

**CONSUMER GRIEVANCE REDRESSAL FORUM  
THE TATA POWER COMPANY LIMITED**

**Office:** Distribution Customer Services  
1<sup>st</sup> Floor, Dharavi Receiving Station  
Near Shalimar Industrial Estate  
Matunga, Mumbai 400 019  
Phone: 67172710 Fax: 67172730  
e-mail: [grievance.cell@tatapower.com](mailto:grievance.cell@tatapower.com)

Ref.CGRF/TPC/2014/46  
Case No.CG/1/2014

Date: 11/02/2014

Date of Hearing: 16/01/2014

**In the matter of M/S SNB Infrastructure Pvt. Ltd V/s The Tata Power Co. Ltd  
Reg. Redressal of the grievance by the Forum and passing of the order**

This is with reference to the grievance submitted in Schedule-A form to CGRF on 12/12/2013 and this office letter No.CGRF/TPC/2014 dated 07/01/2014 wherein CGRF (TPC) granted a personal hearing to M/S SNB Infrastructure Pvt. Ltd (Consumer No.2263076) and representatives of TPC Limited on 16<sup>th</sup> Jan 2014 at 14.30 Hrs.

M/S SNB Infrastructure Pvt. Ltd (Consumer No.2263076) is having three phase power supply with tariff category LTII (b) –Commercial >20 kW and <= 50 kW load.

The following persons were present:

**CGRF Members:**

- 1) Mr. R V Hegdekar, Chairperson
- 2) Mr. Bhalchandra A. Naik, Member
- 3) Mr. Vrushal N. Pimple, Member

**On behalf of the Complainant:**

- 1) Mr. P P Menghrajani

**On behalf of The Tata Power Company Limited:**

- 1) Mr. Gaurav Gautam

**Details of deliberations**

Consumer was R-Infra customer with tariff category LT II (b) commercial for >20 kW and <=50 kW with contract demand 20 kVA. The consumer applied for change over connection from R-Infra to Tata Power on 18/04/2012 with contract demand as 20 kVA and category of supply as commercial.

The consumer pointed out in his letter dated 01/10/2013 that though the sanctioned load mentioned in the bills from April 2012 to Aug 2013 was 20kW he was charged for Tariff Category LTII(b) [Commercial >20kW and <=50kW] and requested for the necessary change of tariff category to Commercial 0-20kW.

With reference to this letter dated 01/10/2013, Tata Power replied vide letter dated 05/10/2013 that the sanctioned load was erroneously mentioned as 20kW instead of 22kW and he was billed for Tariff Category LTII(b)-Commercial >20kW and <=50kW since sanctioned load with R-Infra was 22kW. Tata Power also intimated the procedure to reduce the sanctioned load to 20kW from 22 kW if he so wanted.

However the consumer did not agree to this explanation in his further letters and discussions with the authorities of Tata Power and maintained that since Tata Power had accepted the sanctioned load as 20kW in the bills referred earlier, he should have been charged as per Tariff Category LTII (b) Commercial 0-20kW.

Not being satisfied with the replies given by Tata Power, the consumer lodged his complaint to IGR Cell vide grievance letter dated 18/10/2013 reiterating the same points and demanded the refund of any amount wrongfully collected by Tata Power since Changeover along with the interest.

The consumer also had written to Tata Power on 23/10/2013 informing that he had approached IGR Cell on 18/10/2013 for redressal of the grievance.

Tata Power replied vide letter dated 28/10/2013 reiterating that sanctioned load with R-Infra was 22 kW & the consumer was accordingly billed under Tariff Category LT II(b)-Comm. >20 kW and <=50 kW though the bill was erroneously mentioned 20 kW. In case of any change in load reduction, a request for the same will have to be provided by the consumer along with necessary documentation which in turn would be submitted to R-Infra as the network belongs to them. Only on receipt of confirmation from R-Infra, Tata Power would be able to make necessary corrections in terms of sanctioned load and tariff category change.

After the hearing on 27/11/2013, IGR Cell resolved the issue vide letter dated 06/12/2013 as follows:

- As per clause 1.2(viii) of Order passed by MERC in case no.50 of 2009 "The consumer shall not be permitted to change his/her name or the purpose or the classification category at the time of Changeover". Therefore, the same tariff category was maintained by Tata Power at the time of changeover which you had with R-Infra (i.e. LTII (b)-Commercial >20kW and <=50kW).
- The sanctioned load as 20kW was incorrectly mentioned by Tata Power on the bill and the same was corrected to 22kW after seeking confirmation from R-Infra on 04/10/2013 as per their records.
- As you never applied for reduction of sanctioned load which is mandatory as per the regulation on part of the consumer. Thus you were correctly billed based on the Tariff Category as LTII (b)-Commercial >20kW and <=50kW.

The consumer then submitted his grievance in schedule A form to CGRF on 12/12/2013 as he was not satisfied with resolution by IGR Cell

The nature of relief sought by the consumer from CGRF that he should be charged on the basis of sanctioned load of 20 kW and requested for refund of any amount wrongfully collected by Tata Power from him in excess in the bills from May 2012 to Nov 2013 along with interest @15% per annum.

In the attached document submitted along with the grievance application, he had also claimed cost of Rs 25,000/- as he was dragged in litigation for no fault from his side.

The Tata Power had sent a written reply to the Forum as well as to the complainant vide letter dated 24/12/2013. The relevant points reiterated by the representative of the Tata Power during the hearing are as follows:

1. At the outset, we would like to inform that the present complaint before CGRF is filed by SNB Infrastructure, who, at present, is not a Tata Power Consumer and on 15/11/2013 has changed over to R Infra.
2. We would like to highlight following regulations of MERC and relevant extract of MERC order as under:

As per Regulation 6.8 of the Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply), Regulations 2005:

"Regulation 6.8: The Distribution Licensee shall increase or reduce the contract demand / sanctioned load of the consumer upon receipt of an application for the same from the consumer."

Further, as per clause 1.2 (viii) of order passed by MERC in case no. 50 of 2009(hereinafter referred to as "changeover order"):

"The consumer shall not be permitted to change his/ her name or the purpose or the classification category at the time of Changeover."

In the present case, at the time of changeover from R-Infra to Tata Power, the tariff category of the present Complainant was LTII (b) – Comm. > 20 kW and ≤ 50 kW and the same was maintained by Tata Power after changeover as per changeover order. The tariff applicability to a consumer is based on the tariff category applicable to the Consumer and Tata Power has applied the correct tariff to the Complainant based on the tariff category i.e. LT II (b) Comm. > 20 kW and ≤ 50 kW.

Further, the present Complainant, till the time was a Consumer of Tata Power, never applied for reduction of sanctioned load, which as per above regulation is mandatory on the part of the Consumer. Thus, till such date Complainant was Tata Power Consumer, the Complainant was rightly billed based on the tariff category as LT II (b) – Comm. > 20 kW and ≤ 50 kW.

3. We would like to inform you that the Complainant changeover from R-Infra to Tata Power on 26<sup>th</sup> April-12 basis the application received by you which included the latest paid R-Infra Bill under tariff category LT II (b) - Comm. > 20 kW and ≤ 50 kW. Tata Power on the basis of R Infra bill maintained the same tariff category as mentioned by R Infra in bill furnished by Complainant. The said R-Infra Bill furnished by Complainant, at the time of changeover, did not mention the sanctioned load. Further the changeover application form, which was submitted by Complainant at the time of evincing interest in changing over from R-Infra to Tata Power, did not mention the sanctioned load.
4. It is matter of fact that since the date of changeover and till the month of September 2013 bill, Tata Power was erroneously mentioning the sanctioned load as 20 kW for Consumer no. 2263076 of the Complainant. However, the said sanctioned load of 20 kW was never mentioned on the basis of the technical data available with us. We strongly deny that we were fully aware of the fact that the sanctioned load of Complainant with R Infra was for more than 20 kW and still we have granted the Complainant sanctioned load of 20 kW at our own accord with technical data available with us. We reiterate that neither the last paid R Infra bill furnished by the Complainant at the time of changeover nor the application filed by the Complainant at the time of changeover specifies the sanctioned load of the Complainant.

The said sanctioned load was corrected from 20 kW to 22kW from October 2013 bill on same being notified by the Complainant, through its letter dated 01/10/2013 and after seeking confirmation from R Infra on 04/10/2013 about the sanctioned load for the said Consumer number in R Infra records before changeover.

5. We reiterate that as per regulations the Distribution Licensee shall increase or reduce the contract demand / sanctioned load of the consumer upon receipt of an application for the same from the consumer. In the present case, till the Complainant was Tata Power Consumer, the Complainant did not make an application for reduction of load with us along with requisite document, where after Tata Power after following process of law may reduce the sanctioned load and thereby change the tariff category from LT II (b) - Comm. > 20 kW and <= 50 kW to LT II (a) Comm. 0-20kW.
6. Further, it is also the responsibility of the Complainant, who should be vigilant about the sanctioned load and the appropriate tariff category applicable to it. In the present case the Complainant being a private limited company should have checked the said error and accordingly would have applied for such change in tariff category as per the sanctioned load or reduction of load.
7. We deny that that the letters addressed by Complainant were not responded by us. Each and every letter of the Complainant was responded. It seems that as the Complaint of the Complainant was not resolved as per his wish, the Complainant feels that the Complainants letters are not responded. Time and again the Complainant have mentioned that there is repetition in the reply given by us through our letter reply. It is needless to mention that as the issues raised by the Complainant in its letter are same, so are the response by us to the said letters shall be same. The senior officials (Mr. Manoj Salvi and Mr. Vinod Kumar) of our Company also met the Complainant to resolve the Complaint of Complainant, but the Complainant was not willing to understand and stuck to his own views. The Complainant approached IGR and thereafter addressed letter to senior officials of our Company raising similar issues. But as the Complainant approached IGR and we responded to all the letters of the Complainant and also met the Complainant personally, we requested the Complainant to wait for the response from the IGR.
8. Thus, we once again reiterate that the Complainant was billed correctly as per the applicable tariff category and the corrected sanctioned load applicable to the Complainant i.e. 22 kW (confirmed by R Infra). We deny that the claims of the Complainant are genuine and justified and not considered by us or by IGR and the Complainant was unnecessary dragged in litigations with no fault from his side. We reiterate that it is also the responsibility of the Complainant, who should be vigilant about the sanctioned load and the appropriate tariff category applicable to it and hence the prayers of the Complainant in the Complaint ought to be dismissed and no benefit, including compensation and expenses, of any type ought to be granted.

#### **Observations made by the Forum**

Based on documents submitted by The Tata Power Co. Ltd, SNB Infrastructure Pvt. Ltd. and the outcome of deliberations with the complainant & the representatives of Tata Power, the Forum observed that:

1. In the Order of MERC in case No.50 of 2009, the detailed operating procedure for change over is given in Appendix 1. As per clause no.1.3 Pre -Changeover Activities sub clause iii) The New Distribution Licensee shall inspect the consumer premises to confirm classification, connected load, technical issues, if any, etc. within the timeframe as stipulated under SOP. Forum asked Tata Power whether this clause was complied with by them. Tata Power expressed their inability to comply as it was practically not possible because of large number of consumers migrating from R-Infra to Tata Power. Tata Power confirmed at a later date from R-Infra on 4/10/2013 that the consumer was having 22kW sanctioned load and 20KVA demand and informed accordingly to the consumer vide letter dated 05/10/2013. If Tata Power had confirmed it at the time of pre change over activities this grievance would not have arisen.

The change over of electricity supply from R-Infra to Tata Power of this consumer was effected on 26/4/2012 based on the consumer's application dated 18/4/2012. The complainant made his first complain on 1/10/2013 i.e. after a period of around 74 weeks after the date of change over. The consumer didn't apply for reduction in sanctioned load, as per the standard procedure. As the network belonged to R-Infra, it was necessary to get consent from R-Infra also.

As per Regulations, sanctioned load means "load in (kW)/ Horse Power (HP) mutually agreed between the Distribution Licensee and the consumer".

The application for changeover was incomplete as both the entries in column of existing sanctioned load and sanctioned load had been kept blank.

Consumers are classified under different categories. Tariff rates are related to categories. The present consumer is classified into LT II (b) (i.e. > 20 kW and <= 50 kW) category by R-Infra before changeover.

As per clause 1.2 viii of Appendix 1-Detailed Operating Procedure for Changeover in the order of MERC case no. 50 of 2009, the consumer is not permitted to change the classification category at the time of changeover.

The sanctioned load was not mentioned in application form. In the first and subsequent bills up to 04<sup>th</sup> October 2013 the sanctioned load was erroneously mentioned as 20 kW by Tata Power without doing any inspection of the consumer premises to confirm classification which Tata Power should have done as per clause iii of 1.3 Pre-Changeover Activities of the same order mentioned above.

As stipulated in SOP, under the heading "Provision of Supply", the time period for completion of inspection of applicant's premises from the date of receipt of application is seven (7) days (towns & cities), as stipulated in Serial No. 1 (i), Appendix A of the *SOP Regulations*. However in this case the supply was provided on 26.04.2012 i.e. within 8 days of application made by consumer on 18.04.2012 for changeover from R-Infra to Tata Power. Tata Power later on 04<sup>th</sup> October 2013 confirmed sanctioned load as 22 kW & 20 kVA demand from R-Infra and informed the same to the consumer.

2. Considering the facts that i) As per clause 1.2 viii of Appendix 1-Detailed Operating Procedure for Changeover in the order of MERC case no. 50 of 2009, the consumer is not permitted to change the classification category at the time of changeover., ii) The consumer didn't apply for reduction in sanctioned load, as per the standard procedure and iii) The consumer was billed correctly as per the Tariff Category LTII(b)-Commercial >20kW and <=50kW, the question of refund of excess amount collected by Tata Power in the bills for the month of May 2012 to November 2013 along with interest @15% per annum does not arise. His claim in this regard is therefore liable to be rejected.

3. Complainant had demanded the cost of litigation to the tune of Rs 25,000/-. The complainant has not furnished any evidence or documentary proof to show that the damage or loss caused, if any, is actual loss caused as a direct consequence of alleged act, omission, commission of the Distribution Licence. He is not entitled to indirect, consequential, punitive or exemplary damages, loss of profit or opportunity etc. as stipulated in Regulation 17.15 (e) of the *CGRF Regulations, 2006*. Complainant's demand for cost of litigation, in this regard, is therefore, liable to be rejected.

However the erroneous noting in the first and subsequent bills is the cause of confusion, further correspondence and resulting grievance. Though Tata Power did not comply at the time of changeover for the reasons stated, they had neither confirmed the classification till 04<sup>th</sup> October 2013. Hence Tata Power is liable to pay compensation for the lapse that led to the grievance.

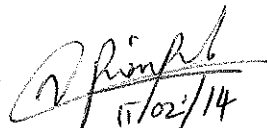
### Order from Forum:

For the reasons stated in the observations made by the Forum, Tata Power is hereby directed to pay compensation of Rs. 3000/- (Rupees Three Thousand only) to the consumer. All other claims made by the consumer are hereby rejected.

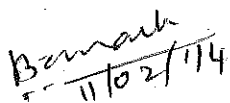
Orders of the Forum are required to be complied within 15 days of the receipt. Compliance of the order should be reported accordingly.

The grievance of the complainant will stand closed at this stage.

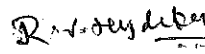
If Consumer is not satisfied with the decision of the Forum, he may make a representation to the Electricity Ombudsman in Schedule B form within sixty (60) days from the date of this order. Contact details of the Electricity Ombudsman appointed or designated by MERC under Regulation 10 is "Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606-608, 6<sup>th</sup> Floor, Keshava Building, Bandra-Kurla Complex, Bandra (E), Mumbai-400 051. Tel: 022-26592965/26590339/30680528.



(Vrushal N. Pimple)  
Member



(Bhalchandra A. Naik)  
Member



(R. V. Hegdekar)  
Chairperson

To

1) M/S. SNB Infrastructure Pvt. Ltd.,  
512/A, 5<sup>th</sup> Floor, Kohinoor City Mall,  
Off LBS Marg, Kiroli Road, Nr Kohinoor Mall,  
Kurla (W), Mumbai 400070

2) Mr. M. Shenbagam,  
Gen. Manager (DCS),  
Tata Power Co. Ltd.,  
Mumbai 400019.

Copy to:

- 3) Mr. V. H. Wagle, Dy. Gen. Manager (Regulations), Tata Power Co Ltd., Mumbai
- 4) Mr. Gaurav Gautam, Nodal Officer, Tata Power Co. Ltd., Mumbai