



Consumer Grievance Redressal Forum, Kalyan Zone

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No. **K/E/978/1186 of 2015-16**

Date of Grievance : 20/01/2016

Date of order : 24/08/2016

Total days : 218

**IN THE MATTER CASE OF GRIEVANCE NO. K/E/978/1186/2015-16 IN RESPECT OF HOTEL MAYUR, U. NO.1, SHEET NO. 38 ( P ) , NEAR NAVJEEVAN BANK, ULHASNAGAR-03, DIST THANE PIN CODE 421 003 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING REFUND OF DIFFERENCE BETWEEN NON CONTINUOUS AND CONTINUOUS TARIFF.**

Hotel Mayur,  
U. No.1, Sheet No.38,  
Near Nav Jeevan Bank,  
Ulhasnagar -03, Pin Code 421 003,  
Dist.Thane.

(Consumer No. 021519021550) ..... (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution  
Company Limited  
through its Nodal Officer,

MSEDCL, Kalyan Circle-II, Kalyan .... (Hereinafter referred as Licensee)

Appearance : - For Licensee- Shri Thete –AEE Ulhas/III S/dn.  
Shri R.A.Joshi- Asst. Accountant.

For Consumer- Shri Rajput.

Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003 (36/2003). Hereinafter for the sake of brevity referred as 'MERC'. This Consumer Grievance Redressal Forum has been established as per the notification issued

by MERC i.e. “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006” to redress the grievances of consumers vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is referred as ‘Regulation’. Further the regulation has been made by MERC i.e. ‘Maharashtra Electricity Regulatory Commission. Hereinafter referred as ‘Supply Code’ for the sake of brevity. Even, regulation has been made by MERC i.e. ‘Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply & Determination of Compensation) Regulations, 2014.’ Hereinafter referred ‘SOP’ for the sake of convenience (Electricity Supply Code and other conditions of supply) Regulations 2014’.

2] Consumer had made an application to the Licensee for change of tariff category from HT IIC to HT-IIN on 16/11/2015 for his premises namely M/s. Hotel Mayur.

3] Vide letter dtd 17/12/15 Licensee Superintending Engineer Kalyan Circle-II intimated the consumer that the Competent Authorities has considered his request for change of tariff category from HT II continuous to HT-II Non continuous to his premises namely M/s. Hotel Mayur. The Licensee further assured the consumer that the effect of the same will be reflected in his bill from the month of January 2015.

4] The grievance of the consumer is that the Licensee is charging him as per the rate Rs. 11.15 instead of Rs. 10.62 whereas for the hotels situated at malls and for Mulund hotel, the Licensee is

charging at the rate of Rs.10.62. Consumer objected for this discrimination.

5] Consumer also requested the Licensee to take into consideration the difference between the above two rate i.e. Rs.10.62 and Rs.11.62 and refund the excess amount recovered by the Licensee with interest.

6] On receiving this grievance it's copy along with accompaniments sent to the Licensee vide this Office Letter No. EE/CGRF/Kalyan/025 dated 20/1/2016. The Licensee appeared and filed their reply on 8/2/16. Licensee have stated that:-

- I] M/s. Hotel Mayur is a HT consumer having connection from 2/11/2002.
- II] Consumer has made an application for change of tariff category from HT-II C to HT-II N.
- III] In view of the provision of Regulation 9.2 of SOP Regulation the tariff category of the consumer is changed from HT-II C to HT-II N from January 2016.
- IV] However, in Representation No.66/2014 to 100/14 in the matter of M/s. Ganesh Foundry Pvt Ltd, Kolhapur and also Representation No.112/14 dtd 16/12/14 the Hon'ble Ombudsman has not considered the prayer of consumer regarding refund of tariff difference.

7] It also pleaded by Licensee that the said matter be rejected as it is time barred in the light of Clause 6.6 of MERC Regulation 2006, and also as the grievance application is not maintainable as in view of the above facts.

8] We have gone through the record kept before us and also heard the arguments advanced by both the parties and we are of the view that:

- i] Though Licensee has given the effect of change of tariff from HT-II C to HT-II N to the consumer from the bill of January 2016,

Licensee have not adjusted the excess amount recovered from the consumer by applying HT-II C tariff though consumer was following-up with the Licensee in this regard.

ii] We have gone through the letter kept on record by consumer dated 16/11/15, however Licensee failed to take cognizance of the same till January 2016.

iii] Licensee submitted in their reply and oral arguments that Hon'ble Ombudsman has not directed the Licensee/respondent to refund the differential amount collected by consumer (Licensee). However we have gone through the orders of Hon'ble Ombudsman and order of CGRF kept on record and observed that the Hon'ble Ombudsman and CGRF have given clear directions to the Licensee to adjust the excess amount collected by Licensee (by applying HT II C instead of HT-IIN ) be adjusted in the ensuing bill and there is no ambiguity in our mind regarding the interpretation about the said order.

9] The consumer is also entitled for interest as per Clause 62 EA Act. from the date of his first application i.e. from 16/11/15 till the final adjustment .

10] Taking in to consideration, all the above points, we are of the opinion that grievance of the consumer be allowed.

11] This matter could not be decided within time as the Forum has heard the grievance from both sides, however, in the meantime, the then the Executive Engineer-cum-Member Secretary has been transferred. Moreover, this Forum is functioning in absence of regular Chairperson and regular Member Secretary, the present Member Secretary in charge is discharging the additional work of

Chairperson along with the regular work of Member Secretary from 28/6/2016, in addition to his regular portfolio as Executive Engineer Enquiry MSEDCL for Kalyan Region.

Hence the order.

**ORDER**

- 1] Consumer's grievance application is hereby allowed.
- 2] Licensee is directed to work out the excess (differential ) amount recovered by Licensee by applying wrong tariff from 16/11/15 till rectification of the mistake i.e. December 2015. Licensee is directed to refund the amounts by way of adjusting in the next ensuing bills.
- 3] Licensee is also directed to work out the amount of interest [as per RBI rate] from the date of consumer's first application i.e. from 16/11/15 till December 2015 by cheque to the consumer.
- 4] Compliance of this order be done within 45 days on receiving the Order and it's report be submitted to the Forum within 60 days from the date of receiving this Order.

Date: **24/8/2016.**

( Mrs.S.A.Jamdar)  
Member  
CGRF,Kalyan

(L.N.Bade)  
Chairperson-cum- Member Secretary  
CGRF,Kalyan.

**\*\* ( In the sitting of Forum, the Chairperson is not available. As per MERC Regulations (2006), Clause 4, the technical member shall be the Chairperson of such sitting in which Chairperson is not available and hence in the present case, the technical member performed the role of Chairperson of the Forum ).**

**NOTE**

- a) The consumer if not satisfied, may file representation against this order before the Hon. Ombudsman within 60 days from the date of this order at the following address. .

*“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”.*

- b) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or

- c) delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” at the following address:-

“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”

- d) It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.

