

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION 179 OF 2019

In the matter of refund of tariff difference

Shankarlal G. Sachdev (Sacher)..... Appellant

V/s.

Maharashtra State Electricity Distribution Co. Ltd. Ulhasnagar (MSEDCL)... Respondent

Appearances

For Appellant : 1. Aakash Sacher
2. J. S. Rajput, Representative

For Respondent : 1. R. D. Rathod, Executive Engineer
2. M. S. Gavali, Addl. Executive Engineer
3. K. N. Jaykar, Dy. Manager

Coram: Deepak Lad

Date of Order: 5th December 2019

ORDER

This Representation is filed on 10th October 2019 under Regulation 17.2 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (CGRF Regulations) against the Order dated 27th September 2019 passed by the Consumer Grievance Redressal Forum, MSEDCL Kalyan Zone (the Forum).

2. The Forum, by its Order dated 27.09.2019 has dismissed the grievance in the Case No. K/E/1604/1936 of 2019-20.

3. Not satisfied with the Order of the Forum, the Appellant has filed this representation stating as below: -

- (i) The Appellant is a consumer (No.021514001607) from 12.10.2002 for the purpose of bakery at Room No. 2 (as per Schedule B), BK 279, Zulelal Mandir Road, Ulhasnagar-2. The activity of the Appellant is industrial in nature, however, the Respondent billed him on LT-II-Commercial tariff wrongly till July 2019.
- (ii) The activity of the Appellant is that of manufacturing of bread (ladi paav) right from the beginning. Therefore, it is liable to be charged under LT – V: LT-Industry tariff category from the date of connection i.e.12.10.2002.
- (iii) The Appellant made online application on 22.07.2019 for change of tariff category with retrospective recovery. The Respondent inspected the premises and thereafter changed the tariff category from Commercial to Industrial from September 2019. The Respondent, however, did not refund tariff difference retrospectively.
- (iv) The Appellant referred Regulation 14.4.3 of the Maharashtra Electricity Regulatory Commission (Electricity Supply Code & Other Conditions of Supply) Regulations, 2005 (Supply Code Regulations) for the copy of the site inspection report. The Appellant submitted that the Respondent is duty bound to apply correct tariff category to the Appellant. However, the Respondent did not do so.
- (v) The meter has recorded abnormal consumption of 713 units in the month of June 2019 which is not justified and needs to be revised.
- (vi) The Appellant filed the grievance application in Internal Grievance Redressal Cell (IGRC) on 06.07.2019. However, the IGRC did not give any hearing and no order was issued. The Appellant approached the Forum on 26.08.2019. The Forum by its Order dated 27.09.2019 has dismissed the grievance.

- (vii) The Appellant has prayed for refund of tariff difference from Commercial to Industrial category and be awarded compensation towards Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014 (SOP Regulations).

4. The Respondent MSEDCL has filed its reply by letter dated 31.10.2019 stating as below: -

- (i) The Appellant is a consumer from 12.10.2002 and was billed commercial tariff initially for the Appellant's connection Opp. Bk 279, Room No. 8, Zulelal Road, Ulhasnagar-2.
- (ii) The Appellant applied online for the first time for change of tariff category (Application No. 21349428) on 22.07.2019 from Commercial to Industrial tariff. The installation of the Appellant was checked and proposal for change of tariff category from Commercial to Industrial was processed to competent authority i.e. Superintending Engineer, MSEDCL, Kalyan Circle. The proposal was sanctioned by the competent authority by its letter dated 09.08.2019. Accordingly, the tariff of the Appellant was changed to Industrial category from September 2019. The tariff difference of Rs. 859.38 of one month i.e. August 2019 has also been credited in his bill account. The meter of Secure Make having Sr. No. 9000001756 of 10-40 Amp. was tested on 07.08.2019 in presence of the Appellant. The test result of the meter was found in order. Hence, the bill of June 2019 is correct.
- (iii) The Appellant filed the grievance application with the IGRC and then with the Forum. The Forum, by its Order dated 27.09.2019 has rightly dismissed the grievance.
- (iv) The meter of the Appellant was not Time of the Day (TOD) Meter. This was discussed and observed by the Forum. Hence, the meter was replaced by a TOD meter on 11.10.2019.

- (v) There is no documentary proof that the same activity was functioning previously at the premises address of which is printed on the bill. Hence, the issue of retrospective recovery does not arise.
- (vi) The representation of the Appellant is liable to be rejected.

5. The hearing was held on 13.11.2019. Both the parties argued in line with their written submissions. The Appellant argued that there was abnormal consumption of 713 units in the month of June 2019 which is not justified and needs to be revised. The activity of the Appellant is manufacturing of bread (ladi paav) only which is a small-scale industrial activity and has also obtained Udyog Aadhar Registration Number from Ministry of Micro, Small & Medium Enterprises (MSME) on 16.07.2019. The Appellant has also obtained license from Food & Drug Administration, Maharashtra State from time to time and copies of the license are on record from 21.09.2016. Electricity is not used for baking of raw bread. This baking activity is done by burning wood in the furnace. Hence, the consumption of the Appellant is less. The Appellant prayed for refund of tariff difference from Commercial to Industrial category and be awarded compensation towards SOP.

6. The Respondent argued that the change of tariff category application was received on 22.07.2019 and thereafter, the effect was given in the bill for the month of September 2019 and tariff difference for August 2019 is already credited to the Appellant. The same is within two billing cycles as per SOP Regulations and hence, there is no lapse on the part of the Respondent. Therefore, there is no question of grant of compensation. The meter in question was also tested which was found in order. The Respondent has no idea as to whether the activity of the bakery was being done previously at this site. The address recorded in the electricity bill is of Room No. 8 however the address on the FDA license and MSME certificate is Shop No. 209. It points to the fact that bakery business might not have been in operation at the address recorded on the bill. Because of this anomaly, the Respondent has not given retrospective recovery. The Respondent has already communicated this anomaly in writing to the Appellant. However, the Appellant has not responded. In view of this, the Respondent argued that the said representation be rejected.

Analysis and Ruling: -

7. Heard both the parties and perused the documents on record. The Appellant is having power supply connection since 12.10.2002 and was initially billed as per LT-II Commercial tariff. The Appellant applied on 22.07.2019 for change of tariff category which was effectively implemented from August 2019 as per Regulation 4.13 (b) of SOP Regulations which is reproduced below: -

“4.13 (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.”

There is no dispute for prospective change of tariff. The meter of the Appellant is also tested and found in order. The consumption recorded on meter was billed correctly.


8. The Appellant filed grievance in IGRC and then approached the Forum on 26.08.2019, however, the Forum dismissed the grievance application of the Appellant. While going through the case, it has been noticed and the Respondent has also pointed out that there is difference in the address in various documentation of the Appellant. These documents do not conclusively endorse that the bakery was in fact running from a specific date at the premises on record for the purpose of electricity bill. The Respondent has inspected the premises in pursuance of the application submitted by the Appellant and satisfied itself that the business of bakery is running at the premises. Therefore, it has changed the tariff from commercial to industrial prospectively. The entire issue revolves round the address on various approvals granted by various Government authorities. Following documents show different addresses of the premises in question: -

- (a) The electricity bill has Opp. Bk 279, Room No. 8, Zulelal Road, Ulhasnagar-2.
- (b) The FDA license issued on 21.09.2016 has Shop No. 209, Opp. Bk 279, Zulelal Mandir Road, Ulhasnagar.
- (c) MSME certificate dated 12.11.2018 has Shop No. 209, Opp. Bk. 279, Zulelal Road, Ulhasnagar-2.

It is noted that the Appellant has not responded to the letter issued by the Respondent on 30.08.2019 which is with respect to the anomaly in addresses on various documents submitted by the Appellant. Not only this, the Appellant has not tried to explain this anomaly during the hearing also.

9. In view of above, I am of the opinion, the Respondent has diligently handled the issue and has rightly granted change of tariff prospectively. Moreover, as regards excess billing in the month of June 2019, the meter is found in order during testing. Therefore, there is no question of any revision of bill. There is no propriety for grant of other reliefs sought by the Appellant. The representation is rejected. No order as to cost.

Sd/-
(Deepak Lad)
Electricity Ombudsman (Mumbai)


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

