



**CONSUMER GRIEVANCE REDRESSAL FORUM
M.S.E.D.C.L., PUNE ZONE, PUNE**

Case No.36/2015

Date of Grievance : 20.10.2015

Date of Order : 08.12.2015

In the matter of recovery of arrears due to change in tariff category.

Mrs.Sarika Ashok Dhoshi,
Flat No.2, Sangam Bldg.,
S.No.20/2, Punnyainagar,
Dhankawadi, Pune - 411043.
(Consumer No.170684905263)

Complainant
(Herein after referred to as Consumer)

Versus

The Executive Engineer,
M.S.E.D.C.L.,
Padmavati Division,
Pune.

Respondent
(Herein after referred to as Licensee)

Quorum

Chair person
Member Secretary
Member

Mr. S.N.Shelke
Mr. D.H.Agrawal
Mr. S.S.Pathak

Appearance

For Consumer

Mr.Kishor B.Dhotre, Representative

For Respondent

Mr.K.B.Gorde, Ex.Engr.
Padmavati Division.
Mr.S.B.Kulkarni
Dy.Ex.Engineer,Padmavati Dn.

- 1) The Consumer has filed present Grievance application under regulation no. 6.4 of the MERC (CGRF & E.O.) Regulations 2006.

- 2) Being aggrieved and dissatisfied by the order dated 08.09.2015 passed by IGRC Rastapeth Urban Circle, Pune, for not giving SOP compensation, and refund from 2012 the consumer above named prefers this grievance application on the following amongst other grounds.
- 3) The papers containing the above grievance were sent by the Forum to the Executive Engineer, M.S.E.D.C.L., Padmavati Dn., Pune vide letter no. EE/CGRF/PZ/Notice/36 of 2015/296 dtd. 21.10.2015. Accordingly the Distribution Licensee i.e. MSEDCL filed its reply on 21.11.2015.
- 4) We heard both sides at length, gone through the contentions of the consumer and reply of the respondent and the documents placed on record by the parties. On its basis following factual aspects were disclosed.
 - i) Consumer namely Mrs. Sarika Ashok Dhoshi, having consumer No. 170684905263 was connected on 28.05.1987 in the tariff category Commercial.
 - ii) The consumer purchased the premises in the year 2012 and at that time the premises was billed under commercial tariff category.
 - iii) The consumer applied to Licensee for change in tariff category from Commercial to Residential (from LT-II to LT-I) vide application dtd.9.3.2015.
 - iv) The Licensee made a spot inspection of the premises on 25.6.2015 & thereafter sent the report to the Division Office on 27.7.2015.
 - v) The division office sanctioned the proposal of the consumer and change the tariff category from Commercial to Residential w.e.f. 25.6.2015 and communicated to Sub/dn. office Dhankawadi vide letter dated 7th Aug.2015.
 - vi) The consumer approached to IGRC, for refund of difference in tariff category from 2012 i.e. from the date of purchase of said house.

- vii) The IGRC though allowed the grievance, in respect of change of tariff category refused to give difference/refund of prior period of application for change in tariff category and the SOP compensation vide impugned order dated 8th Sept.2015.
- 5) The consumer representative Mr. **Kishor Dhotre** submitted that the consumer purchased the said house in the year 2012 and since that time usage was residential but Licensee used to issue bills as per Commercial tariff Category. The consumer was not residing in the house during the period from 2012 to 2014. The consumer applied to the Licensee for change in tariff category from Commercial to Residential vide application dated 09.03.2015. Now consumer came to know that the tariff category has been changed from Oct.2015 but consumer did not get refund or any adjustment in bill for difference about change in tariff category. Therefore he requested to get the difference from 2012 of tariff category i.e. from Commercial to Residential by way of refund or adjustment in the bills and also SOP compensation for not effecting the change in tariff category immediately after the date of application.
- 6) On the other hand, Mr. K.B.Gorde, the Ex.Engineer, Padmavati Dn. and Mr.Sandip B.Kulkarni, Dy.Ex.Engineer, submitted that the initially application dated 2nd Aug.- 2014 for change in name was filed by the consumer attaching thereto Pune Municipal Corporation non residential tax bill. Thereafter the consumer gave another application dated 4th Dec.2014 for releasing of new connection in the said premises and accordingly quotation was issued but the said consumer did not fill up the said quotation. Thereafter consumer made application dated 9th March 2015 for change in tariff category from Commercial to Residential. The said application was sanctioned and change in tariff category from Commercial to Residential was effected from Sept.2014. As per the order of IGRC difference in change in tariff category from the date of application i.e.from March-2015

to Aug.2015 amounting to Rs.2915.20 will be adjusted in the bill of Dec.2015. The demand of consumer for getting difference retrospectively to his application is illegal.

- 7) Following points arise for our determination. We give our findings thereon for the reasons stated below.

Points	Findings
1) Whether the consumer is entitled to get change in tariff category from Commercial(LT-II) to Residential (LT-I), if Yes, since when?	Yes, within the second billing cycle on receipt of Application.
2) Whether consumer is entitled to get SOP compensation? if Yes, what shall be the quantum of compensation?	Yes, Rs. 900/-
3) What Order?	As per final order.

8)

REASONS

Admittedly, the consumer gave application for change in tariff category from Commercial to Residential (i.e. from LT-II to LT-I) on 9.3.2015. The Licensee visited the premises of the consumer on 25.6.2015 and thereafter submitted report on 27.7.2015 to the Division office, Padmavati. The Exe.Engineer, Padmavati Division sanctioned the proposal of the consumer on 7.8.2015 allowing change in tariff category from Commercial to Residential w.e.f.25.6.2015 .

- 9) The Regulation no.4.13 of MERC (Standards of Performance of Distribution Licensees, period for giving supply and determination of compensation) Regulations, 2014 reads as under.

Change of name and change of tariff category:

4.13 The Distribution Licensee shall intimate the charges to be borne by an applicant for change of name and change of tariff category within (7) days of receipt of an application in this regard and shall give effect to it

within the following time limits:-

(a) Change of name shall be effected within the second billing cycle on receipt of an application and payment of necessary charges.

(b) Change of category for use of supply in reference of Tariff schedule shall be effected within the second billing cycle on receipt of application and payment of necessary charges.

- 10) Therefore as per above mentioned Regulation, the Licensee shall effect the change in tariff category within the second billing cycle on receipt of application. The consumer gave application for change in tariff category from Commercial to Residential on 09.03.2015. Therefore the tariff category of the consumer as mentioned above should have been changed within the next billing cycle i.e. in the billing month of April-2015. However, the Licensee changed the tariff category of the consumer w.e.f.25.6.2015. Therefore the consumer is entitled to get compensation as per SOP Regulations.
- 11) At the same time demand of consumer to change the tariff category from the year 2012 since the date of purchase of flat and has been consuming energy only for residential purpose is not as per the regulations. Moreover the consumer did not produce any evidence that she was using energy during the said period only for residential purpose.
- 12) Now as regards payment of compensation to the consumer as per SOP Regulations, the tariff category from Commercial to Residential should have been changed by the Licensee in the billing month of April-2015. But it was changed in the billing month of June.2015, more specifically from 25.6.2015. Therefore compensation prescribed as per SOP Regulations is Rs.100/- per week or part thereof. The said period calculates to of nine weeks. Therefore compensation works out to Rs.900/-. It is pertinent to note that the Licensee has mentioned in their say dated 21.11.2015 that amount of tariff difference amounting to Rs.2915.20 will be adjusted in the billing month of Dec.2015. Therefore the said difference amount has not paid to the consumer till date, though the change has been effected from 25.6.2015. Therefore consumer is

entitled to get interest on the above mentioned difference amount as per Bank rate vide section No.62 (6) of the Electricity Act, 2003.

13) The IGRC, RPUC, Pune has rightly held that the consumer is entitled to change in tariff category from the date of application i.e. from 9.3.2015 as per SOP Regulations No.4.13. However the IGRC, did not give compensation to the consumer as per above mentioned regulations and interest on difference amount as per provision of Section 62(6) of the Act. Therefore to this extent interference is required in the impugned order passed by IGRC. Hence we answer points No.1 & 2 accordingly.

14) Lastly we pass following order :

ORDER

1. Grievance of the consumer is partly allowed.
2. The Licensee is directed to effect the change in tariff category of the consumer from Commercial (04) to Residential (01) from the billing cycle of April-2015.
3. The Licensee to refund or adjust amount of tariff difference to the consumer along with interest equivalent to the Bank rate vide section 62(6) of the Electricity Act, 2003.
4. The Licensee to pay the compensation to the consumer as per SOP Regulations as worked out in Para No.11 above.
5. The licensee to report compliance to this forum within one month from the date of this order.

Delivered on: - 08.12.2015

Sd/-	Sd/-	Sd/-
D.H.Agrawal	S.S.Pathak	S.N.Shelke
Member/Secretary	Member	Chairperson
CGRF:PZ:PUNE	CGRF:PZ:PUNE	CGRF:PZ:PUNE

Note :- The consumer if not satisfied may filed representation against this order before the Hon.'ble Ombudsman within 60 days from the date of this order at the following address.

Office of the Ombudsman,
Maharashtra Electricity Regulatory Commission,
606/608, Keshav Bldg.,
Bandra Kurla Complex,
Bandra (E), Mumbai-51.