

Before Maharashtra State Electricity Distribution Co. Limited Consumer Grievances Redressal Forum, Pune Zone, 925, Kasabapeth Building, IInd flr. Pune-11

Case No. 11/2014

Date:- 23/7/2014

In the matter of

M/s.JCB India Ltd,
Plot No.A/ A, MIDC,
Talegaon, Tal-Maval,
Dist.Pune

- Complainant

V/S

The Superintending Engineer,
M.S.E.D.C.L.
Pune Rural Circle,
Pune.

- Opponent

Quorum

| | |
|-------------------|-----------------------|
| Chair Person | Shri.S.D.Madake |
| Member/Secretary, | Shri.N.S.Prasad |
| Member | Shri.Suryakant Pathak |

1. M/s.JCB India Ltd.,MIDC Talegaon is HT consumer of M.S.E.D.C.L. vide No.181029035950. The consumer filed present complaint as per the provisions of Section 42 (5) of Electricity Act-2003 being dissatisfied by order passed by Shri.J.K.Bhamre, Chairman, IGRC, Pune on 7.5.2014.
2. The complaint filed in Schedule 'A' on 3.6.2014 mainly relates to levy of 2% extra-units as voltage surcharge Shri.B.R.Mantri consumer representative appeared for complainant. He relied on application filed before I.G.R.C. as well as orders passed by MERC, H'ble High Court as well as Hon'ble Appellate Tribunal for Electricity on the point of 2% extra-units as voltage surcharge. Mr.B.R.Mantri submitted that M.S.E.D.C.L. is not entitle to recover the 2% extra units as voltage surcharges.

3. The M.S.E.D.C.L. filed written statement on 17.6.2014 and alleged that consumer was released on express feeder from June-2012 but consumer did not install 0.5 S class meter at sub/station end therefore applicability of 2% voltage surcharge is correct. It is further alleged that action will be taken as per Head Office guidelines.
4. I.G.R.C. ordered that Superintending Engineer will take action as per rules, for refund of 2% additional units. In the present case complainant in para 7 of Schedule 'A' prayed for the same relief which is granted by I.G.R.C. The only prayer is that amount shall be refunded with interest.
5. M.S.E.D.C.L. produced on record letter addressed to Chief Engineer (Commercial) Mumbai relating to proposal for refund of 2% voltage surcharge in respect of M/s.JCB India Pvt. Ltd., Talegaon, Dist. Pune.
6. The M.S.E.D.C.L. officials submitted the proposal for refund of surcharge levied from June-2012. As per SOP revised by Hon'ble MERC w.e.f. 20.5.2014. 2% voltage surcharge is not applicable.
7. On perusal of all documents and all oral submission made by Shri.B.R.Mantri and officers of M.S.E.D.C.L. the relief claimed by complainant is admitted and proper steps are taken for refund of the same.
8. The only issue is regarding interest on excess amount and M.S.E.D.C.L. has already made a proposal for refund of amount with interest.
9. Section 62(6) of Electricity Act-2003 provides that person who has paid excess amount is entitle for refund of the amount with interest equivalent to bank rate.
10. In the result complainant is entitle for refund of the excess amount with interest at the prime lending rate of SBI.
11. M.S.E.D.C.L. is entitle to charge on the basis of consumption recorded by the meters installed at the source of supply and at the consumers end whichever is higher without any levy of voltage surcharge.

ORDER

1. M.S.E.D.C.L. is entitle to charge on the basis of consumption recorded by the meters installed at the source of supply and at the consumers end whichever is higher without any levy of voltage surcharge.
2. M.S.E.D.C.L.is directed to refund the amount collected towards 2% additional units charged from 15.6.2012 till 20.5.2014 with interest at the prime lending rate of SBI.
3. No order as to cost.

N.S.Prasad,
Member/Secretary

Suryakant Pathak
Member

S.D.Madake
Chair Person

Date: 23/07/2014