



(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/01/0085

Date:19.06.2017

Case No. 01/2017

Hearing Dt.09/05/2016

In the matter of refund of extra amount collected from year 2012 charging LT II commercial tariff public service in premises and change of tariff category from LT II Commercial to LT X

Dr. Aashi Dhawan, Ashish Phadke& Rupali Kalher

Sector -15,Vashi

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) Absent

**Consumer No.000488025601, 000488025651,000488025635 LT commercial to
Public service LT X**

1. Above named consumer received bill in the month December 2015 charging LT II commercial single phase 1 Ph<20 KW power supply since year 20 April 1994 CL- 6.9KW SL- 6.9KW. Above said consumer occupation in the premises plot No.51, Sector 15 Vashi different shop occupied by each of the consumer mention shop No. 7, shop No. 01 and shop no. 03. The consumer after giving the said bill filed application to the respondent utility officer requesting changing the tariff from LT II commercial LT X Public service as the premises is occupied by consumer and use for the purpose of government recognize dispensary. They are registered Dr. Association Mumbai .As per commercial circular No. 175 Consumer prays the tariff should have been charge to the premises by utility from 01.08.2012 as public services LT X. However the consumer filed application on date 30.10.2016 and gave information to the respondent utility change of tariff required to be as per public utility LT X thus no action is taken. Consumer pray for refund of excess amount since August 2012 with 12% interest payable on the amount on the section 56(2) of EA.2003. Initially consumer filed grievance before IGRC on 27.09.2016. Opportunity was given to the consumer and representative by IGRC registering case No. 116,117,118/2016 on dated 20.03.2017 IGRC pass an order allying on the complaint on the consumer and change of tariff as fall required under LT X from the effect of date of application. Being aggrieved by the said order of IGRC consumer pray that he is entitled to get refund of difference excess amount claim by utility since 01.08.2012 and other appropriate relief. Consumer attach copy of the bill, copy of inspection report dated 25.07.2016. Respondent utility was given

opportunity by issuing notice after filing the said complaint before this Forum. Respondent utility appeared and filed reply stating that the consumer made application for change of tariff category on 25.02.2016 after receiving the said application for premises was inspected and already the tariff was change from the date of application. Respondent utility submitted that though a tariff was introduced by Circular No.175 did. 05.09.2012 the consumer failed to inform to respondent utility no retrospective difference of recovery can be claim by consumer with interest. Respondent utility pray for dismissal of complaint with cost stating the relief already given to the consumer from the date of application as per circular next billing cycle effect already given.

2. After perusing the rival contentions of consumer and respondent utility, following points arose for our consideration to which I have recorded my finding to the point further reasons given below
 - 1] Whether consumer is entitled for refund of difference excess amount since 2012 with 12% of interest under section 56(2) I.E.A.2003
 - 2] Whether consumer is entitled for any further relief.
 - 4] What order?

Reasoning

3. I have given opportunity to the consumer and his representative Mr. Suraj Chakraborty as well as Nodal Officer, add. Executive Engineer, Vashi sub division. It appears from the record that the connection obtained to the shopping complex under the category of LT II commercial signal phase <20KW. However the separate consumer number and establishment of consumer agreement copy and application was not filed at appropriate time even circular No.175 is issued by utility on 08.09.2012. Therefore respondent utility was not aware and inform about the right to change the tariff

appropriate suitable to the premises. As no certificate or establishment licensee produce to the respondent utility officer. The fact came the knowledge of respondent utility only after giving application more specifically on the date of spot inspection 25.07.2016. The premises as mention in the report occupied by each of the consumer used for government recognizes dispensary. It necessary for to me mentions that to 15 June 2015 the public private hospital also included in the category of LT X (B) as public utility services. Therefore appropriate tariff should have been change after random verification of bill section consistently issue the bill under the wrong tariff category LT II commercial single phase <20KW and the bill was issue time to time

4. Under the Regulation and authenticate judgment pronounce in this matter no retrospective recovery entitlement of refund applicable to the consumer however I feel in appropriate cases the tariff should have been change as per direction in the circular 20.06.2015 when subsequent tariff is applicable and necessary change of tariff should have been initiated by respondent utility at their own. Therefore I come to conclusion consumer not to entitle for retrospective arrears of refund payable with 12% interest in view of section 56(1) I.E.A. 2003 this Forum already pronounce and granted relief in the similar case since 01.06.2015. Therefore in the present case also the tariff change should have been applicable since 01.06.2015 and the difference of arrears refund amount should have been benefit and credited in the future bill as the consumer by utility. I am inclined to partly allow the claim of the consumer and granted relief entitlement to change of tariff LT II commercial should be converted LTX (B) public utility services as premises is used under government recognize dispensary but the pray of refund of tariff difference 01.08.2012 can be granted. Hence, I proceed to pass following order.

ORDER

1. The consumer complaint 01/2017 is partly allowed
2. Consumer entitle for change of tariff from 01.06.2015 the difference of tariff refund amount shall be given credit in future bill of each consumer accordingly. The prayer of refund of tariff amount since 01.08.2012 stands rejected.
3. No order as to the cost.

Proceeding close.

Both the parties be 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