

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 87 OF 2023

In the matter of refund of tariff difference between Commercial and Industrial

D.J. Media Print and Logistics Ltd. Appellant
(Consumer No. 000074712428)

V/s.

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

Appearances:

Appellant : 1. Deepak Bhojane, Director
2. Rajesh Navadkar, Representative
3. Vijaykumar Kamanna, Representative

Respondent: 1. D.K. Mohod, Executive Engineer, Vashi Dn.
2. A.U.Ghatage, AEE, Vashi Sub/dn.


Coram: Vandana Krishna [I.A.S.(Retd.)]


Date of hearing: 19th December 2023

Date of Order : 10th January 2024

ORDER

This Representation was filed on 1st November 2023 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 5th July


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2023 passed by the Consumer Grievance Redressal Forum, MSEDCL, Bhandup (the Forum). The Forum has dismissed the grievance application in Case No. 59/2021-22.

2. Aggrieved by the order of the Forum, the Appellant has filed this representation. A physical hearing was held on 19th December 2023. Parties were heard at length. The submissions and arguments of the Appellant are as below:-

- (i) The Appellant (DJ Media print & Logistics Limited.), formerly known as DJ Logistic Solution Pvt Ltd, holds a registered leave and license agreement dated 6th January 2017 at Plot No. 4 to 9, Sector -18, MAFCO Yard, Vashi, Navi Mumbai. The Appellant is a consumer (No. 000074712428) from 15.03.2017 having Sanctioned load of 120.65 HP and Contract Demand of 90kVA (Previous load was 50 kW.) The Appellant's registered website is www.djcorp.in and the company profile catalogue is kept on record for detailed information about the Appellant's business (infrastructure of printing machinery, other printing solutions). The Appellant's main demand is for applying Industrial (instead of Commercial) tariff category from the date of connection, i.e. 15.03.2017.
- (ii) **On 24.02.2009**, the company was registered under National Small Industries Corporation Limited, namely **DJ Logistic Solution Pvt Ltd** at 24 a, 1st floor, Palkhiwala House, Tara Manzil, 1st Dhobhi Talao Lane, Mumbai, with date of commencement 24.02.2009, performing activity of **Manufacturing** (under National Industry Classification) for Digital Printing and reproduction of recorded Media, Printing of magazines and other periodicals, books and brochures, maps, atlases, posters etc. under MSME Udyog Aadhaar Memorandum (UAM) Certificate MH18B0005119.
- (iii) Government of India, Ministry of Corporate Affairs issued a certificate certifying that DJ Mediaprint & Logistics Private Limited, which was originally incorporated as DJ Logistic Solutions Private Limited, made for conversion into a Public Limited Company under Section 18 of the Companies Act, 2013; and approval of Central Government was granted



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vide SRN G69991370 dated 19.12.2017 for changing the name of the said company to DJ Mediaprint & Logistics Limited.

(iv) Under the same Udyog Aadhaar Memorandum (UAM) Certificate MH18B0005119, the Appellant on 30.01.2018 added his activity as “manufacturing” under (National Industry Classification) Code NIC 2 Digit 18 - Printing and reproduction of recorded Media, etc. and the date of printing of Udyog Aadhaar Registration Certificate is 25.06.2019. The said certificate shows that the name of the said company is changed to DJ Mediaprint & Logistics Limited, with additional Location of Plant Details of the said Vashi address.

(v) On 14.03.2018, the Appellant submitted an online application for change of name from “DJ. Logistics Solutions Pvt Ltd.” to “DJ Media Print & Logistic Ltd.” Two documents were uploaded in the form. Further as per the above MSEDCL online form instructions, the Appellant noted the request ID for future tracking of the **application ID 13120205**. The Appellant was not contacted by the MSEDCL officer /Call Centre Representative on email/mobile provided by the Appellant for verification, till the Appellant approached MSEDCL in July 2020.

The Distribution Licensee claimed that an application with the relevant documents for change of name was submitted only on 28.07.2020. Accordingly, the name was changed immediately after submission of the relevant documents. The tariff category was also changed from Commercial to Industrial from September 2020. Further in 2020, under the same Udyog Aadhaar Memorandum (UAM) Certificate MH18B0005119, the Appellant added on 19.05.2020 activity as “Manufacturing” under National Industry Classification Code NIC 2 Digit 17 – Manufacture of paper and paper products, etc. and the date of printing of Udyog Aadhaar Registration Certificate is 19.05.2020.

(vi) **The change of category from commercial to industrial was approved by SE/VC dated 04.09.2020, and** Executive Eng. O & M Vashi Division office has given further load


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sanction vide EE/Vashi/Tech/LT-3294/LS/2428 dated 04.09.2020 after confirming the change of category.

- (vii) The Appellant submitted a letter dated 14.09.2020 to Addl. Executive Engineer Vashi Subdivision, with a copy to Executive Eng. O & M Vashi Division as well as SE Vashi circle on 15.09.2020, **for a refund of tariff difference from Commercial to Industrial tariff category from the date of connection i.e., 15.03.2017**, as per the Electricity Act, 2003 towards tariff difference between commercial and industrial tariff category.
- (viii) The Executive Engineer O & M Vashi Division wrote for refund of tariff difference to Addl. Executive Engineer Vashi Subdivision vide letter no. EE/Vashi/ Tech/002581 dated **17.09.2020** that Vashi Division office has given further load sanction vide EE/Vashi/Tech/LT-3294/LS/2428 dated 04.09.2020 after confirming the change of category from commercial to industrial approved by SE/VC dated 04.09.2020.
- (ix) Since no reply was received from the Respondent after due coordination by the Appellant, the Appellant filed a grievance application in the Internal Grievance Redressal Cell (IGRC) on 01.10.2020. The IGRC, by its order dated 01.03.2021 dismissed the grievance application.
- (x) Not satisfied with the order of the IGRC, the Appellant approached the Forum on 29.04.2021 by email due to the second lockdown of the Covid- 19 pandemic.
- (xi) Further, the Appellant filed an RTI application on 05.05.2021 through its employee Mr. Akshay Digambar Prabhu to the public information officer cum Addl. Executive Engineer. Vashi Subdivision, and additional application dated 17.06.2021. MSEDCL had processed the Appellant's application, and as per the documents and actual site verification, the electrical connection was released to the Appellant in April 2017. Mr. Akshay Digambar Prabhu received a reply from the public information officer on 3rd June 2021 & and 29.07.2021 respectively. Public information officer **avoided providing photostat** copy of A 1 application along with load list and documents submitted while applying for the new




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connection for Consumer No 000074712428, copy of spot verification reports by MSEDCL at the time of site inspection for releasing fresh load sanction, copy of Office notes / documents of load sanction and Sanction letter issued, Xerox copy of Spot verification report by MSEDCL at the time of releasing of the power supply and installation of Meter.

- (xii) Therefore, the Appellant again filed an RTI application to MSEDCL dated 13.09.2021 through the employee Mr. Sopan Korade. In reply, the Appellant received the letter of Addl. EE/ Vashi/Sub-Dn/RTI/002333 dated 01 NOV 2021 from Shree Ravindra Keshavrao Jadhav, Public information officer cum Addl. Executive Engineer, Vashi Subdivision, requesting to provide NO OBJECTION CERTIFICATE whether to provide information or not for further procedure. The Appellant submitted NO OBJECTION CERTIFICATE to Shree Ravindra Keshavrao Jadhav, submitted to MSEDCL on 08.11.2021. The Respondent avoided providing information regarding copy of A1 application along with the documents mentioned above.
- (xiii) The Appellant requests Hon. Electricity Ombudsman Mumbai, to direct MSEDCL to provide a copy of A1 application along with above since these are the documentary proof of having started the activity of manufacturing, which was the bone of contention in the Forum's order.
- (xiv) The Forum by its order dated 05.07.2023 rejected the grievance application. The Forum failed to understand the basic issue that the activity of the Appellant was industrial from date of connection i.e., 15.03.2017.
- (xv) The Forum observed that *“The Respondent contended that, on 14.03.2018, the Appellant consumer had submitted an online application for change of name from DJ. Logistics Solutions Pvt Ltd to DJ Media Print & Logistic Ltd. However the Appellant had not submitted the relevant documents.”*


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In reply to the above observation of the Forum, the MSEDCL Change of Name Online Application Form contents are reproduced below:-

MSEDCL Web Self Service Home

Change of Name Request

Form "U" - Change of Name

Instructions for filling the form:

- **Appellant is requested to note the request id for future tracking of the application.**
- **The Appellant will be contacted by MSEDCL officer /Call Center Representative on email/mobile provided by you for verification.**
- Email address and Mobile number is mandatory.
- Please Click Here to upload mandatory relevant document for Name change.
- Please Click Here to know your relevant document for Name change.
- **Name Change request would be accepted Online only.**
- **No Physical documents to be submitted at any of the MSEDCL offices.**

(xvi) The Forum did not observe any of the instructions of the MSEDCL online application and provision of “**Name Change request would be accepted Online only.**” “**No Physical documents to be submitted at any of the MSEDCL offices.**”

As required in the above online application instructions, the Appellant has never been intimated. MSEDCL online application and instructions are mandatory to MSEDCL by Maharashtra Electricity Regulatory Commission (Standard of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014 (SOP regulations 2014) which is produced at Para 3(xiv).

(xvii) In reply to the above CGRF observation (mentioned in para 2 (xv) and the Distribution Licensee's submission to the Forum, the Distribution Licensee forcefully instructed the Appellant to submit relevant documents on 28.07.2020, which is against MSEDCL's own




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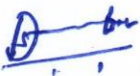
instructions for filling the form online for Change of Name. It is clearly instructed that **“Name Change request would be accepted online only”**. Then why are Distribution Licensee officials demanding submission of physical documents? MSEDCL is misleading and misguiding innocent consumers. This is nothing but a deficiency in service to consumers. The demand for physical submission of documents was to cover the MSEDCL officer /Call Centre Representative who had not responded to the change of name online application. In the tracking of the application status after 19.08.2020, it is observed that the **Number of documents online uploaded 0; Application Status: Application approved, Approved Date 19th Aug. 2020. How and why did the number of documents uploaded online change to 0 after the Approved Date 19th Aug. 2020, as previously the number of documents uploaded online was 2 in the first tracking.**

- (xviii) Change of name should be effective from the next billing cycle as per SOP Regulations 2014, i.e. from April 2018. But actually, the change of name was effected from September 2020.
- (xix) The Respondent claims that prior to Sep 2020, there were no proper documents & the name on MSME document was different, therefore the tariff category could not be changed.
- (xx) The Forum did not observe MSME documents properly. As per National Industry Classification Code **Activity Type Manufacturing was first added on 13.07.2016** at Plot No- 4 To 9, Sector -18, MAFCO yard, Vashi, Navi Mumbai 400703 in Udyog Aadhaar Memorandum (UAM) Certificate MH18B0005119 **date of printing 25.06.2019. This is documentary proof of Manufacturing Activity, and proves that Industrial activity was in force on April 2019 as well as from the date of connection 15.03.2017.**
- (xxi) **There is documentary proof of DJ MEDIAPRINT & LOGISTICS LIMITED name changed from 19.12.2017, therefore the name should have been changed from April 2018, as the online application date was 14.03.2018.**


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- (xxii) The Forum also holds that the electrical connection was released to the consumer in April 2017 after actual site verification. It is the duty of the Appellant consumer to verify the billing parameters and the tariff category applied thereon. However, in the present case, till August 2020, the Appellant consumer did not give any complaint regarding the tariff applied in the bills. After receipt of request application from the consumer regarding wrong tariff applied, immediately the tariff was changed by the Respondent in September 2020.
- (xxiii) But it is the responsibility and duty of the licensee to determine the appropriate tariff as per Section 62(3) of the Electricity Act, 2003 (the Act) which reads as.....
- “Section 62 (Determination of tariff):
(3) The Appropriate Commission shall not, while determining the tariff under this Act, show undue preference to any Appellant of electricity but may differentiate according to the Applicant's load factor, power factor, voltage, total consumption of electricity during any specified period or the time at which the supply is required or the geographical position of any area, the nature of supply and the purpose for which the supply is required....”*
- (xxiv) Also, it was the licensee's duty to determine the appropriate tariff under MERC Tariff order 48 of 2016 dated 03.11.2016 relating to tariffs applicable for Printing Presses. The Forum also holds that, the claim of refund of tariff difference amount, as per the Section 62 (6) of the Electricity Act 2003 cannot be entertained, as no excess amount (other than applicable tariff) was recovered by the Respondent from the Applicant consumer.
- The Forum wrongly rejected the claim of refund of the tariff difference from April 2019 to September 2020.
- (xxv) The Appellant referred to the order of the Electricity Ombudsman(Mumbai) dated 19.08.2019 in Rep. No. 138 of 2019, in Case of Reward Consultant Pvt.Ltd. (Ms Samartha Netralaya) V/s MSEDCL Panvel. Para 5 from page 5 reads as.....


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Secondly the appellant submitted documentary proof of having started the activity of the hospital which was the bone of contention in the forum order. This record is with respect to visit of patients for consultation etc. and is from 15.4.2016 to 14.7.2016. The appellant has also submitted few receipts issued to the patients for dates 31.5.2016,06.06.2016 and 09.06.2016. It is noted that the leave and license agreement of the said premises between the owner and the doctor was registered on 02.12.2015 for the period 02.12.2015 to 01.12.2020

The Appellant approached the Forum on 29.10.2018. Therefore, at the most, relief of tariff difference for 24 months prior to this date can be considered. This comes to 29.10.2016. The documentary proof shows that registration certificate is issued on 20.06.2016. However, relief can be granted only from 29.10. 2016. This fitment is in accordance with regulation 6.6 of CGRF regulations

- (xxvi) In the instant case, the Appellant approached the Forum (through email) on 29.4.2021. Therefore, at the most, relief of tariff difference for 24 months prior to this date can be considered. This comes to 29.04.2019. The documentary proof shows that the registration certificate was issued on 13.07.2016 showing major activity as Manufacturing of printing material. And change of name was issued on 19.12.2017. **However, relief can be granted from 29.04.2019.**
- (xxvii) The Appellant is also eligible for a refund of the excess amount recovered as tariff difference amount, along with interest equivalent to the bank rate, from 29.04.2019 to 01.09.2020 for 16 months, since documentary proof shows that the registration certificate for manufacturing activity and change of name was issued well in advance.
- (xxviii) This is as per the Section 62 (6) of the Electricity Act, 2003 which reads as :

(6) If any licensee or a generating company recovers a price or charge exceeding the tariff determined under this section, the excess amount shall be recoverable by the person who has paid such price or charge along with interest equivalent to the bank rate without prejudice to any other liability incurred by the licensee.



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(xxix) In view of the above, the Appellant prays that the Respondent be directed to refund the tariff difference amount along with interest equivalent to the bank rate 9 % from 29.04.2019 to 01.09.2020 for the period of 16 months.

3. The Respondent's submissions and arguments on 19.12.2023 are as below:


(i) The Appellant was initially a commercial consumer (No. 000074712428) from 15.03.2017. **The Appellant applied for load extension as well as change of name in August 2020.** The details of consumer number, address, sanctioned load, contract demand, etc. are tabulated below: -

Table 1

| Appellant | Consumer No. | Address | Sanctioned load | Contract Demand (KVA) | Date of Supply | Activity | Remarks |
|-------------------------------------|--------------|--|-----------------|-----------------------|--|---|--|
| D.J. Logistics Solution Pvt.Ltd. | 74712428 | Plot No. 4 & 9, Mafco Market, Vashi, Navi Mumbai | 50 KW | 50 | 15.03.2017 | Logistics: Commercial | |
| D.J. Media Print and Logistics Ltd. | | | 120.65 HP | 90 | change of name dated 28.07.2020 & additional load dated 04.08.2020 | Variable Data Printing & Logistics (industrial) | Change of name and additional load sanctioned on 04.09.2020. |

Time barred:

(ii) The tariff of the Appellant was changed from commercial to industrial from September 2020 as per the application of the consumer dated 14.09.2020 and site inspection thereof. Afterwards, the Appellant applied on 14.09.2020 for refund of tariff difference retrospectively from Commercial to Industrial tariff category for the period from March 2017 to August 2020. The cause of action arose only after


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his application for change of tariff category on 14.09.2020, and not on 29.04.2019 or earlier, as claimed by the Appellant. He claims that industrial use started right from the date of connection, i.e. 15.03.2017. If that is so, the cause of action arose in 15.03.2017 and he should have approached the Forum with his grievance before 15.03.2019. He actually approached the Forum (by email) on 29.04.2021.

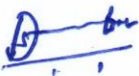
- (iii) The claim of the Appellant is time barred and beyond limitation as per Regulation 6.6 / 7.8 of CGRF and EO Regulations, 2006 / 2020, which provides that the Forum shall not admit any grievance unless it is filed within 2 years from the date on which the cause of action arose. Therefore, the claim of the Appellant is not maintainable at the initial stage itself and the representation be rejected on this ground alone. The said Regulation 6.6 of the CGRF Regulations 2006 is quoted below:


"The Forum shall not admit any Grievance unless it is filed within two years from the date on which the cause of action has arisen."

The Respondent referred to the Judgment dated 08.01.2020 of the Bombay High Court, Nagpur Bench in W.P. No.1588 of 2019 in Case of MSEDCL V/s Mahamaya Agro Industries. The High Court has upheld the above view, and held that the limitation to file grievance before the Forum is two years from date of cause of action. The Respondent also referred to the orders dated 16.08.2019 of the Electricity Ombudsman in Rep.No.68, 69 & 71 of 2019 in respect of M/s. G. M. Syntex, which have upheld the above view and dismissed the grievances. In view of above, the claim of the Appellant is time barred and therefore liable to be rejected. There is no need to go into the merit of the case; however, as contended below, the case does not sustain even on merit.

Reply on Merit:-

- (iv) On 27.01.2017, the Appellant (D.J. Logistics Ltd.) applied for a fresh electric connection with sanctioned load of 50 KW and Contract Demand of 50 KVA for


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the purpose of “**Commercial use**” at plot No.4 to 9, Sector-18, MAFCO Market, Vashi, Navi Mumbai. Pursuant to the application of Appellant, MSEDCL sanctioned fresh power supply to appellant with sanctioned load of 50 KW and Contract Demand of 50 KVA for “**Commercial purpose** vide Con. No. 000074712428. The date of supply of supply is 15.03.2017. The tariff applied was LT-II Commercial. Since then, he was billed with commercial tariff. During this period the Appellant never complained or intimated MSEDCL about change in use as Industrial etc., if any. The commercial tariff category was applied to the Appellant as per his own application and site verification. Therefore, it is clear that it was not a case of wrong application of tariff by MSEDCL. Industrial tariff category was applicable to manufacturing of printing material activities even before the date of supply to the Appellant as per the tariff order of the Commission in force.

- (v) The Appellant applied for additional load and change of name which was sanctioned and released on 04.09.2020 as shown in Table 1.
- (vi) **For the first time on 14.09.2020, the Appellant submitted an application for refund of tariff difference from commercial to industrial tariff category for the period from March 2017 to August 2020, and contended that he is in the business of manufacturing of printing material since the date of supply, and therefore liable to be charged with Industrial tariff from the date of supply.**
- (vii) On verification of the premises of the Appellant and relevant documents, the tariff of Appellant was changed from LT-II Commercial to LT-V Industrial with effect from September 2020.
- (viii) It is submitted that LT-II Commercial tariff was applied to the Appellant as per his own application and inspection thereof, which was never objected to by the Appellant. When the Appellant submitted the completed application on 05.08.2020



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the tariff was changed with effect from that date. Therefore, there is no deficiency in service and consequently there is no “grievance” as contemplated under Regulation 2 (g) of CGRF & EO Regulations 2020, and hence the present grievance is liable to be dismissed.

- (ix) The Appellant applied for retrospective effect of tariff. However, neither any proof of wrong application of tariff by MSEDCL was submitted, nor any letter was submitted with intimation of wrong application of tariff, or change in use. **The situation would be different if any such complaint was submitted. If the Appellant had applied earlier for change of tariff to Industrial, it would have given time and an opportunity to MSEDCL to verify the use of the Appellant, and to apply the proper tariff. As it is, it is very difficult to ascertain as to what activities were actually carried out in the said premises in the past.**
- (x) The earlier application of Commercial tariff to the Appellant was as per his own application and which was accepted without any demur. Therefore, the letter of the Appellant dated 14.09.2020 has no relevance as far as retrospective change of tariff category is concerned, as the tariff applied was after due diligence by the MSEDCL. Any application for change of tariff category from the consumer needs due diligence which includes understanding the processes employed by the consumer, and verification of documentary evidence. It therefore follows that the application for change of tariff is the sole responsibility of the consumer.
- (xi) The Appellant applied for additional load from 40 KW to 90 KW (SL) and 40 kVA to 90 kVA (CD) on 05.08.2020 under Industrial tariff category. The additional load was sanctioned under the Industrial tariff category; thus the change of tariff category was effected from Commercial to Industrial. Therefore, it will be governed by the Regulation 4.13 of SOP regulations 2014.

“Change of name and change of tariff category


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4.13 *The Distribution Licensee shall intimate the charges to be borne by an applicant for change of name and change of tariff category within seven (7) days of receipt of an application in this regard and shall give effect to it within the following time limits :—*

(a) change of name shall be effected within the second billing cycle on receipt of an application and payment of necessary charges.

(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.”

The Regulation 5.8 of Repealed supply code Regulations 2005 states as under:-

“5.8 Notwithstanding anything contained in these Regulations, an application shall be deemed to be received on the date of receipt of the duly completed application containing all the necessary information / documents in accordance with Regulation 4 above, payment of all approved charges of the Distribution Licensee in accordance with Regulation 3 above, availability of suitable piece of land or room in accordance with Regulation 5.5 and Regulation 5.6 above and all consents / permissions as may be required by the applicant and the Distribution Licensee under any law for the time being in force.”

- (xii) The Appellant applied online through the WSS Portal for change of name from D.J. Logistic Solutions Pvt. Ltd. to “DJ Media Print & Logistic Ltd.” on 14.03.2018 but did not submit the relevant documents, therefore his application was kept pending. On 28.07.2020 the Appellant complied with the required documents, therefore, change of name was effected in August-2020.**



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- (xiii) Being aggrieved, the Appellant filed a complaint before IGRC on 01.10.2020. The IGRC by its order dated 21.03.2020 rejected the complaint. The Appellant thereafter filed a grievance application before the Forum on 30.07.2021. The Forum by its order dated 05.07.2023 has rightly rejected the grievance. The order passed by the IGRC and the Forum is well-reasoned, legal and proper and needs no interference.
- (xiv) The Respondent is bound to change the tariff within the second billing cycle, on receipt of a duly completed application. In the present case, the duly completed application was received only on 05.08.2020 for extension of load under Industrial tariff category. Hence MSEDCL changed the tariff with effect from September 2020, therefore there was no deficiency in service.
- (xv) In view of the above submissions, the Respondent prays that the representation of the Appellant be rejected, there being no cause of action, and as the grievance filed is beyond the period of limitation.

4. During the course of the hearing, the Respondent was directed to submit a snapshot of the Online Application made in the year 2017. The Respondent sent a snapshot of the A1 Form, which clearly indicated that the date of the new connection (Application No. 0633197) was 24.01.2017 in the name of D.J. Logistics Solution Pvt. Ltd., and that the connection requirement was as below:

| | |
|-------------------------------|---------------|
| Purpose/Consumer Sub-Category | 50-Commercial |
|-------------------------------|---------------|

Analysis and Ruling


5. Heard the parties and perused the documents on record. The Appellant was a commercial consumer initially. The details of consumer nos. address, sanctioned load, contract demand, etc. are tabulated in Table 1 of Para 2(i).


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6. The Appellant (D.J. Logistics Ltd.) applied for fresh electric connection with sanctioned load of 50 KW and Contract Demand of 50 KVA for commercial purpose, as per data provided by the Respondent during the course of the hearing. The Respondent sanctioned & released the power supply on 15.03.2017 under Commercial Tariff Category. The Appellant was billed under commercial tariff category from 15.03.2017 to August 2020.

7. The Appellant contended that his Activity was/is printing right from the date of connection i.e., from 15.03.2017. Therefore, the applicable tariff of the Appellant was Industrial, but the Respondent had levied the wrong tariff as "Commercial". The Appellant is a leading provider of integrated printing and logistics. The Company was started in the year 1999 for courier & logistics. The Appellant opened a corporate office and factory in Navi Mumbai (address as shown in Table 1) in the year 2016. The Appellant became a limited Company (D.J. Media Print and Logistics Ltd.) in the year 2017. As per National Industry Classification Code, Activity Type "Manufacturing" was first added on 13.07.2016 in his Udyog Aadhaar Memorandum (UAM) & Certificate MH18B0005119, date of printing 25.06.2019. This is documentary proof of Manufacturing Activity, and proves that the Industrial activity was in force on April 2019 as well as from the date of connection 15.03.2017. There is documentary proof the name of DJ Mediaprint & Logistics from 19.12.2017 therefore the name should have been changed from April 2018, as the online application for change of name was made on 14.03.2018. However, the Respondent did not taken action on this application. The Appellant filed a grievance by email before the Forum on 29.04.2021 due to the COVID- 19 pandemic second lockdown. The Appellant is entitled to Industrial tariff from April 2019 to August 2020. The tariff was changed to Industrial from September 2020, as per its application in August 2020 for extension of load under Industrial tariff category.


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8. The Appellant had applied for a new connection on 24.01.2017 and the connection was relased on 15.03.2017. D.J. Mediaprint & Logistics came into existence from 19.12.2017. At that time, the Appellant was being billed under Commercial tariff category, however, he did not apply for change of tariff category to industrial till August 2020. The Appellant requested for change of tariff category for the first time when the load extension application done only on 05.08.2020.

9. The Regulation 4.13 of SOP Regulations 2014 states as below:

“The Distribution Licensee shall intimate the charges to be borne by an applicant for change of name and change of tariff category within seven (7) days of receipt of an application in this regard and shall give effect to it within the following time limits :—

a) change of name shall be effected within the second billing cycle on receipt of an application and payment of necessary charges.

(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.”

As per Regulation 4.13 of the SOP Regulations 2014, it is the responsibility of the consumer to inform the distribution licensee about any change of purpose. If the connection is sanctioned for one particular purpose, the consumer cannot change the purpose without informing the distribution licensee, and this will amount to an irregularity. The Applicant allegedly changed his use to ‘Industrial’ without informing the licensee or applying for change of tariff category right from 2017 to August 2020. Now the Appellant is seeking retrospective refund of tariff difference with interest. If such irregularities are allowed, this will create a wrong precedent that any consumer can change the category for any purpose without intimation to the Licensee. The Applicant is expected to specifically apply for change of tariff category, and thereafter, the licensee is expected to take action within 7 days for inspection and further action thereof.



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10. In this case, the Appellant did not apply separately for change of tariff category; however he applied for additional load on 05.08.2020 under 'industrial' category, hence this application can be considered as the relevant application for change in tariff category too, along with extension of load. Merely applying for change of name does not amount to applying for change of tariff category. The Appellant has taken great pains to explain how his online application for change of name to "DJ Media Print & Logistics Ltd." was submitted on 14.03.2018 with online submission of the required documents. Even if this contention is taken as true, this was merely an application for change of name, and not for change of use / purpose, or change of tariff category. The Respondent cannot be expected to change the category on its own, based on a change of name. This requires due diligence including a site visit and verification of the type of activity. Hence, the relevant date is the date on which the Appellant specifically applied for change of tariff to industrial.

We find that the Respondent changed the tariff category in time as soon as the Appellant specifically applied for it. The other applications, such as application for change of name, documents pertaining to UAM Certificate by themselves are not relevant for the purpose of effecting change in tariff category to Industrial, unless accompanied by a specific application for change of tariff category (in this case, enhancement of load under industrial category).

11. The Forum has given a reasoned order, and does not need any interference. The Representation is disposed of accordingly.

Sd/
(Vandana Krishna)
Electricity Ombudsman (Mumbai)


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai





(Dilip Dumbre)
Secretary

Electricity Ombudsman Mumbai

