

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

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

Date :

Case No. 293

Hearing Dt. 15/10/2009

In the matter of wrong tariff

M/s. Rajendra Textile - Appellant

Vs.

MSEDCL, (TPL) Bhiwandi - Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri S.L. Kulkarni, Chairman, CGRF, Bhandup.
- 2) Shri R.M Chavan, Member Secretary, CGRF, Bhandup.
- 3) Mrs. Manik P. Datar, Member, CGRF, Bhandup

B - On behalf of Appellant

- 1) Shri Milind Gavankar, Consumer.
- 2) Shri Shakeel Ansari, Consumer Representative.

C - On behalf of Utility

- 1) Shri S.V. Kale, Ex. Engr./Nodal Officer. MSEDCL, Bhiwandi.
- 2) Shri C.B. Patil, Asstt. Accountant, MSEDCL Bhiwandi.

Preamble

Consumer registered his grievance with this Forum on 01/10/09 vide case no. 293. He was aggrieved with the decision of ICGRC vide letter no. SE/BWDC/Tech/ICGRC/case no.127/order no. 0019, dtd. 2nd of Jan 2008. The hearing was fixed on 15/10/2009. Both the parties were present during the hearing.

Consumer say :

Consumer is having power loom industry at H.No. C/17, Khoni, Bhiwandi with consumer no. 013542258661 (IP connection) with 20 HP sanctioned load and 25 HP connected load.

Consumer applied for the above electric connection in May 1997 for power loom purpose with 10 HP load. Accordingly it was sanctioned and two electric connections were released under consumer no. 013542258661 and cons. No. 01354133745. The two connections were clubbed during Sept. 2001 under cons. No. 01354225869. Prior to this clubbing the consumer was being billed as power loom consumer. However after Sept.-2001, he was getting bills under tariff of "other than power loom" which is much higher than power loom tariff.

Aggrieved with this he wrote a letter to utility in the year 2002, 2003, 2004 & 2005 to bill him on "power loom" tariff instead of "OPL" but utility did not take any cognizance of his grievance till March 2005. After rigorous follow up by the consumer, utility inspected his premise on 14/03/2005 and confirmed the use of premises for power loom. In view of this ICGRC, Bhiwandi passed an order to change the tariff from "OPL" to "PL" from 14/03/2005. Also ICGRC, Bhiwandi asked to transfer the S.D. amount of P.D. consumer no.

01354213745 to S.D. amount of existing live connection no. 013542258661 and revised the excess load penalty charged to the consumer as per the order issued by Ombudsman.

The Appellant further stated that the ICGRC should have ordered to give the effect of change of tariff from "OPL" to "PL" from Sept.-01 as it was brought to the notice of the Respondent utility in the year 2002.

During the course of hearing the Appellant requested Forum for details of the rectification of bill done by utility as per the order of ICGRC.

Prayer of the consumer :

- 1) To revise the bills as per the power loom tariff from Sept.-2001
- 2) To release the corresponding subsidy amount.
- 3) To furnish the details of revised bill made by utility as per ICGRC's order.

Utility Say :-

On behalf of Respondent utility, shri S.B. Kale (Nodal Officer Bhiwandi) and Shri C.B. Patil (Asstt. Accountant), Bhiwandi Circle were present during the hearing.

Shri S.V. Kale (E.E.) pleaded as under :-

On going through consumer record and his letter dtd. 26/03/03 received for the first time learnt that consumer no. 013542133745/5 has been clubbed with meter of cons. No. 013542258661/5 in the

month of August 2001. The consumer filed his dispute before ICGRC on 26/10/07, the case is itself time barred at the time of admission however, in order to rectify the wrong billing ICGRC has referred all relevant record and as no such record indicating the change of purpose has been found by ICGRC, they have correctly ordered change of tariff of consumer no. 013542258661 w.e.f. 14/03/05.

It is a fact that both the connections have been clubbed in Sept.-01 but it could not be confirmed from any available record whether the purpose of clubbed premises has been changed or not. The consumer has never disputed for nearly three years and as the inspection report dtd. 14/03/05 was only material record produced before ICGRC; the ICGRC has correctly ordered change of purpose from 14/03/05.

In view of above it is submitted that the remedy provided by the ICGRC was proper & it prayed as below :-

The consumer's claim may be rejected, as it is time barred.

Observations :

As per the grievance of the consumer and documents on records it is revealed that M/s. Rajendra Textiles (Shri Milind Govankar, Proprietor of the industry) got the two nos. of three phase electric connections for his power loom industry with 10 HP load. The two connections having consumer no. 012542258661 and 013542133745 were sanctioned for power loom purpose, which were clubbed by MSEDCL during Sept-2001 by permanently disconnecting the consumer no. 013542133745.

As per the consumer's say he was getting bills of power loom till 2001 for two meters in the premises. The utility had decided as a matter of policy to club these two meters into one. Prior to Sept.-2001, the utility had uniform tariff structure for 'power loom' and 'OPL'. Subsequently the tariff structure was distinguished between 'PL' and 'OPL' after Sept.- 2001.

On the request of the consumer the utility (MSEDCL) carried out the inspection on 14/03/2005 and the consumer was accordingly billed as power loom unit consumer from 14/03/2005. The utility passed on to him a credit of Rs. 260587.43 for a period of March 2005 to Jan-2007. This includes various factors such as waving of load penalty, interest thereon and tariff difference between 'PL' and 'OPL' for a period to March 2005 to Jan-2007. This credit was passed on to the consumer as per ICGRC order.

Now the consumer has come to the CGRF against the order of ICGRC on the point that the ICGRC and utility have granted him the tariff differential amount between 'PL' and 'OPL' for a period of March 2005 to Jan-2007 while his contention is that he had first applied to utility in 2002 for change of tariff with effect from 2001. In support of his say he has submitted Xerox copies of his correspondence made in utility in this behalf.

On careful scrutiny of the papers submitted by the consumer the only clear, legible copy of the application is dtd. 27/02/2003. The remaining papers submitted by the consumer does not clearly show the dates of his correspondence made by him to the utility prior to 2003. Hence CGRF is constrained to firmly believe that the

consumer's first application to the utility for the change of tariff was on 27/03/2003, which has been duly acknowledged by utility and action thereon, should have been taken immediately by utility. However the same has been taken from March 2005 onwards. Thus the consumer is entitled to get the tariff differential and incidental benefits entitled to him from 27/03/2003 onwards and utility is bound to grant it to him.

On perusal of CPL, it is observed that the Appellant consumer is irregular in making payments to the utility, For example he made one payment on 21/12/2001 and next payment was on 19/03/2004.

It is also observed that the utility after granting him credit of Rs. 260587.43 the consumer is till in heavy arrears of Rs. 482115/-.

Now with the CGRF's above decision if consumer fails to make payment, the utility is free to take lawful action.

ORDER

- 1) The consumer should be given tariff difference from 27/03/2003 onwards and necessary credit be passed to him observing subsidy amount if any.
- 2) The utility is at liberty to effect the lawful recovery of arrears from the consumer by following due process of law.
- 3) He is also entitled to get corresponding subsidy.
- 4) Compliance should be reported within a month to the Forum.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 3rd Oct. 2009.

Note : 1) If Consumer is not satisfied with this 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 this order, it may go in appeal before the Hon. High Court within 60 days from receipt of this order.

MRS. M.P. DATAR
MEMBER
CGRF, BHANDUP

S.L. KULKARNI
CHAIRMAN
CGRF, BHANDUP

R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP