

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

“ Vidyut Bhavan ” Ratanlal Plots, Akola : 444001 Tel No 0724 .2434476

Dt.17/04/2015

Complaint No.06 / 2015

In the matter of grievance pertaining to refund of amount spent on infrastructure under Non-DDF-CC & RF Scheme so also excess tariff recovered with interest, cost and Penalty, etc.

Quorum :

Shri T.M.Mantri, Chairman

Shri D.M.Deshpande, Member

Nurulla Khan Haji Husen Khan Complaint No.06/2015
M/s Indian Unit of Cold Storage
Balapur Di: AkolaComplainant

.....Vrs.....

The Executive Engineer (R.) Dn. Akola Respondent

Appearances :

Complainant Representative : Shri Ashish Chandarana

Respondent Representative : Shri. P.J.Sangole, Dy.Executive Engineer

1. The complainant has approached this Forum alleging that inspite approaching to IGRC on 9-1-2015, nothing has been done and the Chairman of IGRC failed to perform in attending grievance as required under the Regulation, thereby compelling the complainant to approach this Forum. The complainant is a SSI Registered Unit running Cold Storage. Initially connection was released on 2-12-2011 but it was subsequently increased under Non-DDF CC & RF Scheme as per

the letter dated 30-12-2013. The grievance is pertaining to non refund of amount spent under Non-DDF-CC & RF Scheme, alleging that WCR which is under process has not covered labour charges and Transformer testing charges. Similarly, the grievance is pertaining wrong application of tariff and wrong assessment of amount as the complainant was not placed under correct tariff i.e. agricultural category, by making reference to the MERC order and Commercial Circular of the N.A. On the contrary the complainant replaced under Industrial tariff category which wrong whereby excess amount is recovered. Further alleging that the N.A. has slapped a notice threatening police action compelling the complainant to approach this Forum, seeking relief prayed for. Alongwith the complaint certain documents came to be filed.

2. After receipt of notice, the N.A. has filed reply, belatedly, stating that the Flying Squad has made inspection on 16-7-2014 and while submitting the report has directed to issue bill of tariff differently. Accordingly the bill of Rs.3,24,870/- has been issued to the complainant.

3. It is stated that as per the demand of the complainant from the month of December 2014 the adjustment @ 50% is being made on completion of the WCR. Other adjustment is being made as per the rates of MSEDCL and Circular No.39206. As far as the complainant's claim for refund of amount towards the transformer testing charges, the same will be complied with. Similarly, it is stated that as per the MERC Circular, agricultural tariff LT-IV will be made applicable by changing industrial tariff from April 2015.

4. It has been further stated that the bill of changed tariff has been issued as per the direction of Flying Squad, Wardha. However, the said mistake is being corrected AG tariff is being made applicable, likewise due to oversight / mistake notice has been issued to the complainant with the bill and the same has been cancelled vide letter dated 3-1-2015. In view thereof the claim made by the complainant for claim of Rs.5000/- on both these grounds may not be accepted. Alongwith the reply copies of certain documents came to be filed.

5. Heard Shri Ashish Chandara, Learned Representative for the complainant and Shri P.J. Sangole, Dy. Executive Engineer, Learned Representative of the N.A. Considering the reply filed on behalf of the N.A. so also the submission made by the Learned Representative of the N.A., it is clear that the N.A. has finally admitted to resolve the grievance. The Learned Representative of the N.A. fairly submitted that from the date of connection to the unit of the complainant, the tariff rate will be corrected i.e. agricultural tariff. It has been rightly pointed out on behalf of the complainant by its representative that the WCR prepared by the N.A. with letter dated 30th October 2014 is incorrect. As per the settled practice / procedure 10% Labour Charges so also inclusion of other miscellaneous expenses not covered. According to the complainant in the final WCR those labour charges etc are not included. The Learned Representative of the N.A. has fairly submitted that whatever are permissible and acceptable inclusions ie 10% labour charges same will be included. As already submitted above, the N.A. has already clear about the adjustment being given from the billing of April 2015. Here, it is pertinent to note that according to the complainant's representative, electricity duty has been levied in the bill and it being the industrial unit in the Vidarbha region, the State Government has granted exemption. The Learned Representative of the N.A. has

admitted about the exemption of such Electricity duty and fairly stated that it will be rectified.

6. The Learned Representative of the complainant has fairly submitted that as the concerned Office of the N.A. as well as the Learned Representative of the N.A. has plainly admitted about the change of tariff from the date of connection, refund of amount spent under Non-DDF-CC & FF Scheme, transformer testing charges etc so the complainant is not claiming the claim of Rs.5000/- on both counts as claimed in the prayer towards penalty and cost. So also not claiming the interest and expressed that the grievance could have been resolved fairly and justly earlier. No doubt, if due attention would have been paid to the grievance of the complainant, the matter could have been resolved much earlier and there could not have been occasion to approach this Forum. In any Way Wisdom has prevailed upon, may be late. Considering the overall circumstances this forum is of the view to not to grant the relief of 15% interest claimed by the complainant.

7. Here this Forum has to observe that though under the Regulation provision is made for approaching the IGRC with certain aims and objectives, thereby genuine grievance of the consumers can be resolved, atleast by the said Authority. Here it needs to be mentioned, as submitted on behalf of the complainant, that inspite of the complainant's approach to IGRC, nothing has been done by the said authority for more than prescribed period of two months. Even no date of hearing was fixed, so what about considering the grievance and resolution thereof. Such action on behalf of IGRC is in total contravention to the provisions of the Regulation. If such attitude is allowed to be continued, it will be simply wastage of valuable time of the consumer as well as the concerned authority, thereby defeating the intention,

aims and objects in framing those Regulation. This Forum thinks it proper that N.A. Licensee / concerned appropriate authority to take cognizance of such eventuality and to give appropriate direction to the all Nodal officers / IGRC to consider the grievance made by the consumers before it rather than keeping them pending in limbo for months together. As per the information given to this Forum, Executive Engineer (Admn) is looking after the work of IGRC. Even otherwise it being the matter of administration, the said authority has to look into the such matters. Failure on their part creates obligations and burden on the other officers who are actual doing field work and are required to spent time and to look-after the grievance as per procedure thereby their main task of field work is being affected, Consequently the consumer is being affected. If IGRC concerned looks into the matter promptly and urgently, most of the matters / grievances of the consumers can be resolved at that stage only. It will save valuable time of responsible officers, of the Licensee naturally efficiency of the Officers will be increased. This Forum hopes that due care will be taken by the concerned authority and appropriate direction/instructions will be given to the IGRC. With such observations, this Forum proceeds to pass the following unanimous order:

O R D E R

1. Complaint no. 6/2015 As per the submission made on behalf of the N.A. the impugned bill of tariff difference of Rs.3,24,870/- is hereby set aside and N.A. to make applicable agricultural tariff as per the Commercial circularNo.102 & 175, LT-IV from the date of connection to the complainant. Similarly, N.A. to make rectification by Adding 10% labour charges in the audited WCR for making refund of the amount spent by the complainant under Non-DDF-CC & RF Scheme so also not to levy the

Electricity duty in the bill being exempted by the State Government and whatever amount on that count recovered from the complainant be refunded alongwith the refund of transformer testing charge of Rs.3000/- so also to waive interest and DPC on account of incorrect / illegal action on the part of N.A.The complainants claim for interest is turned down.

2. As far as the complainant's claim for imposing the penalty of Rs.5000/- and cost of Rs.5000/- being not pressed by the complainant, the said prayer has become redundant.
3. The N.A. to give adjustment of amount of excess charges recovered with the amount under Non-DDF-CC & RF Scheme and Electricity Duty from the forthcoming bills alongwith the other amounts to be refunded to the complainant as per Order.
4. In the circumstances parties to bear their own costs.
5. That the compliance report be submitted within a period of one month from the date of this order.

Sd/-

(D.M.Deshpande)
Member

Sd/-

(T.M.Mantri)
Chairman

No.CGRF / AMZ/ Akola/

Dt. /04/2015

To
The Nodal Officer / Executive Engineer,
MSEDCL,
Rural Division,
Akola

The order passed on 17-04-2015 in the Complaint No. 06/2015, is enclosed herewith for further compliance and necessary action.

Consumer Grievance Redressal Forum,
MSEDCL, Amravati Zone, Akola

Copy to:

Mr.Nurulla Khan Haji Husen Khan, C/o Indian Unit of Cold Storage, At Po Balapur
Ta : Balapur Dist : Akola

Copy s.w.r.to:-

The Superintending Engineer, O & M Circle Office Akola.