

**(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.

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REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/143/0048

Date: 09.05.2017

Case No. 148/2017

Hearing DT: 21.04.2017

**In the matter of about application of wrong tariff and correction from August 2012**

**M/s. Mumbra CT Scan Centre**

- **Applicant**

**Vs.**

**M.S.E.D.C.Ltd., Mumbra 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. Hemant V. Hatkar - Consumer Representative

**C - On behalf of Respondent**

Absent

**Consumer No.000551040941dt of connection 11.10.2007 CL-20KW category**  
**under 52LT II A**

1. Above named consumer received bill in the month of 09.09.2015 charging commercial tariff for amounting Rs. 41700/-. After receiving the said bill consumer raised objection for the said bill and demand claiming the bill under LT II commercial to his establishment. According to consumer his running CT scan, X-Ray, Diagnostics centre on given address own and occupied Dr.

Shrikant K. Raje. Consumer prays that as MERC directives the establishment should have been applied proper tariff under LT X (B) Public utility since August 2012 and charge the bill instead of commercial LT II for his establishment. Initially consumer approach to IGRC and filed this grievance in Schedule 'X'. thereafter IGRC gave opportunity to the consumer and registered the case No.27/2016 on dated 23.12.2016 opportunity was given to the consumer and his representative for hearing on dated 19.12.2017 .IGRC directed respondent utility to verify legal document and actual use of premises and change the proper category applicable from LT II commercial to LT X (B).In this case respondent utility failed to file any reply and therefore the decision was made by IGRC on 19.01.2017. Being aggrieved by the said order of IGRC present consumer complaint in Schedule 'A' on 24.03.2017. consumer pray that since the MERC directive the establishment CT scan diagnostics centre run by Dr. Shrikant Raje is use for public utility services and therefore with effect from August 2012 the tariff should be applied and refund of excess amount bill paid, consumer also pray to take proper action against the erring officer for not up gradation of tariff according to tariff category introduce August 2012 and other suitable relief.

2. After filing this grievance notice was issued to the respondent utility on 31.03.2017 thereafter service of notice respondent utility appeared and filed reply and submitted that the said consumer is running establishment name and style M/s. Mumbra CT scan Centre. Since December 2016 as per directive the bill of November and December 2016 is modify the tariff as per direction of IGRC. It is submitted by respondent utility that consumer not filed proper document about the establishment and the certificate for registration of CT scan Centre and therefore consumer is not entitled to charge appropriate tariff since August 2012.

3. 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.
- Whether consumer is entitled for change of tariff for LT II commercial to LT X(B) public utility services August 2012
  - Whether consumer is entitled for any refund.
  - Whether consumer is entitled for any other relief.

### **Reasoning**

4. I have given opportunity to consumer and his representative who appears before the Forum for hearing. I also gave opportunity to Additional Executive Engineer, Thane-III, Mumbra Sub Division the dispute was heard by this Forum heard. In this complaint consumer change of tariff since introduction of tariff category by MERC since August 2012. It is necessary for me to mention that registration certificate which is prepared and filed by consumer is dated 17.09.2013. Therefore contention of the consumer his entitled for change of tariff from August 2012 cannot be entertained and allowed.
5. It further appears to the Forum that as the consumer as the receiving the bill charging wrong category LT-II Commercial rate but he did not filed any document or other application in format before the respondent utility office at appropriate time. When the dispute is raised about application of proper tariff this complaint is filed by the consumer making objection for LT II commercial tariff. According to me the respondent utility official should have been visited the premises randomly or periodically as per direction of SOP services authorities and therefore consumer was prevented from getting appropriate tariff to his establishment charge for the bill and at outstate when no representation and application is made by consumer there is no source of information available to respondent utility office for change of tariff unless consumer made any

grievance. However considering the earlier view of already express by this Forum in various judgment the category change as per tariff applicable recently in June 2015 in other decision order pronounced by Forum retrospective recovery cannot be made applicable similarly no case of refund and application of proper tariff could be arise and therefore I found justification in raising grievance by the consumer and he entitled to applied tariff under LT X(B) as CT scan Diagnostics Centre falls under the category of LTX (B) public utility services and therefore appropriate tariff since June 2015 shall be made applicable and accordingly the excess amount is collected earlier should be adjusted in future bill applying proper tariff. Hence I am inclined to allow the complaint of consumer and proceed to pass following order.

### **ORDER**

1. The consumer complaint 148/2017 is allowed.
2. The respondent utility hereby directed to apply LT X (B) tariff to the occupation premises of consumer since June 2015. The excess bill recovered charging commercial tariff should be adjusted in future bill. The prayer of consumer applying tariff since August 2012 stands rejected.
3. 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**