

(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/143/0046

Date: 09.05.2017

Case No. 147/2017

Hearing DT:21.04.2017

In the matter of proper Tariff and refund of amount already deposited

Shri. Shrikant K. Raje

Raje X Ray C wing Gokale R.D

Thane

- Applicant

Vs.

M.S.E.D.C.Ltd., Thane Power House 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 V. Hatkar - Consumer Representative

C - On behalf of Respondent

Shri. Umesh S. Lele Addl. Executive Engineer, Thane Power House, sub division.

Consumer No.4000170389 CL5.15Kw category 37LT X B 0-20KW

1. Above named consumer filed this complaint before IGRC stating that respondent utility not applied proper tariff to the premises occupied by him and used for the purpose of X-ray clinic. Consumer pray that supplementary bill issued to the consumer since August 2012 should be charge as per proper tariff LT X (B) public utility services. Initially consumer filed grievance before IGRC thereafter IGRC registered the case No. 24/2016. Opportunity was given to the consumer and respondent utility for hearing on

23.12.2016 and on 19.01.2017. IGRC pronounce the judgment directing consumer entitled to received change of category from LT II commercial to LT X(B) from the date of change of tariff June 2015. It is mention by IGRC that respondent utility attended the hearing but not submitted the reply in writing. Being aggrieved by the order of IGRC present consumer approach to this Forum and filed complaint in schedule 'A' on dated 01.04.2017. After filing the complaint notice was issue to the respondent utility and after service of notice respondent utility field reply on 31.04.2017. It is contention of respondent utility that return application is received for change of tariff form consumer mention that the supply is used for Medivision Diagnostics Centre. Consumer also produces document along with application for change of tariff. Respondent utility submitted that the change of tariff is applicable from next billing cycle.

I have perused all the document filed by consumer and respondent utility which was place before the Forum was minutely seen by us after perusing the rival contention of consumer and respondent utility following point arose to our consideration to which I have recorded my finding to the point further reason given below

- a. Whether consumer is entitled for change of tariff with effect from august 2012.
- b. Whether consumer is entitled for any relief.

Reasoning

1. I have given opportunity to the consumer and his representative who appears before the Forum for hearing. I also gave opportunity to Add. Executive Engineer to appear for respondent utility and the dispute was heard. The dispute raised by the consumer application of the proper tariff instated of LT commercial the proper tariff should be applied 73 LT X (B) for utility services. Consumer further requested to grant relief from august 2012. Respondent utility received for application of tariff for earlier period consumer filed document certificate of registration issued by Municipal Corporation dated 25.02.2010, earlier copy of bill dated 13.08.2016 reflect that for the said premises earlier the bill category was made 52 LT II commercial 3 phase 20 KW to the premises and consumer was regularly paying the said bill . Accordingly to respondent utility consumer

never approach at earlier time for change of tariff category and made application in the month of August 2016. Therefore effect was given from next billing cycle as per circular issued by competent authority as per Regulation No.4.13 (b) which reads as under *“Change of tariff shall be effected within the next billing cycle on receipt of application”*.

2. I have peruse dispute raised by the consumer the bill revision in similar case order pass by this Forum in case of M/s. Harshali willingness, Kolshet Sub division effect was given form June 2015 to Sep. 2016 that is the date of application of new tariff and change of category permitted . It is apparently clear that respondent utility was directed to verify the said premises and apply proper tariff even then the respondent utility waited for filing application by consumer only after date of application made initially before Additional Ex. Engineer. It is surprising to find out that respondent utility failed to give any reply in writing but only resisted registered the claim. The effect of change of tariff to LT II commercial to LT X (B) category public utility service already effected which is shown in the bill of December 2016. I therefore verified the said dispute on merit accordingly to me consumer entitled to have effect of change of tariff since June 2015 and therefore instated of giving effect from the date of application next billing cycle as respondent utility failed to perform the duty properly. The consumer should not be without relief for earlier period therefore I come to conclusion the consumer is entitled to effect of change of proper tariff on date of application of new tariff June 2015. Therefore respondent utility directed to reassess the bill already issued to the consumer as per commercial rate and shall apply to proper tariff under LT X (B) from the date June 2015. The prayer of consumer giving effect from August 2012 is not legal and not maintainable as subsequent tariff came in effect the Forum cannot call back to give benefit of earlier tariff since August 2012. Hence the prayer of consumer cannot be granted stands rejected. However in the proper line on the merit I found consumer complaint liable to be allowed. Hence I proceed to pass following order.

ORDER

1. The consumer complaint 147/2017 is partly allowed.
2. The respondent utility hereby directed revise and reassess the bill form June 2015 instead of date of application.
3. The extra amount calculated shall be adjusted in future bill.
4. No interest and DPC shall against the consumer.

No order as to 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)

**DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP**

**ANIL P. BHAVTHANKAR
CHAIRPERSON
CGRF, BHANDUP**

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

