

A Govt. of Maharashtra Undertaking)  
CIN : U40109MH2005SGC153645

PHONE NO. : 25664314/25664316  
FAX NO. 26470953  
Email: [cgrfbhandupz@mahadiscom.in](mailto:cgrfbhandupz@mahadiscom.in)  
Website: [www.mahadiscom.in](http://www.mahadiscom.in)

Consumer Grievance Redressal Forum  
"Vidyut Bhavan", Gr. Floor,  
L.B.S.Marg,Bhandup (W),  
Mumbai – 400078.

---

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

Date

Case No. 65/2016

Hearing Dt.24.08.2016

**In the matter of LT commercial tariff To LTX and refund of excess amount**

**M/s Deepali Construction**

**- Applicant**

Vs.

**M.S.E.D.C.L., Vikas Complex, Sub Division.**

**- Respondent**

Present during the hearing

A - On behalf of CGRF, Bhandup

1) Shri. Anil Bavthankar, Chairman, CGRF, Bhandup

2) Shri.Ravindra S. Avhad, Member Secretary, CGRF, Bhandup.

B - On behalf of Applicant

1) Shri.Hemant Hadkar

- Consumer Representative

C - On behalf of Respondent No. 1

1) Sri. G.M.Patil, Addl. Executive Engineer, Vikas complex, Sub Division.

**Consumer No.400000090539 date of connection 01.011987, connection load - 6.90KW, sanction load 6.90KW category LT II commercial 3 phase 20KW**

1. Above named consumer filed this complaint against respondent utility for claiming excess bill for 29 months and application of wrong tariff when premises is actually used for Hospital purpose. It is contention of consumer on 24.07.2015 consumer received bill for amounting Rs. 8, 93,290/- for the period August 2015

till the 24.07.2015. The bill which is received for the period April 2013 to July 2015 for 28 months accumulated unit 73976. After receiving the said bill consumer approach to Vikas Complex Sub division and raised the dispute stating that this consumer was partly involved in photo edit scan case and the bill issued by respondent utility for charging unit 1384 per month when meter was showing regular consumption. According to consumer the respondent utility cannot charge accumulated bill for the period of 24 month in view of section 56(1) of E.A. 2003. But issuing of average bill and application of wrong tariff was substantial loss of revenue with the respondent utility for which responsible officer should be went with inquiry and punishment according with Rule. Accumulated bill issued for great in justice with the consumer and unnecessary financial burden on him to pay the accumulated arrears bill Rs. 8, 93,290/- which is exorbitant and not as per provision of law. Consumers pray that in the month of April 2012 MERC order 121/2015 create special category for private hospital and apply tariff. In spite of the said direction the respondent utility not followed direction properly and cause loss of revenue to MSEDCL for considerable long period of 28 months. Consumer pray for compensation of Rs.5000/- and penalty and also request to take proper action against erring officer. Consumer also requested to impose compensation of M/s. Pradip electrical that photo meter agency liable for the said loss. Consumer pays no interest and DPC and accumulated charges bill should be recovered from him.

2. Initially consumer approach to IGRC cell and filed complaint before IGRC which is registered Case no 136/2016 on dated 15.03.2016. IGRC gave opportunity to both the party and hearing was taken on dated 09.05.2016. IGRC cell pass order on the complaint of consumer directing accumulated bill only for 24 month under section 56(2)& inquiry should be held against employee responsible for blockage of revenue as per rules and regulation of MSEDCL. IGRC order that

calculation of bill of revised tariff and access amount deposited if any or consumer should be adjusted in next billing cycle. No interest and penalty shall be charge to the consumer.

3. Being this satisfied with the order of IGRC consumer approach to this Forum and filed this complaint which is registered by the Forum Case No. 65/2016. Consumer pray that consumer is entoleted for appropriate tariff and should be charge LT X B 10 category as the premises is use for Hospital purpose. Consumer pray that accumulate unit for 29 months 73796 which is charge by utility in the month of July 2015 onwards is not proper consumer pray that appropriate tariff should be applicable the premises and grant compensation and take appropriate action against the officer and also requested to refund of excess amount of deposited. The complaint is filed by Dr. Tanuja Gokhale with Representative. Consumer attached copy of IGRC decision, copy of agreement executed between Dr. Khirsagar and Dr.Rohit Ramesh Gokhale, copy of registration, nursing room registration Act dated 16.012.2015, copy of bill issued by respondent utility appropriate tariff extract for year 2013 to 2015-16 in case No. 121/2014 decided by MERC and pray to grant relief.
4. After the case registered by this office. This office notice was issued to the consumer and respondent utility. After service of notice respondent utility appeared and filed this Para wise reply stating that as per order of IGRC dated 09.05.2016 bill revision was done and revised bill was issued in the month of May 2016 onwards in August 2016 without charging interest and DPC. Respondent utility submitted that M/s. Deepali Construction is original consumer applied for connection and release under commercial tariff the premises is obtained by this consumer Dr. Tanuja Gokhale who started clinic on 10.03.2016. Therefore since that day the tariff was change to LT X B public service and

assessment corrected bill accordingly was charge as per IGRC order in the moth March 2016. Consumer is liable to pay the said bill as per IGRC order. This complaint filed by consumer is not tenable appropriate relief was already given. Respondent utility pray for dismissal of consumer complaint.

5. After perusing the contention and objection raised by the consumer and after hearing & the reply of utility following point arose to our consideration. To which we have recorded our finding to the point for the reason below.
  - 1) Whether respondent utility entitled to recover the bill as per commercial rate tariff from this consumer.
  - 2) Whether consumer entitled to claim the appropriate tariff since the effect of date of registration of hospital.
  - 3) Whether consumer is entitled for any relief.

### **Reasons**

6. On dated 24.08.2016 this Forum gave opportunity to the consumer and his representative and also respondent utility appears through Executive Engineer Nodal Officer before this Forum. The issue was consider by this Forum as found the document submitted by consumer agreement is registered by this consumer Dr. Joyti the claim effected from date of registration of this document prior to this date this consumer never inform to respondent utility nor made any application for change of appropriate tariff . The terms and condition executed by occupant Dr. Tanuja Gokhale admittedly on record entitled to claim the relief when the agreement is registered form that date only. Therefore prior to this date application of hospital tariff question does not arise.
7. The consumer was issued the bill for charging on 8,93,290/- for claiming difference of unit 73976.

8. It is contention of respondent utility that bill revision report filed by utility dated 20.08.2015 state that B-80 is circulated and minus bill effect was given without charging other charges to this consumer. Earlier bill revision indicates that respondent utility act first instance issued accumulated bill for 29 months. The earlier tariff was charge as original consumer M/s. Deepali Construction obtains this connection to the premises under 04 LT II commercial 3 phase load 20KW. subsequent change in occupation as stated by consumer first time approach to the respondent utility official when accumulated bill was issued and therefore charging tariff as per revise tariff order in case 121/2014 direction issued by MERC including category of LT X B which is public service category included covering private hospital also and therefore respondent utility justified giving relief to the consumer not actually form the date of effect of revised tariff order. But to my view the effect should be given form date of registration of agreement and filing the necessary certificate. Before the respondent utility office in appropriate Performa. The issue of accumulated bill for 29 months charge by respondent utility is absolutely illegal and not in accordance with provision of 56(2) of E.A. 2003. The relief already given by IGRC stands of held. The respondent utility can calculate accumulated bill only for 24 months restricted to period of the date of agreement and actual benefit of the application of change of tariff shall be effect form date of execution of agreement only.
9. It appears form the agreement also part of the premises is used for running medical shop situated in the same premises. Therefore actual unit used for medical shop should be charge as commercial tariff remaining unit used for hospital purpose should have been charge only under the revised tariff category LT X LT public service proper application of tariff and bill should be revised accordingly.

10. I found the contention of consumer the premises is actual used for hospital purpose when original consumer obtain this connection under the commercial tariff category. And therefore in absence of failure to give proper information and no application for change of tariff earlier submitted to the respondent utility office. Consumer not entitled for earlier period .In this circumstances I found the consumer grievance should be allowed partly of form considering the actual calculation submitted by respondent utility needs appropriate calculation further. Consumer entitled for change of tariff to the premises form the date of registration of document effected form 06.02.2013 onwards in spite of no earlier information was given to the utility. After considering argument of both site. i found earlier the premises is occupied in the name of M/s. Deepali construction but subsequently occupation purpose is change in view of execution of agreement in the name of this consumer Dr. Tanuja Gokhale. Therefore this consumer who occupied liable pay the charges application of LT public service tariff used premises for hospital purpose and accordingly since the date of agreement revised bill should be calculated by application of proper tariff. Hence I am in client to partly allow the claim form consumer and proceed to pass following order.

**ORDER**

1. The consumer complaint No. 65/2016 is partly allowed.
2. The respondent utility directed to change the tariff under the category of LT X B LT public service premises used for Hospital effected from the date of execution of agreement and issued revised bill without charge interest and penalty.
3. The respondent utility instructed to take appropriate action against erring officer who responsible to loss of revenue. Excess bill if found deposited by the consumer shall be refund with 9% interest to the consumer. Part of the claim by

consumer stands rejected. Accumulated bill issued by respondent utility earlier illegal stands set aside. No compensation shall be payable.

Proceeding close.

Note:

1) If Consumer is not satisfied with the decision, he may file representative 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**

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

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