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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/244

Date: 07.12.2017

Case No. 42 /2017

Hearing Dt.05/12/2017

In the matter of Change of Tariff and excess amount refund, Interest on Security Deposit and issue TDS certificate

Dr. Kishor Chitnis

- (Consumer)

Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL)

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.

B - On behalf of Appellant

Mr. H.V.Hatkar

– Consumer Representative

C - On behalf of Respondent

Shri. Mr. Umesh S. Lele, Addl. Executive Engineer, Thane Power House Sdn.

Consumer No.4 00000160529 B.U.4757 power House CD- 60KVA SL-48KW date of connection 01.01.1987

1. Above named consumer received the bill up to July 2017 issued by respondent under the tariff 70 LT II B. Consumer after receiving the said bill raised grievance on 25.06.2017 informing to the utility that they are same occupying said premises for hospital and as per MERC directive appropriate tariff insteated of LT II B commercial the consumer should have been charge LT X (B) public and charitable hospital purpose entitled to received the said bill. Consumer also made grievance not crediting interest on Security Deposit since year 2000 up to 2017 and also not received TDS certificate at the end utility and pray for taking suitable action for

non compliance of directive and appropriate proceeding against the respondent utility. Initially consumer approach to IGRC by filing application and complaint in Schedule 'X' on dated 31.07.2017. After receiving the said application IGRC registered the Case No.38/2017 on dated 22.09.2017 opportunity was given to the consumer and utility for the hearing and on 9/20/ 2017 IGRC pronounce judgment and order in favour of consumer directing utility to change the tariff from Sep. 2015 in the category of LT X public service and refund the said amount within the period of 1 month along with interest as per bank rate. IGRC also directed to give credit interest on SD for the above said period if not credited after verification of CPL and IT record. IGRC also directed to issue TDS certificate. Accordingly the copy of judgment given to the consumer.

2. Being dissatisfied with the said judgment and order of IGRC on 31.10.2017. Consumer approach to this Forum and pray that the tariff should have been applied as per MERC direction from year 2012. Consumer also pray that interest @ 9% should be paid for not crediting interest on SD amount. Consumer also further pray for issuing TDS certificate for above said period. After filing the said grievance before this Forum on 31.10.2017 notice was issued to the respondent utility on 16.11.2017. After receiving the said notice respondent utility appeared and filed reply on 05.12.2017. Respondent utility inform to the Forum that as per order of IGRC the tariff has been change form LT II commercial to LT II (B) public utility services from August 2017. Accordingly B-80 is prepared and sent for approval to higher authority interest on Security deposit financial year 2016-17 amounts Rs. 6793.74/- is credited to consumer in bill of June 2017 remaining interest of SD for year 2011-15 amount Rs. 18379/- has been credited in to consumer bill up to Oct. 2017 and accordingly bill revision was prayed in 2016 from the month Sep. 2011. Respondent utility also submitted that TDS certificate was prepared and forwarded to the consumer vide official letter dated 04.12.2017. Hence compliance of IGRC order is already made. However the grievance raised by the consumer claiming benefit from applicable tariff 2012 as per MERC direction cannot be extended as category introduced since June 2015. Hence respondent utility pray for dismissal of complaint with cost.

3. After perusing rival contention of consumer of respondent utility following point arose for our consideration to which I have recorded my findings to the point for the reason given below
 - a) Whether consumer is entitled for change of tariff since June 2012 as per MERC direction.
 - b) Whether consumer was entitled interest on SD since year 2000-2017 with 9% interest.
 - c) Whether consumer is entitled for obtaining TDS Certificate from 2000-2017.
 - d) Whether consumer is entitled for any relief.
 - e) What ordered?

Reasoning

4. Respondent utility filed bill revision report and copy of bill changing tariff in the month of November 2017. The grievance is raised even after decision of IGRC it appeared that consumer was dissatisfied awarding change of tariff since the date of application submitted by him on 25.06.2017. Consumer provides copy of nursing home registration certificate issued on 08.06.2015 along with copy of degree MBBS and other document previous bill. Respondent utility submitted reply and bill revision report I have perused the same. As per contention of respondent utility main grievance of consumer is already resolved and complied by respondent utility. Monetary benefit for crediting interest on SD amount 6793.74 & 18379/- is already credited in the bill of consumer and consumer was given benefit. Appropriate direction to issue TDS certificate already given to the concern utility office by letter date 04.12.2017. Therefore only grievance remains to be considered before this Forum granting benefit of change of tariff since June 2012. In application itself the consumer pray for change of tariff since June 2015 in view of date of Nursing Home registration certificate issued on 08.06.2015 the change of tariff should have been given. MERC given to further direction to clarify the category of public charitable hospital private nursing home in the tariff of September 2015 and therefore proposal was sent to higher authority for approval to effect change of tariff since September 2015. Accordingly the IGRC authority acted in appropriate way to give benefit since sep. 2015. The prayers of consumer grant relief from June

2012 cannot substantiate as the tariff introduced in September 2015 itself by clarification order and effective date is not prior to September 2015. This Forum passes various orders on this issue which was considered in all similar case. According to me in this case also the effect of change of tariff should be from September 2015 is appropriate and proper granting interest of IGRC already granted interest as per bank rate and therefore the calculation was made and effect was given. There is no substance in granting further appropriate relief to the consumer as order of IGRC already complied. Hence I found no further point raised by the consumer to modify and change of IGRC order. Hence I am not inclined to grant any further relief except to confirm change of tariff from September 2015. Rest of the relief already complied. Hence no further order accordingly the grievance of the consumer stands disposed off no order as to the cost.

ORDER

1. The consumer complaint 42/2017 is stands dispose of accordingly.
2. No order as to the cost.

Both the parties should be informed accordingly.

Proceeding close.

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)

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

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