



**CONSUMER GRIEVANCE REDRESSAL FORUM
M.S.E.D.C.L., PUNE ZONE, PUNE**

Case No.33/2014

Date of Grievance : 05.11.2014

Date of Order : 20.01.2015

In the matter of refund of excess charged FAC in the month of May, June & Aug. 2014.

Complainant

M/s. Century Enka Ltd.,
Century Arcade, Narangi baug,
MIDC, Bhosari Pune

(Herein after referred to as Consumer)

Versus

The Supdt. Engineer,
M.S.E.D.C.L.,
Ganeshkhind Circle,
Pune.

Respondent

(Herein after referred to as Licensee)

Quorum

**Chair person
Member Secretary**

**Mr. S.N. Shelke
Mr. Y. M. Kamble**

Appearance

**For Consumer
For Respondent**

**Mr. Ajay Bagave (Representative)
Mr. S.R. Rinke, Exe. Engineer
Ganeshkhind Urban Circle**

- 1) The Consumer has filed present Grievance application under regulation no. 6.4 of the MERC (CGRF & E.O.) Regulations 2006.

- 2) Being aggrieved and dissatisfied by the order dated 21.10.2014 passed by IGRC Ganeshkhind Urban Circle, Pune, the consumer above named files present grievance application on the following amongst other grounds.
- 3) It is contended that IGRC Ganeshkhind vide impuned order dated 21.10.2014 accepted that the complaint is to be valid but the said order does not mention refund of excess FAC charged by Licensee alongwith interest. The impuned order only mentions that the Competent Officers in the head office alongwith Officers of IT department should be requested to remove the discrepancies in FAC charges. However in the impuned order there is no any convincing findings.
- 4) The papers containing the above grievance were sent by the Forum to the Supdt. Engineer, M.S.E.D.C.L., Ganeshkhind Urban Circle, Pune vide letter no. EE/CGRF/PZ/Notice/33 of 2014/212 dtd.12.11.2014. Accordingly the Distribution Licensee i.e. MSEDCL filed its reply on 17.12.2014.
- 5) We heard both sides at length, gone through the contentions of the consumer and reply of the respondent and the documents placed on record by the parties. On its basis following factual aspects were disclosed.
 - i) Consumer connected with supply categorized as HT-1 Industries, non continuous (non expressed feeder) under Bhosari Sub-dn., Bhosari Division, & Ganeshkhind Circle.
 - ii) The said Consumer is connected vide consumer No.170149002009, power supply fed on 220 KV level with 11700 KVA contract demand.
 - iii) The monthly bills of HT consumers are processed as per the policy decisions and circulars of the Licensee.
 - iv) The subsequent charges incorporated in the HT billing software version as per policy are released time to time from corporate office & are implemented accordingly throughout the state of Maharashtra through I.T.Department.
 - v) For the month of May-2014 H.T. bills were processed for 1.6.2014 to 6.6.2014 with FAC charges as per Circular No.193 dated 8.5.2014 @ 3.36

paise/unit & for 7.6.2014 onwards with FAC charges @ 13.62 paise/unit vide circular No.114 dated 11.6.2014 (with back effect from 7.6.2014.

- vi) For the month of June-2014 & Aug.2014 H.T. Bills were processed on 9.7.2014 & 9.9.2014 respectively with prevailing rate of FAC charges 34.92 paise/unit & 32.93 paise/unit respectively vide circular Nos.197 dtd.7.7.2014 & Circular No.199 dtd.5.9.2014 respectively.
- 6) The consumer in support of his contention produced following documents on record.
- a) Bill for the month of May-2014 vide Consumer No.201405251701354
 - b) Circular of Licensee no.193 dated 8.5.2014
 - c) Copy of letter of consumer sent to Licensee dated 12.6.2014 asking for refund/adjustment of excess FAC amount charged.
 - d) Bill for the month of June-2014 vide consumer No.201406351703157
 - e) Circular of Licensee No.194 dtd.11.6.2014
 - f) Copy of letter dated 11.7.2014 send by consumer to Licensee asking for refund/adjustment of excess FAC amount charged.
 - g) Bill for the month of Aug.2014 vide consumer No.201408551708308
 - h) Circular of Licensee No.198 dated 7.8.2014
 - i) Copy of letter dated 10.9.2014 sent by consumer to Licensee asking for refund /adjustment from excess FAC amount charged.
- 7) Consumer representative Mr.Ajay Bagave submitted that the Chief Engineer, Commercial issues circular about FAC charges for every month. In the month of May-2014 FAC charges were Rs.0.0336 paise/unit vide Circular No. 193 dated 8.5.2014 but Licensee charged Rs.0.162 per unit & therefore refund of excess FAC charged of Rs.8,03,307/-
- Similarly in the month of June-2014 FAC charges were Rs. 0.1362 paise/unit vide Circular No.194 dated 11.6.2014 but Licensee charged Rs.0.3492 per unit & therefore excess FAC charged of Rs.15,69,426/- .
- Similarly in the month of Aug.2014 FAC charges were of Rs.0.1118 paise/unit vide Circular No.198 dated 7.8.2014 but Licensee charged Rs.0.3293 per unit & therefore excess FAC charged of Rs.16,82,015/- .

Therefore above mentioned excess FAC charged be refunded alongwith interest @ 18% p.a. for relevant period.

- 8) On the other hand Licensee is represented by Mr.S.R.Rinke, Exe. Engineer,(Admn.) Ganeshkhind Urban Circle. He submitted that monthly bills of H.T.consumer are processed as per the prevailing policies & Commercial Circulars issued by the licensee. Subsequent charges like FAC are incorporated in the HT Billing software version released time to time from Corporate Office & they are implemented throughout the state of Maharashtra. He further submitted that as per amendment FAC charges are levied as per bill date irrespective of bill month. Revised rates have to be paid by the consumer in every billing cycle as applicable as per policy taken by the corporate office. Therefore there is no question of refund of excess of FAC charges.
- 9) Taking into consideration submission of the both sides & commercial circulars issued by the Licensee time to time for respective period referred to above, grievance of the said consumer may be put in the tabular form as under -

Information showing FCA Details recovered from consumer as per commercial circulars and policy of corporate office.

Billing mon	Billing period		Billed dt.	FCA Rate Paise / Unit	FCA Rate implement w.e.f.	FCA Circular No.	Circular date	Amt. recovered against FCA from consumer	Con.'s Request	Request of cons. for refund of excess FAC amt.
	From	To								
May 2014	30.4.14	31.5.14	7.6.14	13.62	6.6.14	194	11.6.14	1066377.90	To recover amount as per commercial cir.No.193 dtd.8 May 2014 at a rate 3.36 paisa/unit amounting Rs. 263071.00	803307.00

June 2014	1.6.14	30.6.14	9.6.14	34.92	5.7.14	197	7.7.14	2572975.44	To recover amount as per commercial circular no.194 dtd.11.6.2014 at a rate 13.62 paisa/unit amounting Rs.1003549 /-	1569426.00
Aug 2014	31.7.14	31.7.14	9.9.14	32.93	7.8.14	199	5.9.14	2546608.62	To recover amount as per commercial circular no.,198 dtd.7.8.2014 at a rate 11.18 paisa/unit amounting Rs.864594.00	1682015.00

10) On perusal of Circular No.194 dated 11.6.2014 it is clear that FAC for the month of March-2014 was recovered in the month of June-2014. Therefore the amount of FAC levied in the billing month May-2014 vide bill dated 7.6.2014 was for the month of March-2014.

Similarly as per Circular No.197 dated 7.6.2014, FAC for the month of April-2014 was recovered in the month of July-2014, therefore the amount of FAC levied in the billing month June-2014 vide bill dated 9.6.2014 was in respect of month of April-2014.

Similarly as per Circular No.199 dated 5.9.2014, FAC for the month of June-2014 was recovered in the month of Sept.2014. Therefore the amount of FAC levied in the billing month Aug.2014 vide bill dated 9.9.2014 was for the month of June-2014.

In view of amendment dated 15.04.2014 as per H.O./I.T./L.T. Chief General Manager (IT) FAC rates are levied as per bill date irrespective of billing month. FAC are charged as per latest rates available. Therefore consumer has to pay FAC charges as per Circulars in every billing cycle as per Circulars of

corporate office. Therefore question does not arise about refund or adjustment of FAC charges as claimed by the consumer. Therefore grievance application is liable to be dismissed.

- 11) Post of Chairperson, CGRF of this Zone was vacant during the period from 28.7.2014 to 7.12.2014. Hence grievance could not be decided during a period of 2 months.

Hence the order

ORDER

Grievance of consumer stands dismissed with no order as to cost.

Delivered on: - 20/01/2015

Y.M.Kamble
Member/Secretary
CGRF:PZ:PUNE

S.N.Shelke
Chairperson
CGRF:PZ:PUNE

Note :- The consumer if not satisfied may filed representation against this order before the Hon.'ble Ombudsman within 60 days from the date of this order at the following address.

Office of the Ombudsman,
Maharashtra Electricity Regulatory Commission,
606/608, Keshav Bldg.,
Bandra Kurla Complex,
Bandra(E), Mumbai-51.