

**Consumer Grievance Redressal Forum
Maharashtra State Electricity Distribution Co. Ltd.
Bhandup Urban Zone, Bhandup**

Ref. No. Member Secretary/MSEDCL/CGRF/BNDUZ/

Date:

Case No. 517

Hearing Dt. 06/01/2014

In the matter of proper applicability of Tariff

M/s. Garrison Engineers - Applicant

Vs.

M.S.E.D.C.L, Bhandup Sub Division - Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri. S.K. Choudhary, Chairman, CGRF, Bhandup.
- 2) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Applicant

- 1) Shri. Kishor Patil - Consumer Representative.
- 2) Shri.P.J.Rao

C - On behalf of Respondent No. 1

- 1) Shri. N.R.Songire , Dy. Executive Engineer, Ishwar Nagar, Sub Division
- 2) Mrs. S.A. Katavkar.

M/s. Garrison Engineers is a High Tension consumer under Sr. No. 022929001820 having sanctioned load of 1440 KW with sanctioned demand of 910 KVA at NAVAL DOCKYARD, NCH Colony LBS Marg, Kanjurmarg (W) Mumbai- 78.

According to the available record consumer was billed under HT-VI Tariff of "Bulk supply group Housing Society and Commercial Complex".

As per the Tariff order for year 2012- 13 the consumer is billed at the rate of Rs. 4.82/unit for Residential load but the rate charged of Rs. 10.45/unit for load of Commercial Complex which should have been of Rs. 8.21/unit.

The facts were brought to the notice of utility by complainant vide letters dated his 9th November 2012, 7th December 2012, 11 January 2013, 5th April 2013, 7th August 2013 7th May 2013. The Respondent also admitted that higher tariff is been charged to the Commercial Complex and need necessary correction. The Respondent had persued the matter to the Head Office for getting approval for application of proper Tariff; but till date got no reply from the Head Office.

On behalf of complainant Shri. Kishor Patil was present. According to him this consumer falls in the category of HT- VI being "Bulk supply group Housing Society and commercial Complex". but utility charging higher tariff of Rs. 10.45/unit which is applicable to the Commercial HT consumer under HT-II. He produced the correspondence made in last 17 months for necessary correction of tariff. He prayed for immediate change in tariff category to HT-VI and necessary correction of difference of tariff along with interest, Delayed payment charges levied in the bill.

M/s Garrison Engineers has filed this complaint before Forum for discrepancy in the bills.

By filing this complaint the consumer has prayed for relief in the form of rectification of per unit rate from Rs. 10.45/KWH to Rs. 8.21/KWH (HT VI tariff)

It is submitted by the consumer that MSEDCL had taken up the matter with CE Commercial, vide letter no 932 dated 26/02/2013 for considering the Commercial tariff of HT VI (Rs. 8.21/KWH) for Commercial (Defence Complex) load.

But till date, no intimation has been received by the consumer, from CE Commercial.

Utility appeared before the Forum and has filed its written say dated 3/01/2014.

In this say MSEDCL has submitted that:

1] Consumer was charged Rs. 3.72/KWH for Residential Group Housing and to Rs. 6.30 /KWH for Commercial Complex as per Tariff Order 2010-11.

Thereafter, as per circular of 2012-13, this consumer is now being charged Rs. 4.82/ KWH for Residential Group Housing which is correct.

But the charge levied at the rate of Rs. 10.45/KWH for Commercial Complex is incorrect, and it should have been charged at the rate of Rs. 8.21/KWH.

It is also submitted by the utility that necessary correspondence has been started with the head office in this regard, and immediately on receipt of instructions from the head office, Bandra, necessary changes will be made in the tariff rate.

Thus it is crystal clear from this submission that this consumer is being charged at the rate of Rs. 10.45/KWH instead of Rs. 8.21/KWH.

The Forum feels it prudent to allow this complaint and give relief in the form of

- 1] Change in the tariff rate from Rs. 10.45/KWH to Rs. 8.21/KWH for Commercial Complex.
- 2] Refund of excess payment made in the form of credit in the subsequent bills, along with interest at the RBI approved rate on the excess payment made, from the corresponding dates of payments.

ORDER

- 1] Complaint no. 517 is allowed
- 2] MSEDCL is directed to Change in the tariff rate from Rs. 10.45/KWH to Rs. 8.21/KWH as applicable in the tariff category of HT-VI for Commercial Complex.
- 3] The DPC and interest charged for non-payment of arrears with this tariff category dispute should be waived off.
- 4] The tariff different charged due to its wrong applicability should be waived off from date of its application.
- 5] MSEDCL is directed to refund of excess payment made, if any in the form of credit in the subsequent bills, along with interest at the RBI approved rate on the excess payment made, from the corresponding dates of payments.

No order as to cost.

Both the parties should be informed accordingly.

On request of complainant the date of hearing was postponed twice and hence time limit of sixty day could not be observed.

Compliance should be reported within 60 days.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 28.01.2014.

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.

DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP

S. K. CHOUDHARY
CHAIRMAN
CGRF, BHANDUP