

## BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

### REPRESENTATION NO. 6 OF 2023

In the matter of change of Tariff Category and refund thereof

Sadguru Charitable Blood Bank (User).....Appellant  
(Mr. Laxmichan M. Sharma / Lopal Sharma – Consumer)

V/s.

Maharashtra State Electricity Distribution Co. Ltd., Koparkhairane (MSEDCL)... Respondent

#### Appearances:

Appellant : Pranab Shende, Representative  
Respondent : 1. S.P. Borse, Executive Engineer  
2. Deepak Jadhav, Dy. Executive Engineer


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

Date of hearing : 5<sup>th</sup> April 2023

Date of Order : 4<sup>th</sup> May 2023

### ORDER

This Representation was filed on 23<sup>rd</sup> January 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 23<sup>rd</sup> November 2022 passed by the Consumer Grievance Redressal Forum, Bhandup (the Forum).

  
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2. The Forum, by its order dated 23rd November 2022 has dismissed the grievance application in Case No. 126 of 2020-21.

3. The Appellant filed this representation against the order of the Forum. The e-hearing was held on 05.04.2023 through Video Conference. Both the parties were heard at length. The Appellant's submission and arguments in brief are stated as below: -


- (i) The Appellant is a LT Consumer (No. 000228868353) of the Respondent with Sanctioned Load of 49 KW and Contract Demand of 61 KVA at 2<sup>nd</sup> floor, Vaibhav CHS, Above Domino Pizza, Plot No. 21, Sector 11, Koparkhairane, Navi Mumbai - 400 709, Maharashtra. The supply was released on 10.03.2003.
- (ii) The Appellant is a registered Charitable Trust in the name of "Aadhar Charitable Trust" and this Trust is operating / running "Sadguru" Blood Bank on the above-mentioned address since 26.02.2014.
- (iii) During the hearing, the representative of the Appellant informed that the blood bank is operated by one Dr. Yoganand Patil who is the occupant. However, he was neither present in the hearing, nor does his name appear anywhere on the records of the Respondent or on the electricity bill.
- (iv) The License was issued on 26.02.2014 till 25.02.2019 by the competent Authority (The Jt. Commissioner (K.D.) Food & Drugs Admin Thane to operate the Blood Bank. It was renewed till 25.02.2024. The said documents are on record.
- (v) The Commission created a new tariff category as per its Tariff Order dated 16.08.2012 in Case No. 19 of 2012, called "Public Services" for Educational Institutes, Hospitals and Dispensaries, etc. Subsequently, the Commission further sub-categorized the "Public Services" tariff category into two sub-categories as per Tariff Order dated 26.06.2015 in Case No. 121 of 2014 which are as below:
  1. LT X (A): LT - Public Services - Government Educational Institutes & Hospitals,
  2. LT X (B): LT – Public Services – Others.

This classification was continued in the following subsequent Tariff Orders of the Commission:

  
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- 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
  - Case No. 226 of 2022 dated 31.03.2023
- (vi) The Appellant has been operating the blood bank since Feb 2014 from the centre where the blood is gathered as a result of blood donation, which is stored and preserved for later use in blood transfusion.
- (vii) The Appellant is receiving regular energy bills without any error in the meter or any complaint. The representatives of the Respondent used to visit, inspect, and record the reading of the energy consumption of the electricity for raising energy bills. The Appellant is paying the energy bills regularly without any default.
- (viii) The Respondent, after issuance of every Tariff Orders by the Commission, have issued Circulars by giving directions to all the field officials to implement the tariff orders through an action plan given in the said circulars. It was directed to ensure that wherever a tariff category is redefined or newly created by the Commission, the existing / prospective consumers should be properly categorized by actual field inspection immediately, and the data updated in the Respondent's IT database. It was clearly specified in the Circular No. 175 dated 05.09.2012 and subsequent circulars dated 21.06.2014 issued by the Director (Operations) MSEDCL that all field officials should carry out spot inspection for effecting reclassification of the entitled consumers. Similarly in Commercial Circular No. 243 dated 03.07.2015, Circular No. 275 dated 18.11.2016, Circular No. 284 dated 11.04.2017, Circular No. 302 dated 31.03.2018, Circular No. 311 dated 01.10.2018 and Circular No. 323 dated 03.04.2020. These were applicable to the Appellant, but not done by the Respondent. It was the duty of the Respondent to apply the proper, correct tariff category to the Appellant.
- (ix) The Commission has removed the 'Commercial' category earlier applicable to the Educational Institutions, Hospitals & Primary health Centres, and applied 'Public Services' category from 2012 tariff orders. The Commission has removed


  
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the commercial category applicable to Blood Banks, and applied Public Services Tariff with effect from 1<sup>st</sup> September 2018 in the tariff order dated 30.03.2020 in Case No. 322 of 2019. This has to be seen in the context of Regulation 13 of the MERC (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005. The Respondent continued to bill the above-mentioned consumer with the wrong tariff, i.e. under the Commercial Category in spite of its representatives visiting the consumer premises periodically. **The said Commercial circular issued by the MSEDCL had not put any condition that applicability of the changed tariff would be effected only after application by the consumers to the respondent; therefore, no liability / fault can be attributed to the Appellant in present case.**

- (x) **The Applicant is unaware about the procedure of the MERC tariff orders, guidelines, regulations, and the Respondent's Internal circulars.** The Respondent failed to provide the acknowledgment of the circulars personally handed over by the Applicant. The Applicant has made several oral submissions / requests to change the tariff category with the Respondent who used to visit the Applicant's premises periodically. The Respondent and their representatives were aware and had knowledge of the use of electricity consumption for Hospital / Nursing Home by the consumer. However, the Respondent submitted their energy bills regularly at **commercial tariff** to the Applicant and recovered it.
- (xi) The Appellant referred to Regulation 13 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005 (Supply Code Regulation 2005) which is reproduced below:


*“13. Classification and Reclassification of Consumers into Tariff Categories:-  
The Distribution Licensee may classify or reclassify a consumer into various Commission approved tariff categories based on the purpose of usage of supply by such consumer.”*

  
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At present, Regulation 14 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply & Standards of Performance of Distribution Licensees including Power Quality) Regulations 2021 mandates “Classification and Reclassification of Consumers into Tariff Categories” from 25.02.2021. The Appellant made an online submission on 12.02.2020 for tariff change and refund of tariff difference amount, and a unique Number generated was “25382010” on the same day. The Appellant submitted a request letter & application with the Supt. Engg. Vashi Circle on 15.02.2020 & with Addl. Ex. Engr. & SDO 4753 on 17.02.2020 to give the effect of tariff change in the next billing cycle from the date of online application as stated above, and the tariff difference refund amount from September 2018 to Feb 2020 i.e., 18 months prior to the date of online application, under Section 45, and to apply the reduced tariff as per section 62(3) of the Act, as well as tariff difference refund for the subsequent period from 12.02.2020 onwards till change of tariff in the energy bill, as per Regulation 62 (6) of the Act and Regulation 16.2 of the MYT Regulation 2019 of the Commission.

- (xii) Due to no response from the Respondent, the Appellant filed a grievance application before the Internal Grievance Redressal Cell (IGRC) at Vashi on 05.03.2020. The IGRC has neither taken the hearing and nor passed any order.
- (xiii) Thereafter as per Regulation 3.13 of the CGRF & EO Regulations 2020, the Appellant filed a Grievance with the Forum through email on 23.09.2020 & submitted a written application on 24.03.2021, and the Forum, by its order dated 23.11.2022 has rejected its grievance.
- (xiv) The Respondent, after receipt of the application from the Appellant, inspected and confirmed the activity in the premises as Blood Bank. The activity of Blood Bank falls under the “public service” tariff category which is confirmed by the Respondent, and it has corrected the tariff category of the Appellant in the month of September 2020.
- (xv) **The Respondent corrected the tariff category but failed to refund the excess amount earlier collected due to wrong tariff applied to the Appellant. The**

  
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**Appellant is claiming the tariff difference amount from September 2018 to February 2020, and for period from the submission of online application i.e., from 12.02.2020 till September 2020.**

- (xvi) The order dated 23.11.2022 passed by the Forum is not issued as per Regulation 9.4 of CGRF and EO Regulations 2020 and other relevant regulations and sections of the Act. Therefore the Appellant, being not satisfied with it, has preferred this representation on the grounds mentioned below:


- 1.1. The Forum has acknowledged that the Blood Bank was in operation for the period from 26.02.2014. The Respondent too has not disputed this, yet commercial tariff was applied since 26.02.2014. The Respondent failed to apply the 'public services' tariff, which was introduced in 2018 in the MERC Tariff Order. The Respondent continued to bill the Appellant with the higher tariff of Commercial Category.

*The above Regulation 8.2, 8.2.1, 8.2.2 and 8.3.4 of MERC-General Conditions of Distribution Licence Regulations, 2006 which was not followed by the respondent now repealed clearly states that.*

**"8.2. COMPLIANCE WITH LAWS, RULES AND REGULATIONS**

*8.2.1 The Distribution Licensee shall comply with the provisions of the Act, Rules, Regulations, Orders and Directions issued by the Commission from time to time and the provisions of all other applicable laws.*

*8.2.2 The Distribution Licensee shall duly comply with the regulations, orders and directions of the Central and State Transmission Utilities, National Load Despatch Centre, Regional Load Despatch Centre and the State Load Despatch Centre, Central Electricity Authority and other statutory authorities under the Act.*

  
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8.3.4. *The Distribution Licensee shall sell or supply electricity in accordance with the terms of his Licence and shall be entitled to recover tariffs, charges, and fees and require security deposit to be made for supply of electricity or for provision of services, in accordance with the provisions of the Act, the Rules and Regulations made thereunder, and orders passed by the Commission from time to time.*


- 1.2. And now the regulation 4.4.1, 4.4.2, 4.4.4, 4.4.5 of the Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021 clearly states that:

4.4 Charges for Electricity Supplied.

4.4.1 The Distribution Licensee is authorized to recover charges for electricity supplied in accordance with such tariffs as may be fixed from time to time by the Commission:

4.4.2 The Distribution Licensee is also authorized to recover such surcharge and charges for wheeling as may be specified under provisions of sub-section (2) and sub-section (3) of section 42 of the Act and such additional surcharge as may be specified under the provisions of sub-section (4) of the section 42 of the Act.

- 1.3. Similarly, the Hon'ble Bombay High Court, of Nagpur bench in WP No. 3997 of 2016, in the matter of MSEDCL V/s. Shilpa Steel & Power Limited has held that, the claim of the respondent 1 (Consumer) which was allowed by the Hon'ble Electricity Ombudsman (Nagpur) for the refund of tariff difference from 01.09.2010 to 31.03.2015 has been allowed. The principle laid down by the High Court should be considered.

  
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1.4. After issuance of various orders by the Commission, a Resolution was passed by the Board of Directors of the Maharashtra State Electricity Distribution Company Ltd. (MSEDCL) to refund the amount (tariff difference) to the consumer, and further issued circular No. 0319 vide Ref. No. 18076 dated 28.06.2019.

(xvii) The Appellant in support to the claim is submitting the photocopies of the documents in this representation,

- (i) The copy of the Letter dated 01.06.2022 issued by the Society that Blood Bank activity is carried out by the Appellant since 2014 at the premises.
- (ii) The copy of the Donors Register / Record Maintained by the Blood Bank from 01.09.2018 to 02.02.2020 is at page no. 46 to page 51.
- (iii) The copy of the License, which is issued by the competent Authority (The Jt. Commissioner (K.D.) Food & Drugs Admin (FDA) M.S., Thane) on 26/02/2014 to the Appellant to operate the Blood Bank, valid from 26.02.2014 to 25.02.2019.
- (iv) The copy of the Renewal License, which is issued by the competent Authority (The Jt. Commissioner (K.D.) Food & Drugs Admin (FDA) M.S., Thane) on 25/02/2019 to the Appellant to operate the Blood Bank, valid from 25.02.2019 to 25.02.2024.

(xviii) Public services tariff was introduced in the tariff orders from 2012, and the Tariff Order dated 12.09.2018 in the Case No. 195 of 2017 is applicable from 1<sup>st</sup> September, 2018 for electricity supply at Low/Medium Voltage for Health Care Facilities, such as Hospitals, Dispensaries, Clinics, Primary Health Care Centres,

  
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Blood Banks, Diagnostic Centres and Pathology Laboratories. Also the Tariff Order dated 30.03.2020 in case 322 of 2019 is applicable to private Hospital / Nursing Home / Diagnostic Centre / Blood Banks / Clinic / Pathology Laboratory providing healthcare services.


(xix) The Hon'ble Electricity Ombudsman (Mumbai) has well settled the issue of 'Public Services' Tariff applicable to Hospitals/Nursing Homes/Diagnostic Centres/Clinics/Pathology Laboratories in allied cases during 2017 and 2018 orders, with bill revision with retrospective effect, and the orders in favour of the consumers are given below:-

- (i) *Dr. Ajayan Multispeciality Hospital vs. MSEDCL, SDO Koparkhairane S/Dn. in representation no. 76 of 2018.*
- (ii) *M/s. Bhavsar Nursing Home vs. MSEDCL, SDO Bhandup S/Dn. in representation no. 271 of 2018.*

(xx) The Appellant is also relying upon the Judgement dated 01.08.2018 of Bombay High Court in WP No. 8712 of 2018 of M/s. Maharashtra State Electricity Distribution Co. Ltd. Vs Dr. Shri. Girish Dadasaheb Dadwad & Anr.

(xxi) In view of above available facts and circumstances, it is prayed that:

- a) Limitation is of two years from the date of cause of action. The Appellant made the application on 23/09/2020 by email with the Forum for claiming tariff difference refund amount from Sept 2018. The grievance was filed within a period of two years with the Forum, as the cause of action arose after submission of application on 12/02/2020. The representation is filed within 60 days with the office of the Hon'ble Electricity Ombudsman (Mumbai) and it is prayed to admit this representation.

  
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- b) To direct the Respondent to refund the excess amount collected by the Respondent due to wrong tariff billing, along with interest, for the period from Sept 2018 to Feb 2020 and for the subsequent period i.e., from Feb 2020 to Sept 2020 (till the tariff change).

4. The Respondent has filed its reply dated 21<sup>st</sup> March 2023. Its submission and arguments are stated in brief as below:

- (i) The Appellant is using electricity supply (No.000228868353) for the purpose of blood bank at Plot No. 21 Sector 11, Koparkhairane 400709. However the electricity connection and bills are in the name of Mr. Laxmichan M. Sharma/ Lopal Sharma. This connection was released on 10.03.2003 for Commercial purpose.
- (ii) Initially the original consumer had given this premise to a tenant for the activity of shopping mall. He had applied for a commercial connection and accordingly, the connection was released for commercial purpose.
- (iii) This connection stands in the name of an individual person and not in the name of any hospital/ Laboratory, which does not provide any idea as to the exact activity being carried out.
- (iv) **This consumer frequently changed his tenants but never informed the Respondent regarding the tenant details and about their activities/ change of purpose.**
- (v) The Regulations 4.13 (b) of MERC SOP Regulations 2014 is applicable in this case, which is reproduced below:


*"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."*

  
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- (vi) The Appellant had submitted the certificate (required to operate the blood bank from 26.02.2014 up to 25.02.2019, and renewal certificate from 26.02.2019 up to 25.02.2024, issued by the competent authority) in August 2020, and not at the time of commencement of the blood bank. The Forum had mentioned this fact in its order.
- (vii) Hence the refund of the tariff difference for 24 months prior to the date of application is not justified in the present case.
- (viii) **After receipt of the Applicant's requests for change of tariff, after due activity verification, the tariff was changed to Public Service Others in September 2020, and the credit of tariff difference of Rs.94,749/- for the intervening period from 12.02.2020 to 01.09.2020 was already given to the consumer in the energy bill of June 2021.**
- (ix) The Applicant approached the Forum vide Case No. 126, and after hearing both parties, the Forum dismissed his grievance on 23.11.2022.
- (x) As per the definition of consumer given in the Electricity Act 2003 Section 2 (15), "the consumer means any person who is supplied with electricity for his own use by a licensee or the Government.

5. The Appellant filed 2 rejoinders, wherein he has relied on various orders of the Commission, the Hon'ble Supreme Court Judgement, and the Hon'ble Bombay High Court Judgement mentioned above, which have clearly allowed the consumers to recover the excess amount from the Respondent. Similarly, the Respondent has applied and collected tariff at Commercial rates, and has been charging excess amount from the Appellant, which the Appellant is entitled to recover with interest under Regulation 16.2 MERC (Multi Year Tariff) Regulation 2019 and 62 (6) of the Act 2003. It is a well settled position that the Electricity Act 2003, Section 57 has specific provisions related to consumer protection, & the disputes under MERC CGRF & EO Regulation 2020 need to be decided by applying the principle of natural justice instead of applying hyper technical & legal views for denying justified claims of the consumers.


  
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- (a) By his rejoinders, the Appellant has relied on the following: The Forum Order dated 02.02.2018, in the case of Dr. Shri. Girish Dadasaheb Dadwad, V/s. Maharashtra State Electricity Distribution Com. Ltd., in the case no. 29 of 2017-18., is confirmed by the Bombay High Court in Case No. 8712 of 2018. The Forum Order dated 02.02.2018 is allowed towards the tariff difference refund amount, under Section 62(6) of Electricity Act of 2003.
- (b) The Appellant has also relied on the Commission Order in Case No. 168 of 2022 dated 13.02.2023 in M/s. Ideal Energy Projects Limited (IEPL) V/s. M/s. Maharashtra State Electricity Distribution Co. Ltd. The Respondent has failed to make his submission on Section 62(6) of Electricity Act, 2003.
- (c) The proposition is that the principles of natural justice had been violated in passing the impugned order by the Honourable Forum (CGRF-Bhandup) on 23/11/2022, in the CGRF Case No. 126 / 2020-21. The order is not issued as per the regulation 9.4 of CGRF and EO Regulation 2020, and U/r 16.2 MERC (Multi Year Tariff) Regulation 2019 and U/s. 2 (15), 43, 45, 45 (2), 45 (4), 45 (5), 62 (3), and U/s 62 (6) of the Electricity Act, 2003. It is therefore prayed to set aside the order of CGRF in Case No. 126 / 2020-201 issued by the Forum on merit.

6. The Appellant is also relying on the following orders, circular exhibits:-

- (1) The APTEL in its Judgment dated 12 February, 2020 in Appeal No. 337 of 2016 & others.
- (2) The MSEDCL circular No. 323, dtd. 03/04/2020 in MERC Order in Case No. 322 of 2019 dated 30 March 2020.
- (3) The MSEDCL circular No. 0319 vide Ref. No. 18076 Dtd. 28/06/2019.
- (4) The Practice Directions issued by the Hon"ble MERC, Allowing Interest rate on the refunded amount to the consumers, MERC (CGRF & ELECTRICITY OMBUDSMAN) Reg., 2006 dtd 22 July, 2019.
- (5) The Representation No. 271 of 2018 order dtd. 04/02/2018 issued by the Hon" ble Electricity Ombudsman (Mumbai).

  
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- (6) The Representation No. 269 of 2018 order dtd. 01/02/2018 issued by the Hon”ble Electricity Ombudsman (Mumbai).
- (7) The Judgement dated; 10-02-2020 of the Hon” ble Bombay High Court, in writ Petition No. 8712 OF 2018, of M/s. Maharashtra State Electricity Distribution Co. Ltd. Vs Dr. Shri. Girish Dadasaheb Dadwad & Anr.
- (8) The Merc Order in Case No. 168 of 2022 dated 13.02.2023 in M/s. Ideal Energy Projects Limited (IEPL) V/s. M/s. Maharashtra State Electricity Distribution Co. Ltd.
- (9) the Forum Order, dated; 02-02-2018, in the case of Dr. Shri. Girish Dadasaheb Dadwad, V/s. Maharashtra State Electricity Distribution Com. Ltd., Urban Circle office, Shingada Talav, Nashik, in the case no. 29 of 2017-18.

### Analysis and Ruling

7. Heard the parties and perused the documents on record. The original consumer ((No.000228868353) of the Respondent is the original owner, Mr. Laxmichan M. Sharma/ Lopal Sharma. This connection was released on 10.03.2003 for **Commercial purpose** at Plot No. 21 Sector 11, Koparkhairane 400709.

8. The Appellant who seems to be the tenant / occupant, is a charitable trust operating a blood bank in the above-mentioned premises and is using electricity supply of original consumer (No.000228868353) for the purpose of blood bank. The Appellant has a license to operate the blood bank, and on due verification of the premises by the Respondent, it is accepted that the Appellant is operating a blood bank. The Appellant applied online for change in tariff category on 12.02.2020. However, the documents establishing its activity (such as the certificate to run a blood bank) were submitted only in **August 2020**. After due activity verification, the tariff was changed to “Public Service Others” in September 2020 by MSEDCL. The credit of tariff difference of Rs. 94,749/- for the previous intervening period from the date of application, which is 12.02.2020, to the date of change of tariff category (01.09.2020) was also given to the consumer in the energy bill of June 2021.

  
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9. During the hearing, the Appellant complained that there is no provision in the Respondent's online application process to upload attachments such as the required certificates. This caused delay in submitting the required documents. The Electricity Ombudsman directed the Respondent to ensure that the necessary provision is made on their website to upload attachments online while making the application for change of tariff.

10. According to the Appellant, he is the occupier of the premises from February 2014. During the hearing, it was informed that one Dr. Yoganand Patil is running the blood bank and is the occupier. However, he was not physically present in the hearing, nor did he appear online. His name also nowhere appears on the records of the Respondent, nor is there any mention of the word "Dr." or "Blood Bank" in the records of the original connection. The electricity connection of the said premises is in the name of an individual namely Laxmichan Sharma / Lopal Sharma who seems to be the original landlord. He gives the said premises on lease to tenants from time to time. This makes the activities on the premises variable. The Original Consumer has never informed the Respondent of this change in activity; hence bills are issued as per its database i.e. under "**Commercial Tariff Category**".

11. In brief, the main argument of the Appellant is that it is the duty of the Respondent to apply the appropriate tariff to various consumers. On the other hand, the Respondent argues that "Public Services-Others" is a concessional tariff, and the beneficiary has to apply for the same as per the activity. The Respondent's guidelines have used the general term "to check the installations for appropriate tariff" after issue of the Tariff Order. The main intention behind this was that whenever there is an introduction of a new tariff category, such specific cases which come in this domain need to be physically checked before applying the revised tariff category.

12. The Respondent had no information or intimation prior to September 2020 that the Appellant was running a blood bank, as the original connection does not mention the word Dr. /hospital/blood bank anywhere. We find substance in this argument. The Respondent inspected the premises after receiving the application dated 12.02.2020, and it was only then for the first

  
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time confirmed that the electric supply is for blood bank. Thereafter, the tariff category was changed from LT I to LT VII (B) Public Services – Others from February 2020 to September 2020. The said regulation is reproduced below:

Regulation 4.13 of MERC (Standards of Performance of Distribution Licensees, Period for giving supply & Determination of Compensation) 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. For example, if the connection is sanctioned for specific purpose like commercial, residential, industrial, agricultural etc., the consumer cannot suo moto convert it to any other category without informing or making any application for change of tariff category. This is true whether or not the subsequent tariff is higher or lower compared to the earlier tariff. In fact, if the consumer converts to a use which carries a higher tariff, he is even liable for action under Section 126 of the Electricity Act, 2003. Any change of use which involves a different tariff category suo-moto without intimation to the licensee can attract Section 126 of the Electricity Act 2003. If such irregularities are allowed, the regulation regarding change of tariff category of Standards

  
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of Performance Regulations will be frustrated, and there will be complete indiscipline in the state regarding proper use of electricity connections. This will create a wrong precedent that any consumer can change the category for any purpose without intimation to the Licensee.


This Regulation 4.13 has also been taken into consideration by the Forum while issuing its order. The Applicant is expected to specifically apply for change of tariff category, and thereafter, the licensee is expected to take action within 7 days. This provision still stands.

13. The Forum has rightly upheld the change of tariff category to Public Service Others in September 2020, from the date when the required documents were submitted to the Respondent, MSEDCL. The Respondent has complied with the order of the Forum, and the credit of tariff difference of Rs. 94,749/- for the period from the date of application (12.02.2020) to the date of change of tariff category (01.09.2020) was already given to the consumer in the energy bill of June 2021. Hence, the refund of the tariff difference for 24 months prior to the date of application is not justified in the present case.

14. The orders / judgments referred to by the Appellant are not applicable in the instant case.

15. The Forum has given reasoned order considering all facts and circumstances in this case, and hence the order of the Forum is upheld. The instant Representation is rejected and disposed of accordingly.

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

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai

