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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/28/211

Date:23.11.2017

Case No. 28/2017

Hearing Dt.06/09/2017

**In the matter of application of wrong tariff and refund of excess tariff recovered in bill**

M/s. Amarendra Choudhary and Sarita

- Appellant

(Consumer)

V/s

Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL)

Vashi 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**

Mr. Suraj Chakraborty – Consumer Representative

**C - On behalf of Respondent**

Shri. R.S. Rathod, Addl. Executive Engineer, Vashi Sub Division.

**Consumer Numbers 000481668468**

1. Above named consumer filed this complaint against the respondent utility office stating that the said premises is used for the purpose of hospital since 01.04.2017 and he regularly paying the bill without any default and the consumer receiving the regular bill there was no complaint error in meter reported and the bill was consistently paid by consumer.

2. It is submitted by the consumer representative of respondent use to visit monthly and inspected the record for the purpose of recording actual meter reading which is raised in the bill for electricity consumption months to months.
3. It is submitted that the premises occupied by the government registered dispensary/ Pathology lab appellate to doctor of association of Mumbai there having registration and the permission from authorized government. According to consumer the date of connection 28.11.1987. It is submitted that by consumer from the date of connection appropriate tariff should have been applied by respondent utility as per MERC guideline and commercial circular by respondent utility MSEDCL the appropriate is in concessional tariff under the category of public services LT(X) but since 01.08.2012 respondent utility not charge the bill as per appropriate tariff as per public services those it is mention in office circular 175 the action of chagrin wrong tariff contrary to the circular and that in law . Consumer submitted that the bill which is paid as per LT II commercial to the premises charge by the respondent utility till April 2017 excess amount is recovered from consumer. Therefore consumer approach to the respondent utility and filed application on 23.02.2017 and 18.04.2017 instated of charging the tariff under commercial from June 2015 till date but no response make to the said letter and therefore except recovery bill charging commercial tariff recovered and paid by the consumer needs to be refunded .
4. It is submitted that the said refund is applicable from date of enforcement of order tariff 2012 towards public service utility instated of commercial tariff which was made applicable is wrong and improper therefore consumer pray for refund of the said amount with interest. Consumers relied on the MERC guidelines tariff order 2008 and 2012 and pray for taking action under section 142 and 146 of I. E.A. 2003 for non compliance of commission order. Consumer prays for appropriate tariff form August 2012 and refund of excess paid bill amount with interest of 12% per years under section 62(6) of I.E.A. Initially the consumer approach to IGRC and made the grievance .IGRC gave opportunity of hearing 20.06.2017 to both the parties. On dated 17.07.2017 IGRC pass order in favour of consumer directing respondent utility to apply proper tariff from the date of application and further

directed to adjust the amount since recovery bill should be adjusted in the further bill.

5. Being dissatisfied with the order of IGRC 17.07.2017 this consumer approach to the Forum and filed this grievance. After file the said grievance notice was issued to the respondent utility. After service of notice respondent utility appeared and filed reply on 27.09.2017. It is submitted by respondent utility by Dr. Amarendra Choudhary and Sarita is the consumer having consumer no.0000481668468 filed representation regarding change of tariff with retrospective effect. The date of application as mention the said connection was earlier given for commercial purpose by respondent utility MSEDCL and the date of power supply mention 28.11.2017. It is further submitted by respondent utility as per circular 175 dated 16.08.2012 referred in the case of 19/2012 new tariff category LT X public service came into force 0 to 20KW and 20 to 50 KW category. The tariff category to hospital and dispensary centre pathology lab amount other various public services the category was subsequently change from LT II B to LTX(B) as per application of consumer dated 23.02.2017 and 18.04.2017. It is submitted that the assistant Engineer of subdivision inspected the premises on 07.03.2017 and confirm the activity situated in the premises is dispensary only. Hence the tariff changes from LT II B form LT X (B) in next billing month May 2017 onwards. It is further submitted by respondent utility that on hearing dated 20.06.2017 the order of IGRC and complaint application of consumer was allowed and respondent utility applied proper tariff as per order from the date of application of consumer even the action was taken in view of the order for adjustment of excess bill paid by the consumer from retrospective effect and the tariff difference from the date of application is calculated. It is submitted by respondent utility that the refund from the date of August 2012 not applicable to the consumer .Hence consumer complaint liable to be dismiss with cost. Respondent utility attach copy of inspection note dated 08.03.2017, copy of registration certificate and application made by consumer of time on 23.2.2017.
6. I have perused all the document filed by consumer and the respondent utility.

After perusing the entire document and the nature of dispute considered following point arose for our consideration to which I have recorded my finding to the point for the reason given below

- I. Whether consumer is entitled for application of change of tariff form LT II B to LTX (B) since august 2012.
- II. Whether consumer is entitled for refund of excess tariff difference amount recovered by utility with interest of 12 %.
- III. What order?

### Reasoning

7. I have given opportunity to the consumer and Representative Mr. Suraj Chakrabourty appeared before the Forum on date of hearing. It appears that wrong tariff charge against the consumer LT II commercial on the basis of earlier connection which was acquired under the category of LT II commercial. The consumer himself submitted that he was regularly paying the bill and there was no complaint. The complaint first time made by the consumer on 23.02.2017 and informs to the utility change of tariff category is required however in the said application no proper documentation was submitted neither the application was made in proper format along with document. Therefore on 18.04.2017 subsequent application is made following all due procedure and attach the document registration certificate issued to the consumer by competent authority Navi Mumbai Municipal Corporation. As per the certificate it is reveal that the date of registration dated 01.04.2015 and date of issued is certificate is 20.05.2016 it means that the certificate was not available at earlier time neither it was produced to the competent authority for taking necessary action for change of appropriate tariff.
8. Respondent utility relied on spot inspection report dated 11.03.2017 and activity of public service falls under hospital category is confirm and after receiving the said report in subsequent bill the tariff category was change accordingly. The dispute raised by the consumer in which claim the application of appropriate tariff since August 2012 as per circular No.175 commercial circular issued by competent authority referred in case No. 19/2012 .

9. It is pertaining to note that the instead of the said circular cannot be awarded to the consumer as registration and establishment of unit was not in existence prior to the date of issuing of certificate 20.05.2016. The certificate itself give date 01.04.2015 and therefore the application of proper tariff according to me instead of LT II B commercial a shall be change into LT X(B) as public utility hospital purpose since application of new tariff introduced this category to first time private hospital included in LT ( X ) B from LT commercial with effect from 01.06.2015.
10. After perusing the order of IGRC the effect which was give form the date of application of consumer appears to be wrong and incorrect as it is duty of respondent utility official to visit the premises and verify the activities by periodically inspection as per guidelines of MERC but no action properly taken by utility. To my view for the no action taken by respondent utility consumer should not suffer. On minute consideration given to the claim of consumer to appropriate tariff since August 2012 at claim and pray for the refund cannot be awarded as new tariff made applicable from 01.06.2015 and private hospital category was introduced for application of LT X (B) tariff. Therefore I am inclined to give the benefit to the consumer from effect form new tariff order dated 01.6.2015 and respondent utility directed to calculate to said difference of tariff amount accordingly. Instead of giving refund of the said amount the respondent utility at said liberty to adjust the amount in future bill in equal monthly instalment till the amount is refunded. It may be shown and reflected in future bill. Hence I am inclined to allow the claim of consumer and proceed to pass following order.

#### **ORDER**

- The consumer complaint 28/2017 is allowed.
- The respondent utility directed to change the category LT II B into LTX (B) public services from 01.06.2015.
- The difference of excess bill amount recovered of tariff difference shall be adjusted in future bill. Rest of the prayer made by the consumer cannot survive.

Both the parties should be informed accordingly.

Proceeding closed.

The compliance should be reported within 30 days.

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