

**CONSUMER GRIEVANCE REDRESSAL FORUM,
AMRAVATI ZONE, AMRAVATI.**

" Vidyut Bhavan" Shivaji Nagar, Amravati, Amravati : 444603 Tel No 0721 .2551158

Dt.21/03/2017

Complaint No.2 / 2017

**In the matter of grievance pertaining to change of tariff , SOP Compensation and
refund of HT Metering Cubicles with labour and transportation.**

Quorum

Shri . S. R. Chitale, Member/Secretary

Shri. D.M.Deshpande-Member (CPO)

JSQ Ginning Factory, At S.No. 86, Mouze Lakhad.
Akot Road, Anjangaon
Consumer No:- HT-1B-359859006820

Complainant

.....Vrs.....

Superintending Engineer MSEDCL,
O&M Circle, Amravati

Respondent

Appearances :

Complainant Representative:- Shri. Ashish Chandarana
Non Applicant :- Shri Y. Y. Kshirsagar, Manager(F&A)

1. Complainant HT Consumer of N. A. approached this Forum as per the provision of Section 6.2 of MERC and Ombudsman regulation 2006. According to complainant their application for change of tariff from seasonal to non-seasonal dated 24/08/2016 submitted to N.A. Superintending Engineer, MSEDCL, O&M Circle, Amravati amounts to complaint made before IGRC, Amravati and complaint being not resolved by S.E. or IGRC approached to CGRF for resolving their grievance.

2. Complainant's case in brief is that they are HT consumer of N.A. MSEDCL from 25/12/2014 with applicable tariff as HTI-S(Seasonal). According to complainant their

application dated 24/08/2016 addressed to N.A. S.E., MSEDCL, Amravati for change of tariff from second billing cycle is not acted upon. Complainant referred SOP regulation 2014 with MERC Order in case No. 94/2015. Complainant pointed out that in similar matter of M/s. Dayawan Ginning and Pressing Factory, Akola MSEDCL authorities rightly acted as per regulation and gave effect of change of tariff.

3. According to complainant the amount spent on 22/10/2014 for purchase of cubicle metering Rs. 94306.00 along with labour and transportation charges is not refunded. According to complainant N.A. only referred the matter to their Division for preparation of work completion report but nothing has been done. Complainant further prays for effecting change in tariff from second billing cycle with 18% interest on amount so blocked along with refund of cubicle metering charges with cost of labour and transportation amounting Rs.108452.00 with 18% interest and any other benefit. CGRF may deem fit as per regulation. Along with complaint application dated 24/08/2016, Tax invoice for Rs. 94306.00 of Huphen Electromech Pvt. Ltd., Nasik, Delivery challan for cubicle and MERC order 94 are annexed.

4. Reply came to be filed on 04/02/2017 by N.A. after 15 days notice. N.A. in their reply not disputed the grievance filed with CGRF under section 6.2 of MERC regulation. N.A. MSEDCL have not disputed about expenditure incurred by complainant towards purchase of metering cubicle and its refund. According to N. A. refund could not be effected as original invoice is not submitted by complainant. According to N.A. refund will be possible on submission of original invoice copy. N.A. admitted the fact that complainant have applied for change in tariff from HT1-S to HT1-N on 24/08/2016 and according to N.A. complainant has already declared his seasonal and non-seasonal month and hence tariff change is not effected and requested Forum to dismiss the complaint with cost. No documents are annexed with reply.

5. Heard Mr. Ashish Chandarana for complainant and Shri Y.Y. Kshirsagar, Manager(F&A) for N.A. MSEDCL. During hearing Mr. Ashish Chandarana urged that they

have never exercise any option or declared any season or non-season month for application of seasonal tariff. It is brought on record that MSEDCL with their reply have not submitted any document to show that option is exercised by complainant before 24/08/2016. Learned representative further urged that their grievance is limited to change of tariff after 24/08/2016 and grievance, if any, for the period prior to 24/08/2016 for applicability of proper tariff will be lodged on reexamination, the fact is reproduced in the complaint dated 24/08/2016. Learned representative Shri Ashish Chandarana also referred MERC order in case No. 94 and urged that as per SOP regulation 9.2 , it sets the period within which a licensee has to dispose off an application for change of tariff category, but places no restriction on which such an application can be made. So according to learned representative they are entitle for change of tariff from second billing cycle with interest on refund amount and claimed SOP compensation of Rs. 100/- per week.

6. Learned representative Shri Ashish Chandarana urged during hearing that in spite the fact that MSEDCL should procure and install the metering cubicle, it is purchased by the contractor in his name on behalf of complainant as per directives of N.A. and original invoice is retained by contractor for his use. Representative of complainant have brought on record that the said metering cubicle is inspected and approved by Testing Engineer of MSEDCL and then installed and is in use since date of connection and MSEDCL is collecting revenue as per metering cubicle since last two years.

7. N.A. representative during hearing admitted the fact that complainant applied for change in tariff from 24/08/16 . On being queried by Forum to N. A. to submit the option letter if available with them the N.A. representative remain silent. N.A. representative admitted the claim for refund of cost of cubicle metering along with cost of labour and transportation but insisted for original invoice. It is also admitted fact by N.A. that due to unavailability of metering cubicle with MSEDCL complainant was asked to purchase the same.

8. On going through the complaint , reply by N.A. , material on record and learned representative's say in hearing Forum is satisfied that the complainant has applied for change of tariff application on 24/08/16. As per MERC (Standards of performance of distribution licensee, period for giving supply and determination of compensation) Regulation 2014, Clause 4.13 (b) change of tariff shall be effected within second billing cycle and SOP compensation under Appendix A 8(ii) Rs.100/- per week is payable on failure. Forum finds no substance in the plea of N.A. MSEDCL that complainant in their option have declared season month as no material is brought on record by N.A. MSEDCL to establish the fact. Even after directing by Forum to file on record option letter, N. A.'s representative could not produce any record. There is every reason to draw adverse inference for Forum and to accept the plea taken by complainant that they never applied for " Seasonal " tariff. Forum is of the view that change of tariff to non-seasonal should be effected immediately and complainant be compensated @ Rs.100/- per week from 01/10/2016 till effect is given. It is admitted claim for cost of metering cubicle with cost of labour 10% and cost of transportation 5%. During query N.A.'s representative admitted that amount claimed is less than cost data. Forum is of the view that as metering is not purchased in the name of MSEDCL original invoice copy should be with the person who has placed the order. Further, it is admitted fact that metering cubicle is purchased from approved vendor of MSEDCL with due inspection by MSEDCL and commissioned by MSEDCL in 2014 and is in use, Forum is of the view that complainant is entitled for refund of cost of cubicle along with 5% transportation and 10% labour. Forum finds substance in the claim of interest at Bank rate of 6% per annum since amount is spent for MSEDCL and amount shall be recoverable by the person who has paid such price along with interest equivalent to Bank rate. With above observations Forum proceeds to pass following unanimous order.

ORDER

1. The Complaint no. 2/2017 is hereby partly allowed. The N.A. MSEDCL is directed to effect the change of tariff from seasonal to non-seasonal from 01/10/2016 and revise bill be issued and difference in amount be adjusted in

forthcoming bill. N.A. is directed to compensate complainant at Rs.100/- per week from 01/10/2016 till change of tariff is effected.

2. N.A. MSEDCL is directed to refund the cubicle metering amount Rs. 94306.00 as per invoice of Huphen Pvt. Ltd.(true copy) in addition to 5% transportation and 10% labour with interest on total amount at 6% per annum from 22/10/2014 till making adjustment in the bills. Refund amount be adjusted in forthcoming bills.
3. N.A. is directed to submit compliance report to Forum within a period of one month.

Sd/-
Member/Secretary

Sd/-
Member(CPO)

Contact details of Electricity Ombudsman appointed by MERC (CGRF&EO) Regulations 2006 under Regulation 10:

THE ELECTRICITY OMBUDSMAN,
Office of Electricity Ombudsman (Nagpur)
Plot No.12, Shrikrupa, Vijaynagar, Chhaoni,
Nagpur-440 013.
Phone : 0712-2596670

No. CGRF / AZ/ Amravati/

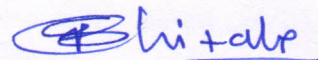
No 0825 /

Dt. 21/03/2017

TO

The Nodal Officer,
Superintending Engineer
MSEDCL, O&M Circle,
AMRAVATI

The order passed on 21/03/2017 in the Complaint No. 2/2017, is enclosed herewith for further compliance and necessary action.



Secretary,
Consumer Grievance Redressal Forum,
MSEDCL, Amravati Zone, Amravati

Copy s.w.rs.to :-

The Chief Engineer, MSEDCL, Amravati Zone, Amravati

Copy to:

JSQ Ginning Factory, Akot Road, Mouze Lakhad , Anjangaon
Consumer No:- HT-IB-359859006820