

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 99 OF 2024

In the matter of temporary tariff during Ganesh Festival

Navgraha Mitra MandalAppellant
(Con. No. 160254602211.... PD)

V/s.

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

Appearances:

Appellant : Santosh Nagarkar

Respondent: 1. Chandrakant Dighe, Executive Engineer, Rastapeth Dn.
2. V.K Mane, Addl. Executive Engineer, Kasaba Sub-Dn., Pune


Coram: Vandana Krishna (Retd. IAS)

Date of hearing: 26th June 2024

Date of Order : 28th June 2024

ORDER

This Representation was filed on 14th May 2024 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 7th March 2024 passed by the Consumer Grievance Redressal Forum, MSEDCL, Pune Zone (the Forum). The Forum, by its Order disposed the grievance application in Case No.110/2023. The operative part of the order is as below:


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“1. The Tariff applied is correct.

2. The Complainant is directed to pay the bill in 2 equal installments without DPC & Interest.”

2. The Appellant has filed this representation against the order of the Forum. An e-hearing was held through video conference on 26th June 2024. The Appellant and the Respondent attended the hearing through Video Conference. Parties were heard at length. The Appellant’s submissions and arguments are stated as below: *[The Electricity Ombudsman’s observations and comments are recorded under ‘Notes’ in brackets where needed.]*

- (i) The Appellant is a registered Trust [Reg. No. F-1560(P)] at 175 Kasaba Peth, Shaniwar Wada, Pune 11. The Appellant is one of the oldest Ganpati Mandals celebrating Ganpati Utsav since the year 1950. It conducts cultural activities such as singing, theatre and orchestra performances and community activities such as free medical check-ups, blood-donation and donations to the poor etc. This is purely charity work. The source of income is limited, mainly depending on public donations.
- (ii) The Appellant has a regular single-phase connection (Cons. No. 160250615911) from 24.01.2009 for lighting purpose of its Temple which is billed under residential tariff category. There is no billing dispute for this connection. In addition to this regular connection, the Appellant takes a temporary connection every year for a short period for the purpose of Ganesh Ustav. The Appellant was earlier billed under LT VII Temp-Religious Tariff Category in the year 2019. This tariff was lower. Afterwards from the year 2022, the Appellant is being billed under Residential Tariff Category for the temporary connection for Ganesh Festival. *[Note: the tariff for temporary connection for Ganesh Ustav was changed to residential from 01/04/2020 onwards. The Covid 19 pandemic badly affected the festivities in 2020 & 2021, and no temporary connections were taken in these years.]*
- (iii) The consumption pattern and total bill for the year 2019, 2022 and 2023 of the Temporary Connections are tabulated as below:



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Table 1:

Year	Consumer No.	Name of Consumer	Tariff Category	Consumption (Units)	Amount (Rs.)	Average cost /unit (Rs.)	Status
2019	160254602211	Navagraha Mitra Mandal	LT - Temporary Supply - Religious (TSR)	2795	13951	4.99	PD
2022	170530005053		LT 1 Residential 3 Ph, Religious	1488	15380	10.34	PD
2023	170027232976		LT 1 Residential 3 Ph, Religious	1930	36010	18.66	PD

- (iv) The Tariff of temporary connections of Ganesh Ustav increased tremendously from 2022 onwards, as there is high tariff under the residential tariff category from the slab of 500 units onwards. The Appellant has filed this appeal symbolically on behalf of all Ganesh Mandals in Pune. The Govt. of Maharashtra has promised all Ganesh Mandals that they will arrange a concessional tariff for Ganesh Ustav in 2024.
- (v) In view of the above, the Appellant prays that the Respondent be directed to bill the temporary connections of Ganesh Mandals with a special concessional tariff in consultation with the Govt. of Maharashtra, as was existence in 2019, or its equivalent.

3. The Respondent MSEDCL filed its reply on 14th June 2024. Its submissions and arguments are stated as follows: -

- i) The Appellant avails of a temporary connection every year for the period of Ganesh festival at 174 Kasaba Peth, Kasaba Ganpati Road, Pune City. The connections are permanently disconnected after completion of Ganesh Ustav. The main grievance of the Appellant is regarding a policy decision that there should be concessional tariff for Ganesh Festival. The temporary connections' details are tabulated in Table 1.
- ii) The Commission (MERC) after taking into consideration all the submissions made by MSEDCL, and after a due public consultation process approves the tariff for various categories under Truing-up Mechanism of Annual Revenue Requirement.
- iii) The dispute raised by the Appellant is not a "grievance" as defined under Regulation 2.1 (e) of the CGRF & Regulations 2020. The grievance of the Appellant is not maintainable. The Appellant is rightly billed as per the Tariff Orders of the Commission which are in force.


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iv) In the circumstances, the Respondent prays that the representation of the Appellant be rejected.

Analysis and Ruling:

4. Heard the parties. Perused the documents on record. The Appellant is a registered charitable Trust at 175 Kasaba Peth, Shaniwar Wada, Pune. The Appellant conducts various cultural activities, and organising Ganesh Ustav is its major activity. The Appellant applies for a temporary connection for Ganesh Ustav every year. It is requesting for concessional tariff for the upcoming Ganesh Festival in this running year 2024. The Appellant put on record the electric bills paid towards temporary connections which are charted in Table 1, which shows the rising trend of bills. According to the Appellant, Ganesh Mandals should be billed under concessional tariff as assured by the Government.

5. It is necessary to refer various tariff orders of the Commission to highlight this issue of a temporary tariff for the Ganesh Festival.

- The Commission in its Tariff Order dated 30/03/2020 in case of 322 of 2019 observed that “8.6 Tariff Philosophy proposed by MSEDCL and Commission’s Rulings

.....

8.11.8 Temporary Supply (Religious) and Temporary Supply (Others): In an effort to rationalise the tariff categories, the Commission has done away with Temporary tariff category and merged Temporary Supply (Religious) with domestic category with benefit of telescopic slab and Temporary Supply (others) have been merged with Commercial category.”

- There was a separate tariff for Ganpati Festival as per Tariff Order dated 12/09/2018 in Case of 195 of 2017. The relevant portion of the tariff order is follow:

“LT VII: LT-Temporary Supply

LT VII (A): LT - Temporary Supply - Religious (TSR)

Applicability:

*This tariff category is applicable for electricity supply at Low/Medium voltage for temporary purposes for public religious functions like **Ganesh Utsav, Navaratri, Eid,***



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Moharrum, Ram Lila, Diwali, Christmas, Guru Nanak Jayanti, etc., and for areas where community prayers are held; and for functions to commemorate anniversaries of personalities and National or State events for which Public Holidays have been declared, such as Gandhi Jayanti, Ambedkar Jayanti, Chhatrapati Shivaji Jayanti, Republic Day, Independence Day, etc.

i) *This tariff will also be applicable to Circus Troupes.*

Rate Schedule			
Consumption Slab (kWh)	Fixed/Demand Charge (Rs/connection/month)	Wheeling Charge (Rs/kWh)	Energy Charge (Rs/kWh)
<i>LT VII (A) – All Units</i>	443	1.28	3.27

Tariff Order of the Commission dated 30/03/2020 in Case No. 322 of 2019 :

LT I (B): LT – Residential

Applicability:

This tariff category is applicable for electricity used at Low/Medium Voltage for operating various appliances used for purposes such as lighting, heating, cooling, cooking, washing/cleaning, entertainment/leisure, water pumping in the following premises:

- a. *to m.....*
- n. ***Temporary purposes for public religious functions like Ganesh Utsav, Navaratri, Eid, Moharrum, Ram Lila, Diwali, Christmas, Guru Nanak Jayanti, etc., and for areas where community prayers are held; and for functions to commemorate anniversaries of personalities and National or State events for which Public Holidays have been declared, such as Gandhi Jayanti, Ambedkar Jayanti, Chhatrapati Shivaji Jayanti, Republic Day, Independence Day, etc.***

Provided that such temporary connection shall be subjected to 1.5 times of fixed charges.

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Rate Schedule:

Tariff w.e.f. 1 April, 2020 to 31 March, 2021.....

Tariff w.e.f. 1 April, 2021 to 31 March, 2022.....

Tariff w.e.f. 1 April, 2022 to 31 March, 2023

<i>Rate Schedule</i>			
<i>Consumption Slab (kWh)</i>	<i>Fixed/Demand Charge (Rs/connection/month)</i>	<i>Wheeling Charge (Rs/kWh)</i>	<i>Energy Charge (Rs/kWh)</i>
0-100 units	Single Phase:	1.26	3.36
101 – 300 units	Rs. 109.00 per	1.26	7.34
301 – 500 units	month	1.26	10.37
Above 500 Units (Balance Units)	Three Phase - Rs. 364.00 per month	1.26	11.86

This shows that the rates for Ganesh Mandals were almost the same up to the slab of 100 units, beyond which the rates increased in stages. Thus, smaller Ganesh Mandals, and those which restrict their electricity consumption, would continue to pay lower charges.

➤ Tariff Order of the Commission dated 31/03/2023 in Case No. 226 of 2022:

LTI (B): LT – Residential

This tariff category is applicable for electricity used at Low/Medium Voltage for operating various appliances used for purposes such as lighting, heating, cooling, cooking, washing/cleaning, entertainment/leisure, water pumping in the following premises:

.....

m. Temporary purposes for public religious functions/ festivals like Ganesh Utsav, Navaratri, Eid, Moharrum, Ram Lila, Diwali, Christmas, Guru Nanak Jayanti, Gopalkala Utsav, Dashahara etc., and for areas where community prayers are held; and for functions to commemorate anniversaries of personalities and National or State events for which Public Holidays have been declared, such as Gandhi



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Jayanti, Ambedkar Jayanti, Chhatrapati Shivaji Jayanti, Republic Day, Independence Day, Maharashtra Day etc.

Provided that such temporary connection shall be subjected to 1.5 times of fixed charges.

Rate Schedule

Tariff w.e.f. 1 April, 2023 to 31 March, 2024 :

Tariff w.e.f. 1 April, 2024 to 31 March, 2025 :

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Rate Schedule			
Consumption Slab (kWh)	Fixed/Demand Charge (Rs/connection /month)	Energy Charge (Rs/kWh)	Wheeling Charge (Rs/kWh)
0-100 units	Single Phase: Rs. 128.00 per month	4.71	1.17
101 – 300 units		10.29	1.17
301 – 500 units		14.55	1.17
Above 500 Units (Balance Units)	Three Phase - Rs. 424.00 per month	16.64	1.17

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In this case, the bills of the Appellant have increased substantially due to its higher consumption, i.e. more than 1000 units, which falls under the last and highest slab. Smaller Ganapati Mandals, and those with lower consumption falling under the lower slabs will have to pay lower tariff.


6. The Commission, in exercise of the powers vested in it under Sections 61, 62 and 86 of the Electricity Act, 2003 (EA, 2003) and all other powers enabling it in this behalf, and after taking into consideration all the submissions made by MSEDCL, and after following a due public consultative process has approved the tariff for various categories under Truing-up Mechanism of Annual Revenue Requirement. The statutory process has been followed.

The tariff categories and their tariff rates are decided by the Commission and not by the Respondent- Licensee. The Ombudsman does not have the powers to decide the tariff rates.

7. The Respondent contended that the dispute raised by the Appellant is not a “grievance” as defined under Regulation 2.1 (e) of the CGRF & Regulations 2020. The definition of a grievance is reproduced as below:

“Grievance” means any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance, which has been undertaken to be performed by a Distribution Licensee in pursuance of a licence, contract, agreement or under the Electricity Supply Code or in relation to Standards of Performance of Distribution Licensees as specified by the Commission and includes inter alia Grievances in respect of non-compliance of any Order of the Commission or any action to be taken in pursuance thereof, which are within the jurisdiction of the Forum or Electricity Ombudsman, as the case may be;”

8. There is no billing dispute and / or quality issue of supply, hence the prayer of the Appellant is not covered under the Consumer Grievance Redressal Mechanism established as per CGRF & EO Regulations 2020. This forum does not have any authority to go into the tariff rates decided by the Commission. Hence, the grievance itself is not maintainable.


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9. The Appellant may approach the Commission in coordination with the Respondent, as its request deals with tariff category classification.

10. The Representation is therefore rejected and disposed of accordingly.

Sd/
(Vandana Krishna)
Electricity Ombudsman (Mumbai)



(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

