondent utility submitted on 25.07.2016 as per exhibit 'c' the activity was confirming by visiting site and as per direction given by IGRC the tariff is already change and bill issued in the month December 2016 and Jan. 2016 showing change of tariff category and adjustment of tariff unit benefit already given form the effect of 30.06.2016 the amount Rs.60215/- credit was given in next

billing cycle and therefore the relief which is paid by the consumer already given now question of refund of back arrears does not arise as claim by the consumer since August 2012. Therefore consumer complaint liable to be dismissed with cost.

2. I have perusing the rival contentions of consumer and respondent utility, it appears that the present dispute raised by the consumer for application of proper tariff admittedly the consumer filed application before the respondent utility authority on 04.07.2016 and requested for change of tariff category properly in view of commercial circular dated. 05.09.2012. The utility considered the said issue and granted appropriate tariff after visiting the site and verification of activity. The report made in inspection note dated 25.07.2016 and change of category propose to LT(X) LT X (B) to the institute situated on the given address. It further appears to the Forum that the relief which was claim by the consumer already given by IGRC in the order. But giving effect retrospectively rejected by the IGRC. Therefore the present consumer filed this complaint in normal course the respondent utility should have been followed the circular issued time to time and made give compliance it appeared that 05.09.2012 and letter dated 21.06.2014 both direction of commercial circular not followed by utility in this case. The application improper tariff was continued till application of made by consumer dated 04.07.2016. To my view the respondent utility not justified in denying refund of earlier deposited amount by this consumer under wrong head category LT II (B). This fact was never verified by respondent utility at appropriate stage.

3. Considering the prayer of consumer the back effect should have been given from 05.09.2012 effect of this circular. It is necessary for me to mention that thereafter new tariff category was introduced in June 2015 and application of proper tariff even as per revised tariff order the consumer did not approach to the Forum at proper time and made application on 04.07.2016. The respondent utility is also equally responsible for keeping eyes close on application of wrong tariff of the premises till fact to come to their knowledge generally it should not have happened as the working and billing of the premises should have been regularly watched. I gave opportunity to respondent utility official to explain this why retrospective refund of arrears was not adjusted and I found the reason given by respondent utility is in proper form normally when revised tariff is implemented with guideline it should be followed by respondent utility officer properly and lack of not following circular and direction resulted in reason of grievance for the consumer. In this case the revised tariff effect required to be suffered by M/s. Sacred High School educational institute and therefore in the fair interest of justice I found equal balance should be done. Therefore I am inclined to allow claim of consumer and grant him refund of difference of arrears calculated from LT II B to LT X(B) at the rate of 7.32 instead of 10.20 not from the date of application but it should be from the date of revised tariff June 2015. Hence the consumer complaint is allowed. I proceed to pass following order.

ORDER

1. The consumer complaint 124 is allowed.
2. The respondent utility shall calculate difference of revised tariff from LT II (B) to LT X (B) and give the difference from June 2015.

3. The prayer of consumer to give the effect from August 2012 is beyond the period of limitation and cannot be considered.

4. The difference calculated from June 2015 to 30.06.2016 amount credit should be given to the consumer is future bill.

No order as to the cost.

Proceedings closed.

Both the parties are informed accordingly.

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

Note:

1) If Consumer is not satisfied with the decision, it may proceed within 60 days from 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**