

**CONSUMER GRIEVANCE REDRESSAL FORUM  
M.S.E.D.C.L., Bhandup Urban Zone, Bhandup**

**Case No. 269/2018**

Date of Grievance: 19.12.2018

Date of Hearing : 05.3.2019

Date of Order: **EE/CGRF/BUZ/462dtd.26.11.2019**

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

Dr. Mangesh Mehta,

Shop No.02, Plot No.22, Sector-07,

Koperkhairne Navi Mumbai.

(Consumer No. 000220280233)

VS

The Executive Engineer, ----- Respondent

M.S.E.D.C.Ltd.,

Vashi Circle,

Vashi.

**Quorum:**

1. Dr. Santoshkumar Jaiswal, Chairman.
2. Shri. Mr. Ravindra Avhad, Member Secretary.
3. Mrs. Sharmila Ranade, Member.

**Present during the hearing:-**

**A] - On behalf of Appellant**

Mr. Suraj Chakraborty- Consumer Representative

**B] - On behalf of Respondent**

Mr. Shri. Sonkusale, Addl. Executive Engineer,

Koperkhairne Sub Division

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'.

2. This application is filed by the consumer for grievances against the Respondent company MSEDCL to correct the tariff and category and refund of the amount. Petitioner/Applicant is a LT Consumer of MSEDCL having Consumer No000220280233/PC-0, BU; 4753, Sanction load 15KW.

Applicant is providing health care facilities and has secured the power supply from MSEDCL for the purpose of providing health care facilities. The power supply is connected on 27.11.1996 and since then the Applicant is receiving regular energy bills without any error in meter or any complaint from the representatives of the respondent company (MSEDCL), who use to visit, inspect and record the reading of the energy consumption of the electricity, for raising energy bills and the Applicant were paying towards the energy bills raised by the respondent company (MSEDCL) from time to time without any default.

The Tariff is made applicable as per Tariff order issued by the commission from time to time. As per section 62(3) Electricity Act, 2003, tariff is based on purpose of use. Section 2(15) of the electricity act provides that the consumer means any person who is supplied with electricity for his own use. Similarly section 43 of the act also provides that distribution licensee shall give supply to the occupier of the premises, Dr. Mangesh Mehta, is the end user of electricity supplied by MSEDCL.

Therefore ,applicant claims that the Respondent be directed to change the tariff according to MERC orders which is applicable from 1st of June 2015. There the billing cycle of a consumer is different with respect to the date of applicability of revise tariffs , they should be made applicable for the consumption on a pro rata basis .The bills for the respective periods as per existing and revised Tariffs shall be calculate on the pro rata consumption ( Units consumed during respective period arrived at on the basis of average unit consumption per day multiplied by number of days in respective period falling under the billing cycle).

In this application applicant prayed for redressal of the grievances is respect to the non compliance of the tariff order issued by the commission for health

care services and its refund for 24 months which is eligible and entitle to the consumer along with interest and cost.

3. The Respondent appeared and filed their point wise reply that the consumer is billed in LT II tariff and the supply date 27.11.1996. As per commercial circular no. 175 dtd. 16.08.2012, the new tariff category LT-X for public services is come into force. The said tariff category is applicable for nursing home and various public services. Now, they said consumer has applied from change in category from LT-II to LT-X(B), vide their application on 17Jan2018. The tariff change is fed in system vide job No KK684 datd 11.02.2019 and It will effect in the next billing

It is further say that after verification of the activities, suitable change of tariff is applied form the date of application and as the activities prior to the application can't be ascertained, as 6.6 regulation the Forum shall not admit any Grievance unless it is filed within two (2) years from the date on which the cause of action has arisen the consumers prayed for refund by considering retrospective effect may be disallowed.

We have gone through the contents of the grievance application and also gone through the point wise reply submitted by the Respondent. It appears admittedly that there is commercial circular no 243 of MSEDCL that as per MERC tariff order dated 26.06.2015 in the case no 121 of 2014 that the date of revised tariff is applicable from 1st June 2015 and will continue till further orders. In this circular serial No.3 the separate category for Gov. school and hospitals are come under LT X ( A) and private and other category LT X( B) is made for other public services the applicability for this tariff shall be applicable to educational institutions such as schools and colleges, and Hospitals, Dispensaries, primary Health Care Centers and Pathology Laboratories and Libraries and Public reading rooms other than those of State or Central Government, Municipal Bodies, Zilla Parishads, Panchayat Samities or Gram Panchyat; all offices of Government/Municipal Bodies, Local Authority, local self Government, Zilla Parishad, and Gram Panchayat; Police Stations, Police Chowkies, Post offices, Defence establishments (army,navy and air-force), Spiritual Organizations which are service oriented, Railway/Monorail/Metro except traction, State transport establishments,; and State Transport Workshops, Transport Workshops operated by Local Authority, Fire Services Stations, Jails, Prisons, Courts,

Airports (only activity related to aeronautical operations), Ports, Sports Club/Health Club/Gymnasium/Swimming Pool attached to the Educational Institution Hospital provided said Sports Club/Health Club/Gymnasium/Swimming Pool is situated in the same premises and is primary meant for the students/faculty/employees/patients of such educational Institutions and Hospitals.

For the implementation of this circular as per serial no 4 the field officers are directed to ensure that where ever the tariff category is redefined or newly created by the commission, the existing / prospective consumer should be properly categorized by the actual field inspection immediately and the data to be immediately update in the IT data base.

All the field officer shall sensitize staff about various aspect of the tariff order and give proper guidance to all the officers and the staff members working under them. These are only important guidelines and for the actual implementation, the filed officers are requested to refer the detail order of MERC of 26.06.2015 in case of 121/2014.

4. We have heard both sides, and gone through the contents of the applicant and the report submitted by utility dtd. 12.02.2019 showing that the tariff was changed from LT Commercial to LT-X-B in M/s. Dr. Mangesh Mehta dtd. 01.02.2019.

It clearly shows that the applicant Dr. Mangesh Mehta is entitled for tariff of LT Public Service as they are using this connection for Medical Diagnostics Centre this tariff was allowed for the year 2015, but as per the recovery or refund provision of section 56(2) allowed to refund for 24 months only. Hence, applicant is entitled for refund of 24 months prior to filing of the application before the CGRF dtd. 19.12.2018 excluding the period of grant of relief that is from 11.02.2019. Hence, I proceed to pass following order.

#### ORDER

1. This application here by partly allowed.
2. The respondent entitled for refund of the amount exclusively paid in bill as a commercial tariff and utility hereby directed to refund the difference between commercial and LT-10-B from 19.10.2017 and adjust the refund amount in future bill.

3. No order as to the cost.
4. The Licensee is directed to report the compliance within one month from the date of this order.

**I Agree/Disagree**

**I Agree/Disagree**

**MRS. SHARMILA RANADE,  
MEMBER  
CGRF, BHANDUP**

**Dr. SANTOSHKUMAR JAISWAL  
CHAIRPERSON  
CGRF, BHANDUP**

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

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, 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.