

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 86 OF 2025

In the matter of application of wrong Multiplying Factor and Subsequent Recovery

Shri Vighnagar Ganpati Devasthan Trust, Ozar..... Appellant
(Cons. No.174271874004)

V/s.

Maharashtra State Electricity Distribution Co. Ltd., Manchar..... Respondent

Appearances

Appellant : 1, Balkrishna Chintaman Kawade, Chairman
2. Sunil Dattatray Ghevde, Secretary
3. Chandrashekhar Kawade, Manager

Respondent : Rahul Gaware, Executive Engineer, Manchar Dn.


Coram: Vandana Krishna [IAS (Retd.)]

Date of hearing: 4th November 2025

Date of Order: 22nd December 2025

ORDER

This Representation was filed on 5th September 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 Order dated 11th July 2025 passed by the Consumer Grievance Redressal Forum, MSEDCL, Pune (the Forum) in Case No. 132 of 2025. The Forum, by its order, partly allowed the grievance


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



application of the Appellant. The operative part of the order (originally in Marathi) is as follows:


The Respondent is directed to


- 2) Cancel the recovery bill of Rs. 2,04,94,608/-.*
- 3) Revise the bills of the Complainant after verifying the applicable Multiplying Factor (MF) for the period of 36 months from **April 2022 to March 2025**, in accordance with the prevailing tariff order for the respective months, and after accounting for exceeded kVA demand if any, in coordination with the Appellant.*
- 4) Withdraw the interest and delayed payment charges levied on the assessment bill.*

2. PREAMBLE

- (i) The Appellant, Shri Vighnagar Ganpati Devasthan Trust, is one of the prominent pilgrim centres among the historical Ashtavinayak, the eight revered Ganpati temples in Maharashtra, each of which holds distinct religious importance for devotees. The Trust thereby operates within a wider cultural and spiritual context. The Trust is a Public Charitable Trust, registered on 17.03.1994 under Registration No. A-838 with the Office of the Assistant Charity Commissioner, Pune.
- (ii) The Appellant's temple is located at Ozar, Taluka Junnar, District Pune, Maharashtra. Devotees from across India and abroad visit the temple for darshan. The Devasthan Trust provides various services to these devotees, including accommodation at the Bhakt Niwas, meals at the Prasadalaya, and the organisation of various rituals and daily puja ceremonies for visiting devotees.
- (iii) The temple complex consists of a huge premise comprising the main Temple, a number of Bhakt Niwas, Prasadalaya and various amenities for the devotees. There are 6 electric connections at present. Details of Electricity Connections of Shri Vighnagar Ganpati Devasthan are as below:

Table 1:


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



Sr. No.	Name of Consumer	Consumer No.	Sanc. Load	Date of Supply	Tariff Category applied	Purpose
1	Shri. Vignahar Ganpati Devsthan	174270003905	5.60 KW	28.09.2016	Commercial	Sewage water treatment plant
2	Shri. Vignahar Ganpati Devsthan	174270002330	25 KW	28.01.2012	Commercial	Bhakt Bhavan No.4 & hall
3	Shri. Vignahar Ganpati Devsthan	174271874004	10 KW	11.02.1998	Commercial	Bhakt Bhavan No.1, 2 & 3
4	Shri. Vignahar Ganpati Devsthan	174271777874	5 KW	01.01.1990	Residential	Temple
5	Shri. Vignahar Ganpati Devsthan	174270003891	3.73 KW	28.09.2016	Commercial	Street Light & Water Supply
6	Shri. Vignahar Ganpati Devsthan	174271843192	7.50 HP	19.01.1996	Agricultural	Agriculture (Farming)

The current dispute relates to Consumer No. 1742792784004 i.e. Bhakt Bhavan No. 1,2 & 3.


3. The Appellant has filed the present Representation challenging the order passed by the Forum. A physical hearing was conducted on 04.11.2025. Both parties were heard at length. The Appellant's submissions and arguments are stated as below. *[The Electricity Ombudsman's observations and comments are recorded under 'Notes' where needed.]*

- (i) The Appellant, *Shri Vignahar Ganpati Devasthan*, is a Public Charitable Trust registered on 17.03.1994 under Registration No. A-838 with the Office of the Assistant Charity Commissioner, Pune, as stated in the Preamble. The particulars of Electricity Consumer No. 174271874004, including address, date of supply, Flying Squad inspection date, original assessment, and the revised assessment as per the Forum's order, are summarised in Table 2 below.

Table 2:

Name of Consumer	Consumer No.	Address on Bill	Sanc. Load	Date of Supply	Date of Inspection of Flying Squad	Assessment Details	Reason for Assessment	Revised Assessment as per Forum's order
Shri. Vignahar Ganpati Devsthan	174271874004	At Post Ozar, Tal- Junnar, Dist. Pune	10 KW	11.02.1998	01.04.2025	Rs. 2,04,94,608/- for the period from June 2018 to Feb. 2025 (81 months)	Recovery towards Multiplying Factor as 20 instead of 1	Rs. 1,38,88,940/- for 5,64,541 units from March 2022 to Feb. 2025 (3 years)


- (ii) On 12.07.2017, the Appellant applied for a 10 kW Solar Rooftop system with grid connectivity. After statutory formalities, commissioning, testing etc. the


 (Dilip Dumbre)
 Secretary
 Electricity Ombudsman Mumbai



Respondent synchronised the Solar Rooftop Net Metering system on 27.09.2017 with MSEDCL System.


- (iii) From the date of connection (10.02.1998), the Appellant has been billed as per actual meter readings, and all electricity bills have been paid regularly without any default.
- (iv) The Flying Squad of the Respondent inspected the Appellant's installation on 01.04.2025. Thereafter, the Appellant received a Multiplying Factor (MF) difference assessment bill dated 08.05.2025 for Rs. 2,04,94,608.20, covering the period from June 2018 to February 2025 (approximately 81 months) on the basis of MF-20, which was never communicated earlier, never applied in billing, and never reflected in any monthly meter readings.
- (v) The meter is read monthly through MRI, and the data is automatically uploaded to MDAS, which MSEDCL receives instantly. Yet for 81 months, MSEDCL failed to act upon the MRI data and never informed the Appellant of any MF discrepancy. This is nothing but gross negligence on the part of the Respondent.
- (vi) Under the MERC Supply Code and Standards of Performance Regulations, 2021, periodic inspection, testing are mandatory and must be shared with the consumer. In this case, no such testing was ever conducted, amounting to a violation of regulatory obligations.
- (vii) The Appellant relies on the order dated 22.03.2024 passed by the Electricity Ombudsman (Mumbai) in Rep. No. 49 of 2024 (Kurade Enterprises V/s MSEDCL), wherein it was held that MSEDCL must regularly analyse monthly MRI data. Had this been done, any MF issue would have been detected in time. Instead, MSEDCL ignored MRI data and raised a sudden lump-sum assessment following a Flying Squad visit. In that case, recovery was restricted to two years due to non-receipt of one phase voltage; whereas here, recovery has been imposed for 81 months, which is arbitrary and contrary to precedent.
- (viii) The assessment pertains to the period 2018–2025, yet MSEDCL has applied only the Tariff Order of 2023, which is legally incorrect. Assessment must be computed


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



year-wise strictly as per the tariff applicable for each relevant financial year. *[Note: It is not true that only the tariff rate of 2023 was applied. It is confirmed that the Respondent has computed the assessment through its system-generated software by applying the tariff rates actually in force for each billing period from June 2018 to February 2025.]*

- (ix) The Appellant has been an MSEDCL consumer since 11.02.1998 for cultural and spiritual activities of a Public Charitable Trust registered in 1994. The Appellant was initially billed under the Commercial tariff category. MERC, by its Tariff Order dated 16.08.2012 in Case No. 19 of 2012, introduced a Public Services tariff category. Subsequently, through the Tariff Order in Case No. 121 of 2014 effective from 01.06.2015, the Commission subdivided LT-X Public Services into two categories: LT-X(A) for Government Educational Institutions and Hospitals, and LT-X(B) for Public Services – Others. **The Respondent was therefore duty-bound to bill the Appellant under LT-X (B): Public Services -Others from 01.06.2015.** Instead, due to the Respondent's inaction, the Appellant continued to be charged under the Commercial tariff. Consequently, **the tariff difference from June 2015 onwards is liable to be refunded**, and the tariff category must be corrected to Public Services -Others with immediate effect.
- (x) **The connected load of the Appellant is below 50 kW, yet the assessment has been prepared by applying a tariff category meant for consumers with more than 50 kW load under Commercial tariff, which is incorrect.**
- (xi) Under Section 56(2) of the Electricity Act, 2003, recovery is barred for any period beyond two years from the date the error is detected. Even if an MF variation is assumed, only a two-year recovery is permissible; assessment for 81 months is unlawful.
- (xii) The Appellant filed a grievance before the Forum on 11.06.2025. The Forum partly allowed the grievance and, by its order, the Respondent revised the assessment to Rs. 1,38,88,940/- for 5,64,541 units for the 3-year period of March 2022 to February 2025; the revised bill was issued on 19.08.2025. However, the Forum


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



failed to appreciate that no commercial activity is carried out on this premises; charges collected from devotees are merely to meet operational and maintenance expenses of the premises.

(xiii) The Trust lacks the financial capacity to pay such a large assessment. Had the actual situation been communicated earlier, the Appellant could have installed additional solar rooftop capacity to meet its energy requirements.


(xiv) **The Respondent refused permission for installing additional Solar Rooftop generation, citing outstanding dues.** It further levied penalty for additional load. The Respondent be directed to regularise the additional load. The Appellant is ready to complete the paper formalities along with payment of statutory dues. Kindly permit installation without any penalty.

(xv) In view of the above, the Appellant prays that the Respondent be directed to:

- a) Cancel the retrospective recovery of Rs. 2,04,94,608/- towards MF.
- b) Withdraw interest and delayed payment charges levied from March 2024 onwards.
- c) Revise the assessment strictly for a period of two years under the Public Services – Others tariff category and change the tariff category to Public Services – Others.
- d) Provide a payment facility in suitable instalments, without any interest or delayed payment charges.
- e) Permit to install the additional Solar Roof Top Generation.
- f) Regularise the Additional load of the Appellant.

4. The Respondent's submissions and arguments are stated as below:

- (i) The Appellant, Shri Vignahar Ganpati Devasthan, is a Public Trust. The details of the electricity connection (Consumer No. 174271874004), including date of Flying Squad inspection, original assessment, and the revised assessment as per the Forum's order, are tabulated in Table 2.
- (ii) The Appellant applied for a Solar Roof Top connection on 12.07.2017 for 10 KW load. The Respondent commissioned the Solar Roof Top Net Metering System with


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai




grid connectivity on 27.09.2017. At the time of commissioning, the Respondent installed an HPL make net meter (Sr. No. 658826), three-phase, with a capacity of 5/5 A, along with external CTs having a ratio of 100/5 A.

- (iii) The Flying Squad of the Respondent inspected the Appellant's electrical installation on 01.04.2025 in the presence of the Appellant. During the inspection, it was observed that the Appellant was mistakenly billed with an MF of 1 (one) instead of the correct MF of 20 (twenty). The calculation of the Multiplying Factor (MF) in this case is as follows:

$$\text{MF} = \text{External CT Ratio} / \text{Meter CT Ratio} = (100/5) \div (5/5) = 20$$

- (iv) The load of the Appellant was found to be utilised for Bhakt Bhavan No.1, 2 & 3, comprising 26 rooms, of which 6 rooms are air-conditioned and the remaining 20 rooms are non-AC. In addition, there are conference halls used for Ganesh devotees, marriage ceremonies, and other cultural programmes on a rental basis.
- (v) The Respondent issued a provisional assessment bill of Rs. 2,04,94,608/- on 08.05.2025 for the period from June 2018 to Feb. 2025 (81 months), on account of applying a Multiplying Factor of 20 instead of 1. However, the Appellant did not pay the said bill.
- (vi) The Appellant filed a grievance application before the Forum on 11.06.2025. The Forum, by its order, partly allowed the grievance of the Appellant. The operative part of the order (originally in Marathi) is reproduced in the first para. Pursuant to the Forum's directions, the assessment bill of the Appellant was revised to Rs. 1,38,88,940/- for 5,64,541 units for the period from March 2022 to February 2025, and the revised bill was issued on 19.08.2025.
- (vii) The Respondent relies on the judgment of the Hon'ble Supreme Court dated 05.10.2021 in Civil Appeal No. 7235 of 2009 (*M/s Prem Cottex vs. Uttar Haryana Bijli Vitran Nigam*), to argue that since the Appellant consumed electricity, he is liable to pay the assessed amount, treating the present case as one of escaped billing. The Respondent further contends that Section 56(2) of the Electricity Act, 2003 does not apply as the Appellant continued to consume electricity throughout


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



the relevant period of 81 months. The Appellant has consumed electricity for 81 months, and electricity is a costly and essential resource.

(viii) In view of the above, the representation of the Appellant be rejected.

5. During the hearing, the Respondent was directed to submit a Joint Inspection Report of the electrical installation within 10 days, and the Appellant was directed to deposit ₹10 lakhs against the assessment bills of Rep. No. 85 & 86 of 2025. The Respondent by its email dated 24.11.2025 submitted the Inspection Report which is reproduced as below:

Table 3:

Table 5:

Part A				Part B			
Bhaktbhavan No.1 (AC Room 2,Non AC 18)				Marriage Hall cum Social Community Hall			
Equipment	Nos.	Wattages	Load (KW)	Equipment	Nos.	Wattages	Load (KW)
Light	20	20	0.4	Light	12	40	0.48
Fan	20	60	1.2	Fan	12	60	0.72
Light(Zero)	20	5	0.1	Speaker	1	400	0.4
AC	2	1970	3.94	Sub Total			1.6
TV	2	100	0.2	Parking Street Light			
Sub Total			5.84	Equipment	Nos.	Wattages	Total Wattage
Bhaktbhavan No.3 (AC Room 10,Non AC 10)				Light	48	100	4.8
Equipment	Nos.	Wattages	Total Wattage	Light	45	40	1.8
Light	20	20	0.4	Sub Total			6.6
Light (Zero)	20	5	0.1	Garden			
Fan	20	60	1.2	Equipment	Nos.	Wattages	Total Wattage
Light(Passage)	20	10	0.2	Light	35	15	0.53
AC	10	1970	19.7	Light	4	20	0.08
TV	10	100	1	Motor	1	373	0.37
Sub Total			22.6	Sign Board	1	200	0.20
				Sub Total			1.18
Part A : Total			28.44	Part B : Total			9.38
Total Connected Load (Part A + Part B)							37.82

The Appellant has also paid Rs. 10 Lakhs in the last week of Nov. 2025.

Analysis and Ruling:

6. The Respondent's Flying Squad inspected the Appellant's electrical installation on 01.04.2025, when it was observed that an HPL make three-phase net meter (Sr. No. 658826) of 5/5 A rating was installed along with external CTs of 100/5 A. Accordingly, the correct Multiplying Factor (MF) for billing should have been $MF = \text{External CT Ratio} / \text{Meter CT Ratio} = (100/5) \div (5/5) = 20$. However, due to human error, the Appellant was billed with an MF of 1 instead of 20.

7. The consumption pattern of the Appellant for the period from **April 2015 to September 2025** is summarised as per Consumer Personal Ledger (CPL) below:



 (Dilip Dumbre)
 Secretary
 Electricity Ombudsman Mumbai



Table 4:

Year	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-2025	2025-26
Mth	Cons (Units)	Cons (Units)	Cons (Units)	Cons (Units)	Cons (Units)	Cons (Units)	Cons (Units)	Cons (Units)	Cons (Units)	Cons (Units)	Cons (Units)
Apr	2848	2136	17782	0	0	37	392	721	768	1065	17466
May	1417	8929	15060	0	562	37	187	787	1073	1059	11308
Jun	4714	2268	5549	0	333	0	181	763	1017	980	8912
Jul	3814	358	1617	0	248	0	336	620	808	730	3684
Aug	3664	583	2818	141	217	0	407	661	800	978	5966
Sep	5060	4030	6096	140	0	0	393	515	909	1057	6528
Oct	2743	0	0	312	913	0	468	486	775	905	
Nov	6671	0	0	141	448	0	622	546	912	1011	
Dec	383	8484	0	201	301	0	605	617	1011	973	
Jan	994	4480	0	186	398	0	453	661	876	1092	
Feb	10391	4059	1000	158	421	0	526	543	839	1001	
Mar	13087	1594	0	0	421	168	674	587	951	22772	
Note:	The Solar Net Meter was installed on 15.09.2017 with a MF of 20. However, despite this, the energy bills were mistakenly issued by applying MF-1 from the date of installation up to February 2025.										


It is seen that after installation of the solar rooftop, recorded consumption dropped considerably since Oct. 2017. However, after the wrongly applied MF was corrected from March 2025, the consumption has shot up.

8. The solar generation of the Appellant as per CPL record is summarised as below:

Table 5:

Year	2018-19		2019-20		2020-21		2021-22		2022-23		2023-24		2024-25		2025-26	
Month	Export Solar Units	Solar Generation Units	Export Solar Units	Solar Generation Units	Export Solar Units	Solar Generation Units	Export Solar Units	Solar Generation Units	Export Solar Units	Solar Generation Units	Export Solar Units	Solar Generation Units	Export Solar Units	Solar Generation Units	Export Solar Units	Solar Generation Units
Apr	0	0	302	0	0	0	0	0	0	0	0	0	0	0	0	726
May	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	606
Jun	10	0	0	0	1048	551	0	0	0	0	0	0	0	0	0	809
Jul	3380	0	0	0	239	0	0	0	0	0	0	0	0	0	0	649
Aug	0	0	0	10	194	0	0	1500	0	0	0	0	0	0	0	725
Sep	0	0	0	0	85	0	0	0	0	0	0	0	0	0	0	661
Oct	0	0	0	0	269	0	0	0	0	1	0	0	0	0		
Nov	0	0	0	0	353	0	0	0	0	0	0	0	0	0		
Dec	0	0	0	0	434	0	0	0	0	0	0	0	0	2132		
Jan	0	0	0	0	434	0	0	0	0	0	0	0	0	602		
Feb	0	0	0	0	519	0	0	0	0	0	0	0	0	552		
Mar	289	0	0	0	266	0	0	0	0	1	0	0	0	710		
Total	3679	0	302	10	3841	551	0	1500	0	2	0	0	0	3996	0	4176

This variation clearly indicates that the Respondent did not take correct quality monthly readings. It is also not fair that the Appellant has not been permitted to increase its solar roof top capacity, on the ground of pending arrears. This amounts to a Catch-22 situation. If solar


 (Dilip Dumbre)
 Secretary
 Electricity Ombudsman Mumbai



generation increases, it will benefit both parties. It will be easier for the Appellant to clear the pending dues of the Respondent by easing its monthly burden

9. As per established practice, the Licensee is required to inspect all High-Tension consumers annually and, thereafter, to prioritise inspections of consumers with load above 20 kW. It is therefore surprising that **the Respondent failed to detect the MF discrepancy for nearly seven years**. This lapse indicates a failure in the Respondent's own duty of due diligence, directly contributing to the prolonged under-billing.

10. The Section 56 (2) of the Electricity Act, 2003 is reproduced below:


“(2) Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer, under this section shall be recoverable after the period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrear of charges for electricity supplied and the licensee shall not cut off the supply of the electricity.”

This Section 56 (2) of the Act has been interpreted by the Bench of the Hon'ble Bombay High Court in its Judgment dated 12.03.2019 in W.P. No. 10764 of 2011 with Other Writ Petitions. In accordance with this Judgment, a Distribution Licensee cannot recover electricity charges for a period exceeding two years prior to the date on which such charges are first demanded.

11. The Hon'ble Supreme Court of India in its Judgment dated 18.02.2020 in Civil Appeal No.1672 of 2020 in case of Assistant Engineer, Ajmer Vidyut Vitran Nigam Limited & Anr. V/s. Rahamatullah Khan alias Rahamjulla has held that:

“9. Applying the aforesaid ratio to the facts of the present case, the licensee company raised an additional demand on 18.03.2014 for the period July, 2009 to September 2011. The licensee company discovered the mistake of billing under the wrong Tariff Code on 18.03.2014. The limitation period of two years under Section 56(2) had by then already expired.

Section 56(2) did not preclude the licensee company from raising an additional or supplementary demand after the expiry of the limitation period under Section 56(2) in the case of a mistake or bona fide error. It did not however, empower the licensee


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



company to take recourse to the coercive measure of disconnection of electricity supply, for recovery of the additional demand.”

12. The Respondent cited the Judgment of the Hon’ble Supreme Court in Civil Appeal No. 7235 of 2009 in case of M/s. Prem Cottex V/s. Uttar Haryana Bijli Vitran Nigam Ltd. for recovery of escaped billing. The relevant paras of this Judgement are reproduced below:

“3. The appellant is carrying on the business of manufacturing cotton yarn in Panipat, Haryana. The appellant is having a L.S. connection, which got extended from 404.517 KW to 765 KW with C.D 449 KVA to 850 KVA, on 3.08.2006.


4. After 3 years of the grant of extension, the appellant was served with a memo dated 11.09.2009 by the third respondent herein, under the caption “short assessment notice”, claiming that though the multiply factor (MF) is 10, it was wrongly recorded in the bills for the period from 3.08.2006 to 8/09 as 5 and that as a consequence there was short billing to the tune of Rs.1,35,06,585/-. The notice called upon the appellant to pay the amount as demanded, failing which certain consequences would follow.

6. By an Order dated 1.10.2009, the National Commission dismissed the complaint on the ground that it is a case of “escaped assessment “and not a case of “deficiency in service”. Aggrieved by the said Order, the appellant is before us.

21. The raising of an additional demand in the form of “short assessment notice”, on the ground that in the bills raised during a particular period of time, the multiply factor was wrongly mentioned, cannot tantamount to deficiency in service. If a licensee discovers in the course of audit or otherwise that a consumer has been short billed, the licensee is certainly entitled to raise a demand. So long as the consumer does not dispute the correctness of the claim made by the licensee that there was short assessment, it is not open to the consumer to claim that there was any deficiency. This is why, the National Commission, in the impugned order correctly points out that it is a case of “escaped assessment” and not “deficiency in service”.

22. In fact, even before going into the question of section 56(2), the consumer forum is obliged to find out at the threshold whether there was any deficiency in service. It is only then that recourse taken by the licensee for recovery of the amount can be put to test in terms of the section 56. If the case on hand tested on these parameters, it will be clear that the respondents cannot be held guilty of any deficiency in service and hence dismissal of the complaint by the National Commission is perfectly in order.

.....”


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



13. It is important to note that in the above Judgment, the assessment period for escaped billing towards recovery of multiplying factor is applied for about three years. In the instant case, the Respondent has issued a supplementary bill towards application of wrong multiplying factor for the period from June 2017 to Jan.2022, which is about seven years.

14. It is also pertinent to note that the Respondent failed to carry out periodic inspections of the meter. As a Distribution Licensee, it was expected to inspect the premises of high-value consumers at least once every one to two years. Timely inspection would have revealed the mistake much earlier, thereby avoiding the accumulation of a substantial retrospective liability. Accordingly, any retrospective recovery arising from the application of an incorrect multiplying factor recorded as one (1) instead of twenty (20) must be restricted to a period of three years prior to February 2025.

15. We therefore hold that, in the present case, the permissible recovery period shall be confined to three years retrospectively, i.e., from March 2022 to February 2025.

16. Wrong Applicability of Tariff Category:


The Commission issued a Tariff Order in Case No. 121 of 2014 (effective from 01.06.2015) wherein, for the first time, it subdivided the category LT-X: LT- Public Services, into two subcategories which are as follows: -

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

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

The activities under the second sub- category i.e., “Public Services – Others” are 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,


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai




*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.”*

Subsequently, the Commission issued similar Tariff Orders in Case No. 48 of 2016 dated 03.11.2016, Case No. 195 of 2017 dated 01.09.2018, Case No. 322 of 2019 dated 31.03.2020, and Case No. 226 of 2022 dated 31.03.2023.

17. The Appellant was initially classified under the “Commercial” tariff category. However, considering the nature of activities carried out by the Appellant, the correct and applicable tariff category from June 2015 onwards ought to have been LT-VII (B) – *Public Services-Others*. The Appellant operates under Shri Vighnagar Ganpati Devasthan Trust, which is one of the most prominent pilgrim centers among the historical *Ashtavinayak*, the eight revered Ganpati temples in Maharashtra, each holding significant religious, cultural, and spiritual importance for devotees across the State. The Trust functions in a wider public, cultural, and charitable context, providing essential facilities and services to pilgrims and the general public. Its activities, including those of running the Bhakt Bhawans are eligible to be classified as ‘Public Services – Others.’

18. The Trust is a Public Charitable Trust duly registered on 17.03.1994 under Registration No. A-838 with the Office of the Assistant Charity Commissioner, Pune. Given its charitable character, public-oriented activities, and non-commercial objectives, the Appellant clearly falls within the ambit of “Public Services – Others” as envisaged under LT-VII (B). Accordingly, the Appellant ought to have been billed under this tariff category instead of the Commercial category.


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



Overall, we find that the Appellant is eligible for relief on 3 counts: -

- i) The period of recovery to be reduced to 3 years.
- ii) The tariff category be revised to 'Public Services – Others', and
- iii) The tariff slab be reduced from "above 50 KW" to "20 to 50 KW."


19. In view of the above, the Respondent is directed as under: -

- a) Revise the supplementary bill of Rs.2,04,94,508/- considering the period from March 2022 to Feb. 2025 by applying multiplying factor as 20 (twenty) instead of 1 (one), withdrawing interest and DPC levied if any, under "Public Services-Others" Tariff Category, under the "20 KW to 50 KW" Tariff Slab.
- b) Allow the Appellant to pay the revised bill in 24 equal monthly instalments. If the Appellant fails to pay any instalment, proportionate interest will be accrued, and the Respondent has liberty to take action as per law.
- c) Permit to install the additional Solar Roof Top Generation as per prescribed procedure.
- d) Regularise the Additional load of the Appellant.
- e) Compliance to be submitted within two months from the date of issue of this order.
- f) Other prayers of the Appellant are rejected.

20. The Representation is disposed of accordingly.

21. The secretariat of this office is directed to refund Rs.25000/- taken as deposit with the Respondent by adjusting in the Appellant's ensuing bill.

Sd/-
(Vandana Krishna)
Electricity Ombudsman (Mumbai)


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

