

**CONSUMER GRIEVANCE REDRESSAL FORUM**  
**NAGPUR ZONE (RURAL) M. S. E. D. C. L.**

Plot No.12, Shrikrupa, Vijaynagar, Chhaoni,  
NAGPUR – 440 013

Shri T.M.Mantri  
Chairman  
(Mb)9673215771

**(O) 0712- 2022198**

Shri M.G.Deodhar,  
Member  
(M)9422805325

---

NO. CGRF/NZ/R/

Date :

**Certified copy of order dtd 19th Octobaer,2011 in Case No. 332/2011 is enclosed herewith.**

Member-Secy/ Exe.Engineer,  
C.G.R.F.(NZ-R)MSEDCL  
N A G P U R

To,

M/s Highrise Transformers, S-82, MIDC, Hingna Road, Nagpur-440016.

Copy S.W.Rs.to :-

1. The Chief Engineer,Nagpur Zone (Rural)MSEDCL, Vidyut Bhavan,Katol Road, Nagpur.
2. The Superintending Engineer, MSEDCL, O&M Circle, Wardha.

Copy F.W.Cs.to:

1. The Executive Engineer/Nodal Officer., O&M Circle Office, MSEDCL.Wardha, --
2. The Executive Engineer,C.C.O&M Dn., MSEDCL, Arvi  
for information and necessary action.

Address of **the Electricity Ombudsman** is given as below.

Office of - **The Electricity Ombudsman,**

12, Srikrupa, Vijay Nagar,  
Chhaoni, Nagpur-440 013  
Ph.No.0712-2022198.

**CONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR (RURAL)**

**COMPLAINT NO. 332/2011**

M/s Highrise Transformers,  
A-28, MIDC, Karanja(G),  
Dist. Wardha.

**.. Complainant**

,,VS.,

1. Superintending Engineer,  
MSEDCL, O & M Circle,  
Wardha.

2. Executive Engineer/Nodal Officer,  
I. G. R. C., Circle Office,  
MSEDCL, Wardha.

**.. Respondents.**

Applicant Represented by Shri Suhas Khandekar.

Respondents represented by Shri V.M.Hedau, Asstt.Engineer, Karanja.

**CORAM:**

Shri T. M. Mantri, Chairman.

Shri M. G. Deodhar, Member.

Ms. S. B. Chiwande, Member-Secretary.

**ORDER**

**Per Chairman**

**DATED: 19<sup>th</sup> October, 2011**

The complainant has filed the present Complaint under the provisions of MERC(CGRF&EO) Regulations,2006 (hereinafter called the 'Regulations') on 06.08.2011 in form 'A' in respect of his grievance for refund of the amount of Rs. 5,78,120/- spent by it for carrying out the work of installation of 100 KVA Transformer alongwith H.T. Line, L.T. Line in substance. The complainant's case is that he has made an application for power supply of 67 HP thereupon they were asked by the Non-Applicant Company to carry out the work of installation of 100 KVA

transformer alongwith HT line, LT line etc. The estimate was sanctioned for Rs. 5,78,120/- vide order dated 29.05.2009 and accordingly the complainant carried out the work, thereafter the power supply received by it. Reference has been made to Circular No.22197 of 20.05.2008 in respect of refund of entire cost of the work done it is alleged that till date the complainant has not received any refund and then approached IGR Cell, Wardha on 24.05.2011 but to no effect. Hence required to approach this Forum in respect of refund of the above amount with further awareness that the refund is unacceptable through bills. So also requested for interest at the Bank rates from the date of release of power till refund of the amount. It is alleged that M.S.E.D.C.L. is continuing to utilize the complainant's fund for their own purposes and therefore demand for interest is justified.

2. Notice as per rules was served to the Non-Applicant Distribution Licensee for filing parawise reply and documents and accordingly on 22/08/2011 the reply was filed on behalf of Non-Applicant Distribution Licensee. Wherein it has been admitted that the complainant has spent for the entire work amounting to Rs. 5,78,120/- so also it is admitted that thereafter connection has been made out. However the complainant has not submitted the documents till date for getting refund of the amount such as application for refund under the scheme, copies of the bills of the articles purchased by the Applicant, their valuation & Guarantee Certificate, documents about the handing over of the site to the Distribution Licensee and non submission of W.C.R. Lastly it is stated that on making compliances the credit will be given from the next electric bill.

3. The matter was then fixed for hearing. Heard the Learned Representative for the complainant and Mr. Hedau, Asstt.Engr. on behalf of Non-Applicant Distribution Licensee. It is pertinent to note that except reply as referred to above no document has been produced from the side of the Non-Applicant Distribution Licensee. The complainant has produced certain documents with complaint admittedly estimate for supply of the electric connection as referred to above for complainant was sanctioned for Rs. 5,78,120/- . It is also admitted position that the complainant has spent for carrying out the work of installation the said transformer with lines. It is also an admitted position that thereafter the Non-Applicant Distribution Licensee has given the connection and power has been supplied to the complainant. It is under use and bills are being issued to the complainant for consumption of energy. In the background of such facts the stand taken on behalf of Non-Applicant Distribution Licensee about non giving of WCR, non giving of Certificate of transfer of site to it as well as non making an application for refund by the complainant can

not be said to be just and reasonable. Similarly the other ground mentioned in the reply about the bills and valuation of the articles so purchased can not be said to be proper ground specially when the estimate of the work was sanctioned vide order dated 29.05.2009. The fact that the power has been supplied and energy is being used by the complainant directly denotes that the Non-Applicant Distribution Licensee has satisfied with the requirement and therefore power has been supplied. The energy bills are being issued at the most the clarification remains to be considered as to in what manner the refund is to be made to the complainant.

5. In the complaint there is reference of the Circular of 20.05.2008 and i.e. not in dispute, copy of which has been also produced and referred in the column of “recovery of charges” of the said circular it is mentioned that if the consumer bears the cost of infrastructure then the refund of the cost of infrastructure will be given by way of adjustment through energy bills. On behalf of the Non-Applicant Distribution Licensee Learned Representative has made submission that 50% of the energy bill to be adjusted towards refund of above said amount when query was made as to what basis this submission is being made. He could not satisfied but made only submission that generally such practice has been adopted. In the above referred circular dtd. 20.05.2008 there is only reference of adjustment through energy bills for refund of cost of infrastructure.

6- Here in the present case the complainant has categorically urged that the average monthly bill is about Rs.20000/-, if the submission made on behalf of the Non-Applicant Distribution Licensee for adjustment of 50% amount of bill towards refund is accepted then bill require sufficient long time so as to get the entire amount spent by the complainant. Admittedly the complainant has spent amount in the year 2009 and power has been supplied in Sept.,2009, so it is more than 2 years time has already been passed. If we consider the matter in other way by taking into consideration the interest rate being charged / offered by Nationalized Banks then also it will not be just proper to accept the submission made on behalf of the Non-Applicant Distribution Licensee for adjustment of 50% of the energy bills towards refund of the amount. Here it is also to be noted that the complainant is also claiming interest for delay in making refund on behalf of Non-Applicant Distribution Licensee. According to it the Non-Applicant Distribution Licensee is continuing to utilize these funds for their own purposes. So considering the matter from different angle the

submission made on before of the Non-Applicant Distribution Licensee on that ground can not be accepted otherwise it will amounts to allow the Non-Applicant Distribution Licensee to utilize the funds of the complainant for erection of the said infrastructure which in fact the Non-Applicant Distribution Licensee ought to have carried out.

6. Here it needs to note that during course of argument the Learned Representative for the Non-Applicant Distribution Licensee has submitted that it has no problem in refund of the amount as may be ordered but the complainant be asked to give guarantee of the transformer to which Learned Representative for complainant has agreed for furnishing the Guarantee Certificate immediately for it he may sought for time. If so far not filed such certificate is not available, it should be made available immediately.

7. The Learned Member Secretary of the Forum is of the view that as per practice adjustment of the amount from energy bills is to be @50% of the energy bills. In the above discussion the circular of 20.05.2008 is considered which does not referred to such adjustment of 50% on energy bills. Even otherwise taking into consideration the amounts spent by the complainant in the year 2009 can not justify such adjustment of 50% of energy bills. In view thereof be majority following order is passed.

8. In view thereof the matter has to be decided accordingly in the following terms.

### **ORDER**

1. Complaint is partly allowed.
2. The complainant to give Guarantee Certificate of the transformer to the Non-Applicant Distribution Licensee, if so, previously not given.
3. The complainant is entitled for refund of Rs. 5,78,120/- and Non-Applicant Distribution Licensee to refund the amount of the cost of infrastructure incurred by the complainant in the form of adjustment of monthly energy bills being issued to the complainant, without any deduction and interruption.
4. The rest of the claims for interest and damages of the complainant is rejected.
5. In the circumstances, parties to bear their own costs.
6. The Respondent shall carry out this order & report compliance to this Forum within stipulated time.

Sd/-

Sd/-

Sd/-

**MEMBER**

**MEMBER SECRETARY**

**CHAIRMAN**

**CONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR (RURAL)**

**(Order per Chairman dated 19<sup>th</sup> October,2011)**

