

(A Govt. of Maharashtra Undertaking)

CIN : U40109MH2005SGC153645

PHONE NO. : 25664314/25664316 Consumer Grievance Redressal Forum

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Email: cgrfbhandupz@mahadiscom.in L.B.S.Marg, Bhandup (W),

Website: www.mahadiscom.in Mumbai – 400078.

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

Date

Cases Nos. 541, 542 & 543 Hearing on date, 24/06/2014

In the matter of application of proper tariff

M/s. Shree Balaji Builder & Developers - Applicant

Versus

M.S.E.D.C.L., Thane Circle - Respondent

Before:

1. Shri S.K. Choudhary, Chairman, CGRF
2. Dr.Smt. Sabnis, Member, CGRF
3. Shri. Z.B.Khan, Member / Secretary CGRF

Present

On behalf of Applicant

1. Shri B.R. Mantri , Consumer Representative.

On behalf of Respondent

1. Shri.V.S.Patak, Executive Engineer, MSEDCL Thane Urban Circle

ORDER

Passed on this date 11/07/2014.

Preamble:

Hearing scheduled on this date is about case No.541, 542 & 543 in respect of M/s. Shree Balaji Builders & Developers having address at, Lake city Mall “B” ,S.No. 125/1, Kapurbavdi Junction, Majivada, Thane. The said consumer is having three HT

connections for different purposes at the above address & has filed the grievance of similar nature about them. The details are as below,

- 1) H.T. Consumer No. 000019026690 for common utility purpose (Case No. 541);
- 2) H.T. Consumer No. 000019026670 for EL Multiplex (Case No. 542) ;
- 3) H.T. Consumer No. 000019026680 for PantaloonRetail India Ltd. (Case No. 543)

In view of similar grievance the consumer representative requested to conduct the proceeding of all the three cases together. Similar request was made by the representative of MSEDCL. The forum accepted their request. Accordingly proceedings were held on 26.06 2014. & on 11.07.2014.

Brief Summary of the case:-

MSEDCL has provided HT power supply to the above three connections in respect of M/S ShreeBalaji Builders & Developers at Lake city Mall "B" ,S.No. 125/1, Kapurbavdi Junction, Majivada, Thane. The consumer representative stated that MSEDCL had sanctioned the above three connection on non-continuous basis as per the initial application for supply, & therefore they should have been billed as per HT-II M (non-continuous) tariff instead of present HT-II E . The applicant has relied upon the order passed by CGRF Nagpur in a similar case of consumer M/s Orange City Alloys Pvt. Ltd Nagpur. He has argued that in tariff order , applicable from 1 st. June 2008 , there are two conditions for charging HT-I. Continuous tariff that – Industry is to be connected on express feeder & such industry has to demand continuous supply. As, he has never demanded continuous supply, therefore HT-I. Continuous tariff is not applicable in his case. The consumer representative prayed to the forum to direct MSEDCL to change the application of tariff code from HT-II E to HT-II M for billing to the above three connections .

The respondent MSEDCL has stated that above three connections is supplied electricity on 22 KV Sandoz I feeder, which is emanating from EHV Color-chem. sub station. The said feeder is an incoming source to 22 /11 KV Bayer India sub station. It is load shedding free & as such supplying electricity for 24 Hrs X 7 days. In view of the fact that the consumers are availing the benefit by getting continuous supply application of HT-II continuous tariff to them are appropriate. The utility

other said that the matter of this consumer, being of unusual type, was referred to the commercial section of Head Office. Accordingly the Chief Engineer (commercial) Prakash Gad had given following directions vide letter no. PR-3/Tariff/05528 dt. 17/02/2014.

- A) The permission of change in tariff category from HT-II Commercial (Express Feeder) to HT-II Commercial (Non Express Feeder) is not granted to above said consumers.
- B) If the consumers want to avail Non Express Category supply by way of separate feeder and for which all expenditure towards infrastructure will be borne by said consumers.

The respondent has further told this decision also was conveyed to the consumer & accordingly he should comply with it.

The applicant was firm on his demand to change the tariff code from HT-II Express to HT- non-continuous.

Having heard the arguments both sides the Forum has noted following facts.

- 1) Incorrect application of tariff by MSEDCL came in to the notice of the consumer in & around the month of June 2013.
- 2) MSEDCL had committed mistake by applying continuous tariff despite the fact that the consumer had applied for non- continuous load & the same had been sanctioned by MSEDCL.
- 3) The consumer had enjoyed the benefit by getting continues power supply.
- 4) The consumer has not demanded any refund on account of change in application of the tariff.

ORDER

The utility should correct the application of tariff by changing form HT –II E-2, HT –II N-II with effect from immediate next billing cycle & should submit the copy of the compliance of the above order to the Forum within one month period from the date of this order.

No order as to cost.

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 on 19th July 2014.

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.

DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP

S. K. CHOUDHARY
CHAIRMAN
CGRF, BHANDUP

Zafar B.Khan
MEMBER SECRETARY
CGRF, BHANDUP

