

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

(Appointed by the Maharashtra Electricity Regulatory Commission
under Section 42(6) of the Electricity Act, 2003)

REPRESENTATION NO. 51 to 68 OF 2024


In the matter of application of wrong tariff category and its retrospective refund

| Rep. | Name of Consumer | Consumer No. |
|------|---|--------------|
| 51 | The Divisional Railway Manager Central Rly | 052020016787 |
| 52 | The. Supdt. of Central Railway, Bhusawal (Bsl) | 052020005050 |
| 53 | The Divisional Engineer, Central Rly | 052040001794 |
| 54 | Sr. Elec F C Bhusawal | 052310000728 |
| 55 | The Sr Circle Electrical Engr Central Railway | 052160000911 |
| 56 | The Div Supdt Central Rly | 049021831564 |
| 57 | The Superintendent, Central Railway, Bhusawal | 049021721882 |
| 58 | The Sr Divisional Engr Central Railway | 049084567468 |
| 59 | The Sr. Divisional Elct. Engineer | 049016641820 |
| 60 | The Divisional Electrical Engr.G | 049084026459 |
| 61 | The Divisional Elect. Engr. | 049710002036 |
| 62 | The Div. Electrical Engineer Central Rly | 049618002798 |
| 63 | Divisional Elect Engineer | 049718001063 |
| 64 | The Divisional Electrical Engineer | 049544001301 |
| 65 | The Central Railway Prawar Mandal | 049178003321 |
| 66 | The Sr Divisional Engr.General Bhusawal | 049350013481 |
| 67 | Divisional Elect Engr Central Rly | 073330006908 |
| 68 | The Divnl.Supdt. Cent.Rly | 083930000178 |

..... Appellants

V/s.

Maharashtra State Electricity Distribution Co. Ltd. Nashik Respondents
(MSEDCL Urban 1 & 2, Rural Div.)


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Appearances:

Appellant : 1. Sudipta Mukherjee, Ch. O.S. Bhusawal
2. Sachin Suryavanshi, MCM, Nashik

Respondents: 1. Hemantkumar Chaoure, Addl. Ex. Engr., Nashik Urban 1 Dn.
2. Umesh Patil, Addl. Ex. Engr., Nashik Urban 2 Dn.
3. Sachin Mali, Dy. Ex. Engr., Igatpuri Sub. Dn.
4. Sandeep Shinde, Dy. Ex. Engr., Ozar (R) Sub. Dn.
5. Nitin Loknar, Asst. Accountant, Nashik R Dn.
6. Hemant Bhuse, Asst. Accountant, Nashik R Dn.


Coram: Vandana Krishna (Retd. IAS)

Date of hearing: 18th August 2025

Date of Order : 25th August 2025

ORDER

These 18 Representations were filed on 14th July 2025 under Regulation 19.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2020 (CGRF & EO Regulations 2020) against the Common Order dated 28th April 2025 passed by the Consumer Grievance Redressal Forum, MSEDCL, Nashik Zone (the Forum). The Forum, by its common order, has rejected the grievance applications of the Appellants who represent various offices or divisions of the Central Railways. MSEDCL had not given the benefit of 'Public Services – Others' tariff to the Railways from 2012, when this category was created. This benefit was given only from 2021 after it came to the Appellant's notice, and it applied for change of tariff. The Appellant expects refund of the excess tariff recovered from 2012. . It was observed that the change in tariff category had been effected in February/March 2021, whereas the **Appellants approached the Forum only on 20.02.2025, i.e., after a lapse of approximately four years.** Accordingly, the Forum held that these grievances are barred by limitation under Regulation 7.9 of the CGRF & EO Regulations, 2020.


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2. The subject matter in these 18 representations are common in nature represented by Central Railway; hence, these eighteen representations are clubbed together for the purpose of a common order. A physical hearing in the matter was conducted on 18th August 2025, wherein the parties were heard at length. The Appellants' submissions and arguments are stated as below: *[The Electricity Ombudsman's observations and comments are recorded under 'Notes' where needed.]*

- (i) The Appellants are LT consumers of the Central Railway, a Public Sector Undertaking under the Government of India. The relevant details of the connections, including consumer numbers, addresses, dates of supply, locations, purposes, and the changes in tariff categories, are tabulated below:

Table 1:


| Rep. No. | Name of Consumer | Consumer No. | Address on Bill | Date of Supply | Location | Purpose | Month of Tariff Change (Public Services - Others) |
|----------|---|--------------|--|----------------|---|---|---|
| 51 | The Divisional Railway Manager Central Rly | 052020016787 | Ramraonagar Tal Igatpuri Nsk C1678 Ghoti Bk 422402 | 02.03.1987 | Railway Gate 80, Ghoti | Level Crossing Gate | April 2021 |
| 52 | The. Supdt. of Central Railway, Bsl | 052020005050 | Bhandardara Road Tal Igatpuri Nsk. C 505 Ghoti I 422402 | 03.08.1967 | Ghoti Railway Station | Station Manager Office ,Signal Office,Platform Lighting | March 2021 |
| 53 | The Divisional Engineer, Central Rly | 052040001794 | Tal Igatpuri Nsk. C 179 Manikkhamb 422402 | 14.09.1994 | Railway Gate 81 ,Manikkhamb Ghoti | Level Crossing Gate | April 2021 |
| 54 | Sr. Elech Fc Bsl | 052310000728 | C72 Padali 422403 | 10.01.1994 | Padli Railway Station | Station Manager Office ,Signal Office,Platform Lighting | March 2021 |
| 55 | The Sr Circle Electrical engr Central Railway | 052160000911 | Rail Bhusawal Pannel Cabin Aswali Tal Igatpuri (Nsk) Aswali 422403 | 01.11.2002 | Aswali Railway Station | Station Manager Office ,Signal Office,Platform Lighting | Feb 2021 |
| 56 | The Div Supdt Central Rly | 049021831564 | Bhusawal Railway Cabin At Sansari Village Deolali Camp 422401 | 27.07.1978 | Railway Gate 86, Deolali | Level Crossing Gate | March 2021 |
| 57 | The Supdt, Central Railway, Bhusawal | 049021721882 | Central Railway Bhusawal Deolali Camp Deolali 422401 | 20.04.1977 | Deolali Railway Station | Offices of Station Manager,SignalPlatform Lighting , Booking,RPF & GRP etc. | March 2021 |
| 58 | The Sr. Divisional Engr Central Railway | 049084567468 | Railway Cabin For Watchman G No 87 C,Deolali Gaon, 422401 | 27.04.1992 | Railway Gate No 87 | Level Crossing Gate | Feb 2021 |
| 59 | The Sr. Divisional Elct.Engineer | 049016641820 | Gno.121123 Palika Bazar Nr Bhaji Mrkt S'pur Rd Nashik 422007 | 12.04.2004 | Booking Office | Railway Reservation Office | Feb 2021 |
| 60 | The Divisional Electrical Engr.G | 049084026459 | Bhusawal Central Rail Gorewadi Rly Gate Bhsl, Nashik Road, 422101 | 01.08.1984 | Railway Gate No 90 Gorewadi Nashik Road | Level Crossing Gate | March 2021 |


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| Rep. No. | Name of Consumer | Consumer No. | Address on Bill | Date of Supply | Location | Purpose | Month of Tariff Change (Public Services - Others) |
|----------|--|--------------|--|----------------|-------------------------------------|--|---|
| 61 | The Divisional Elect. Engr. | 049710002036 | Lohsingve Nashik. C 203 Lohsingve 422101 | 01.07.1995 | Railway Gate No 84/A | Level Crossing Gate | June 2021 |
| 62 | The Divl. Electrical Engineer C Rly | 049618002798 | Station Lahvit Nashik At Microwave 422101 | 29.11.1998 | Micro Tower Lahvit | Micro Office (Signal) | March 2021 |
| 63 | Divisional Elect Engineer | 049718001063 | Railway Station Dist.Nashik Lohsingave, 422101 | 01.02.1998 | Lahvit Railway Station | Station Manager Office, Signal Office, Platform Lighting | Feb 2021 |
| 64 | The Divisional Electrical engineer | 049544001301 | G.N.305, Training Center R.P. F.Tal.Nashik, Dist.Nashik Chadegaon 422101 | 16.06.2006 | RPF Training Center, Samangaon | RPF Training Center | Feb 2021 |
| 65 | The Central Railway Prawar Mandal | 049178003321 | Odha Nashik S.No 422101 | 01.06.1998 | Odha Railway Station | Station Manager Office, Signal Office, Platform Lighting | Feb 2021 |
| 66 | The Sr. Divisional Engr.General Bhusawal | 049350013481 | Gate No.93c/(A). C 1348 S' Pimpri 422101 | 23.08.1994 | Railway Gate No 93/C, Saiyyd Pimpri | Level Crossing Gate | March 2021 |
| 67 | Divisional Ele Engr Central Rly | 073330006908 | Chitegaon 422201 | 31.07.1995 | Railway Gate No 94 | Level Crossing Gate | March 2021 |
| 68 | The Divnl.Suptd. Cent.Rly | 083930000178 | Tal-Niphad Dist-Nasik Kherwadi 422201 | 31.07.1995 | Kherwadi Railway Station | Station Manager Office, Signal Office, Platform Lighting | Feb 2021 |

- (ii) The Appellant stated that in these 18 cases, the Appellants were billed under the “Commercial” tariff category instead of the applicable “Public Services – Others” category, despite being a Public Undertaking under the Government of India. The Appellants submitted applications for correction of the tariff category during the period from December 2020 to March 2021. Pursuant to these applications, the Respondents revised the tariff category from “Commercial” to “Public Services – Others” between January and April 2021 as charted in Table 1.
- (iii) Upon submission of the applications, the change of tariff category was duly done by the Respondent within the prescribed time frame, and no dispute remains between the parties in this regard. However, the Respondents implemented the revised tariff category only on a prospective basis, despite the Appellants being eligible for the “Public Services / Public Services – Others” tariff category with effect from August 2012, in accordance with the Tariff Orders of the Maharashtra Electricity Regulatory Commission then in force.
- (iv) The Appellants have relied upon various Commercial Circulars issued by the Respondent MSEDCL, including Circular Nos. 175, 243, 284, 311, and 32, each


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of these circulars has been issued in accordance with the Tariff Orders of the Commission applicable from time to time.

- (v) There was extensive correspondence between the Central Railway and MSEDCL authorities from June 2021 to 2024. By way of illustration, the contents of a representative communication from the Sr. Divisional Electrical Engineer (Gen), Bhusawal Division, Central Railway, to the Chief Engineer, MSEDCL, Nashik Zone, dated 28.06.2021, are reproduced below:

“ .. the letter (in ref) of MSEDCL dated 16.06.2021 informed that the request for tariff change has been approved within one month of the application date, and arrears of the excess levied energy charges and fixed charges from the year 2012 is not acceptable.

In regard to the above...


- 1) According to the conventional application procedure to acquire a new connection, the consumer gives location, purpose and the equipment planned to be worked. Beyond that it is MSEDCL jurisdiction to decide the supply feasibility and determine the category for billing. Though Commercial Circular no. came into force from 01.8.2012, the MSEDCL did not re-categorise many of the new Railway consumers under Public Services, and existing connections also continued to be charged under Commercial Category.*
 - 2) This office had notified to the MSEDCL regarding lapse of in the procedure under the Nashik Zone jurisdiction on the 24.12.2020. To get the tariff category changed, the procedure of online application for tariff change was suggested from your side and followed accordingly. The location, load, and service remain the same. The tariff change procedure had to be initiated only for the reason of the negligence of MSEDCL.*
- For the above stated reasons, it is unjustified to refuse the refund....”*


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[Note: Reference is invited to MSEDCL Tariff Circular No. 175 dated 05.09.2012 regarding “Revision in Electricity Tariff – Implementation thereof.”]

- (vi) Similar correspondences were exchanged between various authorities of Central Railway and MSEDCL, and the contents of these letters are substantially identical to the representative communication reproduced above. MSEDCL refused all these requests.
- (vii) The Appellants filed a grievance application before the Forum on 20.02.2025, seeking refund of the excess tariff charges recovered by the Respondents on account of wrongful billing under the “Commercial” category, for the period commencing from August 2012 up to the date on which the correct tariff category (“Public Services / Public Services – Others”) was implemented in January/April 2021, as detailed in Table 1. The Forum, by its common order, rejected the grievances, holding that since the tariff change was made effective in February/April 2021 and the Appellants approached the Forum only on 20.02.2025, after nearly **four years instead of two years**, the claims were barred by limitation under Regulation 7.9 of the CGRF & EO Regulations, 2020. The Forum, however, failed to appreciate that the Appellants are a Public Undertaking of the Government of India, and also that in such cases **the cause of action is of a continuing nature**, arising out of the Respondents’ ongoing failure to refund the excess recovery.
- (viii) In support of their claims, the Appellants relied upon the orders of the Electricity Ombudsman (Nagpur) in Representation No. 41 of 2024 dated 26.09.2024, and in Representation Nos. 42 to 50 of 2024, wherein the Ombudsman allowed retrospective relief by directing refund of tariff difference for a period of two years prior to the date of application for change of tariff category, together with interest at the applicable bank rate prescribed by the Reserve Bank of India.
- (ix) Similarly, the Appellants submitted a proposal for amicable settlement on 24.07.2025, with a copy to the Respondent Chief Engineer, Nashik Zone, pursuant


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to the advice of the Electricity Ombudsman, Mumbai, conveyed vide notice No. 156 dated 16.07.2025. The Appellants contended that the cause of action constituted a continuous lapse on the part of the Respondents; however, the Respondents failed to come forward to facilitate conciliation or settlement.

- (x) In view of the above, the Appellants pray that the Respondents be directed to refund the tariff difference between “Commercial” and “Public Services / Public Services – Others” categories with effect from August 2012 until the date of implementation of the correct tariff category, as shown in Table 1, together with applicable interest.

3. The Respondents’ submissions and arguments are as below.

- (i) The Appellants are 18 Railway consumers whose details are shown in Table 1. They were earlier billed under the “Commercial” tariff category. As advised, the Appellants applied through the Web Self Service (WSS) Portal of MSEDCL during the period from December 2020 to March 2021 for change of tariff category from “Commercial” to “Public Services – Others.”
- (ii) Pursuant to these applications, the Respondents promptly inspected the premises of the Appellants and verified the nature of their activities. Based on this verification, the tariff category was changed from “Commercial” to “Public Services – Others” within one month, as reflected in Table 1. Copies of the inspection reports are available on record.
- (iii) There were several correspondences between the Central Railway authorities, the field offices, the Circle Office of Nashik Circle, and the Chief Engineer, Nashik Zone for retrospective refund of the tariff difference. The Respondents changed the tariff category only after receiving the application for tariff change in WSS Portal of MSEDCL. The field officers are not empowered to grant retrospective refunds of tariff differences. Further, the Railway authorities did not claim the “Public Services – Others” tariff category until 2020, and only raised their claim from December 2020 to March 2021. At the field office level, it is very difficult to monitor their large number of consumers (ranging from 60,000 to 1,40,000 per sub-


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division). Therefore, beneficiaries are also expected to come forward and claim the correct tariff, especially since Tariff Orders and various MSEDCL circulars are already available in the public domain.

- (iv) The Appellants filed a grievance application before the Forum on 20.02.2025. The Forum, by its common order, rejected the grievance applications, noting that there was a delay of nearly 4 years. Hence, the Forum held the claims to be barred by limitation under Regulation 7.9 of the CGRF & EO Regulations, 2020.
- (v) In view of the above, the Respondents pray that the representations of the Appellants be rejected.

Analysis and Ruling

4. The parties were heard, and the documents on record were examined. The particulars of the 18 electricity connections in question are tabulated in Table 1. The Appellant contended that it being a public sector undertaking under the Government of India, should have been categorized under the Public Services -Others tariff category, and that the Respondents were duty bound to apply the correct tariff of Public Services – Others instead of Commercial. When this mistake came to the notice of the Appellants, they applied for change of Tariff category between Dec. 2020 and Mar. 2021. The Respondents changed the tariff to Public Services – Others between Jan. and Apr. 2021, but only prospectively. They were eligible for the correct tariff since Aug. 2012 as per MERC Tariff Orders, and relied on MSEDCL Commercial Circulars (Nos. 175, 243, 284, 311, 323). Railway authorities corresponded with MSEDCL on this issue of refund for about 4 years (2021 to 2024), pointing out that consumers cannot be denied retrospective refund when MSEDCL itself had misapplied tariff categories. The Appellants relied on Ombudsman (Nagpur) orders (Rep. No. 41/2024 and 42–50/2024), where retrospective relief for two years prior to application was allowed with interest. They also proposed an amicable settlement (24.07.2025) but the Respondents did not respond. The Appellants therefore seek refund of the tariff difference from Aug. 2012 until Apr. 2021, with interest, as detailed in Table 1.


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5. The Respondent contended that the Appellants are 18 consumers (Central Railway), earlier billed under *Commercial* tariff. They applied through MSEDCL's WSS Portal (Dec. 2020 – Mar. 2021) for change to *Public Services – Others*. The Respondents inspected and verified their activities, and within one month changed the tariff to *Public Services – Others*. Field officers have no power to allow retrospective refund. Railways raised the demand only in 2020. With about 60,000–1,40,000 consumers per sub-division, beneficiaries must themselves apply in their own interest, as tariff orders/circulars are already in the public domain.


6. The Maharashtra Electricity Regulatory Commission in its Tariff Order dated 16.08.2012 in Case No. 19 of 2012 (which was made effective from 01.08.2012) introduced a new Tariff category for 'Public Services'. The relevant portion of the said tariff order is as below:

"LT X: LT-Public Services:

Applicability

*This Tariff shall be applicable to education institutes, hospitals, dispensaries, primary health care centres, pathology laboratories, Police Stations, Post Offices, Defence establishments (army, navy and airforce), Public libraries and Reading rooms, **Railway except traction** (shops on the platforms/railway station/bus stands will be billed under Commercial category as per the respective slab), State transport establishments; Railway and State Transport Workshops, Fire Service Stations, Jails, Prisons, Courts, Airports (only activities related to aeronautical operations) 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 exclusively meant for the students / patients of such Educational Institutions & Hospitals."*

The Commission then issued Tariff Order dated 26.06.2015 in Case No. 121 of 2014 effective from 01.06.2015 wherein for the first time, 'Public Services' category was divided into two subcategories. These are as below: -


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A. LT X (A): LT - Public Services - Government Educational Institutes and Hospitals

B. LT X (B): LT - Public Services – Others.

The LT X (B): LT - Public Services – Others reads as follows: -

“Applicability

*This Tariff shall be applicable to Educational Institutions such as Schools and Colleges, and Hospitals, Dispensaries, Primary Health Care Centres 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 Panchayat; 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 Organisations which are service oriented, **Railway/Monorail/Metro except traction**, State transport establishments,; and State Transport Workshops, Transport Workshops operated by Local Authority, Fire Service 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 primarily meant for the students /faculty/ employees / patients of such Educational Institutions and Hospitals.” (Emphasis added)*


Subsequently, on the same lines, the Commission issued Tariff Orders in Case No. 48 of 2016 dated 03.11. 2016, in Case No. 195 of 2017 dated 01.09.2018, 322 of 2019 dated 30.03.2020 and subsequent Tariff Orders which are in force.

7. The Commission, in its latest Tariff Order dated 30.03.2020 in Case No. 322 of 2019 which is effective from 01.04.2020 has categorized Public Services- Others as below:

LT VII (B): LT - Public Services - Others

Applicability: This tariff category is applicable for electricity supply at Low/Medium Voltage for:

a. to h.


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i. Railway/Metro/Monorail Stations, including Shops, Workshops, Yards, etc, if the supply is at Low/ Medium Voltage.

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The comparative tariff structure applicable under the categories *Commercial*, *Public Services*, and *Public Services – Others* for the period **01.04.2020 to 31.03.2021** is presented below to provide a broad understanding of the applicable rates.

| Category | Fixed / Demand Charge | Wheeling Charge (Rs/kWh) | Energy Charge (Rs/kWh) |
|--|------------------------------|---------------------------------|-------------------------------|
| LT II: LT - Non-Residential | | | |
| (A) 0 – 20 kW | Rs.403.00 per Month | 1.45 | 7.36 |
| (B): >20 kW and ≤ 50 kW | Rs. 403.00 per kW per Month | 1.45 | 10.72 |
| (C): >50 kW | Rs.403.00 per kW per Month | 1.45 | 12.83 |
| LT VII (A): LT - Public Services –Government Educational Institutions and Hospitals | | | |
| (i) 0 – 20 kW | Rs. 333.00/Month | 1.45 | 3.31 |
| (ii): >20 kW and ≤ 50 kW | Rs.333.00/kW/Month | 1.45 | 4.89 |
| (iii): >50 kW | Rs.333.00/kW/Month | 1.45 | 6.01 |
| LT VII (B): LT - Public Services – Others | | | |
| (i) 0 – 20 kW | Rs. 362.00/Month | 1.45 | 4.86 |
| (ii): >20 kW and ≤ 50 kW | Rs.362.00/kW/Month | 1.45 | 7.44 |
| (iii): >50 kW | Rs.362.00/kW/Month | 1.45 | 7.84 |

8. Under Regulation 7.9, the time limit for filing a grievance is **two years** from the date of cause of action. Since the tariff change occurred in Feb/Apr 2021, the deadline to file a grievance for refund would normally have been Feb/Apr 2023. The Appellants filed their cases in Feb 2025, almost four years later which the Forum held **was** beyond the permissible limit. However this is a special case wherein both the parties are government entities / PSUs. Also, we note that the cause of action was continuous from Feb / April 2021, as there was continuous correspondence between the parties to resolve the issue of refund, and the issue was ‘live’. There was no negligence on the part of the Railways in pursuing their demand; unfortunately there was no clear reply from the Respondent, and issue was kept unresolved. The only defence of the Respondent, is that “field officers are not empowered to grant retrospective refunds of


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tariff differences.” It is not clear why the matter was not taken up actively at the level of their higher authorities at the state government level, since it involved offices of the Central Railways, and thus refund for application of the correct tariff category would be in the public interest. Even if the demand of the Railways for refund from 2012 had to be rejected, at least a clear written reply should have been sent, on the lines that the matter had been examined at the higher state level, and the demand was rejected. This was not done; no reply of MSEDCL authorities is on record.


9. Such grievances between 2 large government organizations are normally expected to be resolved at the level of the respective Government authorities and need not be brought before the Consumer Grievance Redressal Forum. In this case, the disputed amounts have remained between Government undertakings, i.e. MSEDCL and Central Railways, both being public bodies. We therefore accept the proposal of Central Railway for settlement. As a special case, we hold that, the benefit of retrospective refund should be allowed for two years prior to the date of tariff category change.

10. Accordingly, the Forum’s order is set aside. The Respondents are directed

- a. to apply the tariff category “*Public Services – Others*” for the period from February/May 2019 up to January/April 2021 (i.e., 2 years prior to the date on which the tariff change was effected), as shown in Table 1, on a case-to-case basis, together with interest at the prevailing RBI rate till the date of this order.
- b. Other prayers of the Appellant are rejected.
- c. Compliance is to be submitted within two months from the date of issue of this order.

11. The representation of the Appellant is disposed of accordingly.

Sd/
(Vandana Krishna)
Electricity Ombudsman (Mumbai)


(Dilip Dumbre)
Secretary
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