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Consumer Grievance Redressal Forum  
"Vidyut Bhavan", Gr. Floor,  
L.B.S.Marg,Bhandup (W),  
Mumbai – 400078.

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REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/ 61/444      Date: 17.04.2018

Hearing Date: 27.02.2018

CASE NO.61/2018

**In the matter of refund of tariff difference amount with interest**

**Mr. Vishwas D. Parulekar,**  
**Vikas Niketan, Plot 8/3A, Sector-6,**  
**Airoli, Navi Mumbai-400708.**  
(CONSUMER NO.000090341359/PC-3BU;4641)  
    . . . . (Hereinafter referred as Consumer)

**Versus**

Maharashtra State Electricity Distribution Company Limited  
through its Nodal  
Officer,  
Vashi Circle, Vashi  
    . . . . (Hereinafter referred as Licensee)

**Appearance : For**                      Shri. A.B. Chavan, JE, Airoli Sub Division.  
**Licensee**  
**For Consumer** – Mr. Pranab Shende - Consumer Representative.

[Coram- Shri A.M. Garde- Chairperson, Shri. R.S.Avhad -Member Secretary  
and Vacant - Member (CPO)].

1. 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. [Electricity Supply Code and other conditions of supply Regulations 2005] Hereinafter referred as 'Supply Code' for the sake of brevity. Even, regulation has been made by MERC i.e. 'Maharashtra Electricity.

2. Consumer herein is Mr. Vishawas Parulekar having consumer No. CONSUMER NO.000090341359/PC-3BU;4641Airoli Sub Division of MSEDCL. Grievance in that consumer's connection was released on 14.08.2004. consumer is LT connection running and prerating a hospital at the address Vikas Niketan, Plot No. 8/3A, sector 6, Airoli 400708, Navi Mumbai for which the Municipal authorities have given necessary permission under sec.5 of the Maharashtra (Bombay) Nursing Act 1949.
3. Consumer further submits that the MERC in due course vide tariff order dtd. 16.08.2012 in case No. 19 of 2012 as well as vide subsequent tariff orders categorised hospitals and nursing homes in public services.
4. Consumer further submits that he submitted request letter in the month of December 2016 to sub division office for change of category of tariff and for refund of tariff difference with interest.
5. There is no reply filed by D.L. in spite of Forum waiting for long.
6. We have heard both sides. Representative of D.L. assured to send reply at the earliest but no reply has been filed.
7. There is no dispute that Hospitals have been since 2012 categorised under the tariff public services. It is also not in dispute that in spite of that consumer was being charged under commercial tariff. Consumer produced certificate of registration from the year 2013. We have gone through the same.

1. The certificate merely shows registration of Ankur Maternity Home at consumer address. That does not ipso facto prove that maternity Home has been actually run since then. Even if it is presumed so, that alone is not sufficient. There is nothing on record to indicate that consumer had obtained connection specifically for maternity home or that D.L. had the knowledge that maternity Home was being run there with the supply and in spite of that after 2012 change in category D.L. applied wrong tariff. In such fact tariff cannot be applied retrospectively just as D.L. officials could not monitor/supervise the user retrospectively. D.L. has changed tariff as applicable as per 3.14 (B) (SOP).
2. Delay is because a quarry arose subsequently that consumer had not moved IGRC before approaching CGRF. Arguments were heard on that point. Also there is additional charge for Chairperson.
3. In the above view of the matter Grievance fails.

### **ORDER**

1. Grievance is dismissed.

The compliance should be report within 30 days.

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

#### **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, Keshav Building,Bandra - Kurla Complex, Bandra (E),Mumbai - 400 051"
- b) b) consumer, as per section 142 of the Electricity Act, 2003, can approach Hon'ble Maharashtra electricity Regulatory Commission for non- compliance, part compliance or

- c) Delay in compliance of this decision issued under" Maharashtra Electricity Regulatory Commission ( consumer Redressed Forum and Ombudsman) Regulation 2003" at the following address:-

"Maharashtra Electricity Regulatory Commission, 13<sup>th</sup> 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.

**I Agree/Disagree**

**ANANT M. GARDE  
CHAIRPERSON  
CGRF, BHANDUP**

**RAVINDRA S. AVHAD  
MEMBER SECRETARY  
CGRF, BHANDUP**