

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
AURANGABAD ZONE, M.S.E.D.C.L., AURANGABAD.

(Case No. CGRF/AZ/AUR/ JLN / 450 / 2013 /34

Date of Filing: 11.06.2013

Date of Decision 09.10.2013

- 01) Somani Ginning & Pressing Factory, Complainant
Gut No. 32, Beed Jalna Road,
Tal *Ambad*, Dist. JALNA
(Consumer No. 520016030124)
V/s
- 02) The Executive Engineer (Admn.) Respondent No.
Nodal Office, O/O The Superintending Engineer,
O&M Circle, MSEDCL,
JALNA.

Coram:

Shri V.B. Mantri President

Shri V.S. Kabra Member

Shri S.K.Narwade, Member/Secretary

ORDER

1. The Grievance of the complainant is against KVA assessment of Rs. 4500/- made on the basis of Dy.Executive Engineer report dated 08.12.2010
2. The complaint has taken electricity connection for his ginning and pressing mill in the year 1999. He applied for permanent Disconnection, and thereby supply was disconnected permanently on 01.01.2011. The complaint paid bill of Rs.17520/- on 29.01.2011.

The complainant however received bill dated 15.02.2011 for the period of 30.11.2010 to 31.01.2011 for Rs 75880/- The complainant made representation on 20.03.2011 and requested to adjust previous paid bill, security deposit and RLC charges in the outstanding bill but the request was not considered

3. It is submitted that, the complainant has paid the sum of Rs. 43100/- towards security Deposit, It is to be refunded. The respondent has charged Rs. 4500/- towards KVA assessment on the basis of Dy. Executive Engineer report dated 08.12.210. The respondent failed to issue correct bill from the date of connection bill the date of P.D. The respondent is also required to refund balance RLC within one month from the date of P.D. but it is not refunded. It is therefore prayed that, the respondent be directed to withdraw K VA assessment of Rs. 4500/-
4. The respondent has submitted the reply to the complaint and claimed that the Grievance is not presented within two years from the date of cause of action and therefore it cannot be enquired as it is barred by limitation.
5. The respondent has submitted that, flying squad MSEDCL has assessed penalty for exceeding contract demand, as consumer has exceeded contract demand. The assessment is correct. The complaint be dismissed.
6. This forum heard submissions of Mr. Kapadiya for complainant & Nodal officer for respondent.

7. It is seen from assessment sheet prepared by Dy. Executive Engineer on 31.12.2010 that, sanctioned Load to the factory of the complainant was 81 KVA. The connected load was found to be 110.36 KVA .There is no dispute on these recording of Dy. Ex. Engineer. It is therefore clear that assessed KVA comes to 30 KVA. Duration of such assessment has been held to be for one month. The forum is therefore of the opinion that, the Dy. Executive Engineer has assessed penalty at 150% of the prevailing Demend charges for excess demand. The assessment appears to be on the basis of clarificatory Order passed by MCRC in case of 26/2007 and in case of 65/2006 dated 24.08.2007. The forum does not thereby find substance in the Grievance. Moreover the assessment is made on 31.12.2010 against which complaint is filed on 11.06.2013 which is after more than two years. The complaint as such is beyond period of limitation.
8. Mr. Kapadiya for complainant has produced copy of Order passed by Hon. Ombudsmen on 10.10.2012, in which case KVA MD and power factor was never recorded. The forum on these grounds therefore said case is not applicable to this case. In substance, there is no merit in this complaint. The complaint should be dismissed. The forum thereby proceeds to pass following Order.

Order

1. The complaint is herby dismissed.
2. No Order as to Costs.

Sd/-
(S.K.Narwade.)
Member/Secretary

Sd/-
(V.S. Kabra.)
Member

Sd/-
(V.B.Mantri.)
Chairperson. Page No3/3