

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

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

Date

Case No. 384

Hearing Dt. 15/06/2011

In the matter of bill dispute

M/s. Dalal Engineering

- Appellant

V/s.

MSEDCL, Kolshet S/Dn., Thane

- Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri R.M Chavan, Member Secretary, CGRF, Bhandup.
- 2) Dr. Mrs. Archana Sabnis, Member, CGRF, Bhandup.

B - On behalf of Appellant

- 1) Shri A.K. Bidnur - Consumer representative

C - On behalf of Respondent

- 1) Shri P.M. Hundekari, E.E. (Adm., Thane.)
- 2) Shri D.M. Jadhav, Law Officer.
- 3) Shri S.D. Gaikwad, Dy. Ex. Engr.

1) M/s. Dalal Engineering Pvt. Ltd. filed the present complaint on 21/02/2011 which was registered as case no. 384. The matter was heard on 02/08/2011.

2) The grievance of the consumer is that the electricity bills for the period between Nov-2009 to Dec-2009 as well as April 2010 to Aug 2010 were charged at dual rate of tariff i.e. industrial and commercial which is not proper in view of M.E.R.C. tariff order dated 01/12/2003, the consumer moved to the department for correction of the bills, however, no cognizance was taken by the utility.

3) The consumer moved to IGR cell, accordingly order was issued vide SE/ TUC/ IGRC/602 dt. 14/02/2010. Billing was corrected from Oct. 2010, no previous refund was considered.

Applicant Say: -

On the behalf of consumer Shri A. K. Bidnur was present to represent the case as narrated by him, the HT connection was released in year 1965 and before the commissions tariff of Dec 2003. The utility was used to charge them on dual tariff i.e. to industrial unit by HTP-1 and other unit read by sub meter by commercial tariff. However the same matter was filed in this Forum in year 2006 and vide order no. Secretary/ MSEDCL/ CGRF/ BNDUZ/ 118 dt. 21st July 2006 Forum directed to the utility to reverse the commercial tariff to industrial and refund of recovered excess charges.

He further stated that the utility has again charged them on commercial tariff read by sub meter for the other section of industrial premises.

He added that the utility charged on dual rate for the period Nov 2009 to Dec 2009 and April 2010 to August 2010. However the matter was brought to the notice vide letter dt. 17/09/2010 by appellant for correction & refund of excess recovered charges as per MERC tariff order dt. 01/12/2003.

Utility Say: -

On behalf of utility Shri P.M. Hundekari Ex. Eng. (Adm.) present along with Shri Jadhav Jr. Law officer to represent the case (hereinafter will referred as to the Respondent) he stated that according to the tariff order dt. 01/12/2003 the tariff of the recorded consumption by sub meter is reversed from Oct. 2010. However it is not clear in the tariff order whether earlier paid charges has to be refunded.

Observation: -

The matter was heard on 02/08/2011.both the parties were present. It is observed by the Internal Grievance Cell that the utility is convenience that the other section of the industry should also be billed with industrial tariff and not at commercial rate and hence has corrected it from Oct. 2010. However the grievance remains is for refund of excess recovered charges i.e. tariff difference from Nov. 2009 to Dec 2009 and April 2010 to August 2010 where consumer was charged partly consumption with industrial rate and partly with commercial.

Forum feels that when utility is satisfied that it has been wrongly converted from industrial to commercial rate, then there should be no hesitation in refund of excess recovered charges. The tariff order dt. 01/12/2003 is very much clear and the other directives of the utility's head office also revealed that the tariff difference collected for the above

grievance period of Nov. 2009 to Dec 2009 and April 2010 to August 2010 should be credited in the consumer's bill.

Forum therefore is directing the utility to refund the excess recovered charges along with the interest as per RBI rate through the consumer's bill.

ORDER

- i) Application is allowed.
- ii) The excess amount charged by the opponent during the period between Nov-09 to Dec-09 and April-10 to Aug-10 be adjusted in the future bills along with interest thereon.

No order as to cost.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 30/09/2011.

- 1) If Consumer is not satisfied with the decision, he may go in appeal 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 go in appeal before the Hon. High Court within 60 days from receipt of the order.

DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP

S. D. Madake
CHAIRMAN
CGRF, BHANDUP

R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP