



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

Case No.26/2014

Date of Grievance : 24.09.2014

Date of Order : 02.03.2015

In the matter of wrongly levy of additional FAC charges.

M/s. Ahmednagar Forgings Ltd.,
Chakan Foundry Division,
Gat No.614, Kuruli,,
Chakan Pune-410501

Complainant
(Herein after referred to as Consumer)

Versus

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

Respondent
(Herein after referred to as Licensee)

Quorum

Chair person
Member Secretary
Member

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

Appearance

For Consumer

Mr.Suresh Sancheti,
(Representative)

For Respondent

Mr.Chaphekarande,Supdt.Engineer
Pune Rural Circle
Mr.Sawant,Exe.Engineer.
(Admin.PRC)
Mr.Bapat, Addl.Ex.Engr.

- 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 22.07.2014 passed by IGRC Pune Rural Circle, Pune thereby denying to refund demand charges. The consumer above name prefers this grievance application on the following amongst other grounds.
- 3) The papers containing the above grievance were sent by the Forum to the Suptd.Engineer, M.S.E.D.C.L., Pune Rural Circle, Pune vide letter no. EE/CGRF/PZ/Notice/26 of 2014/183 dtd.26.09.2014. Accordingly the Distribution Licensee i.e. MSEDCL has filed its reply on 15.10.2014.
- 4) 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) The connection of HT consumer bearing no.176089030570 is standing in the name of M/s. Ahmednagar Forgings Ltd.,
 - ii) Regular bill was issued by the Licensee to the said consumer for the period 14.5.2012 to 13.06.2012.
 - iii) Supplementary bill was issued by the Licensee to the said consumer on dt.21.9.2012 for the period of 13.8.2012 to 1.09.2012 as per MSEDCL Corporate office letter No.P/Com/AMR/9566 dt.13.04.2012 due to adoption of AMR policy to bring billing cycle of all HT consumer from 1st date of the month to last date of billing month.
 - iv) According to Licensee they recovered additional FAC in six billing cycles as per direction of the MERC.
- 5) Consumer Representative Mr. Suresh Sancheti submitted that the MERC in Case No.43/2012 has allowed the Licensee to recover FAC amount of Rs.1483 Crore in six equal monthly installments i.e. total monthly recoverable FAC amount would be Rs.247 Crore in each month. However the Licensee did not follow the guidelines of MERC but recovered FAC of the said consumer for a period exceeding six months. Therefore additional FAC recovered be refunded.

6) On the other hand MSEDCL i.e. Licensee represented by Mr.Chaphekarande, Supdt. Engineer, Pune Rural Circle, Mr. Sawant, Exe. Engineer, (Admn.) Mr.Bapat, Addl. Ex. Engr. have submitted that the MSEDCL has issued the Circular No.162 dtd.19.6.2012 for recovery of additional FAC in addition to regular FAC to be levied in the billing month of June-2012. Therefore first installment of additional FAC charges was recovered in the bill for the month of June-2012 & remaining 5 installments in the bills for the months of July, Aug, Sept. Oct & Nov.2012 were recovered as per Circular No.162 in additional regular FAC. MERC directions in case no.43 of 2012 were for recovery of additional FAC in six equal monthly installments, accordingly MSEDCL has recovered the same immediate six billing cycles. Seven bills were issued to this consumer in six billing cycles i.e. one additional supplementary bill for the period 13.8.2012 to 01.09.2012 was issued on dt.29.9.2012. Above mentioned bills are issued as per Head Office Circular & through the IT System. Therefore consumers request for refund of additional FAC recovered in the bill for June-2012 for period prior to first of June cannot be considered.

7) Following points arise for our determination :

I) Whether consumer is entitled to get a refund of additional FAC charged in the bill for June-2012 ?

8) Our findings to the above mentioned point is in the negative for the reasons stated below.

The MERC in Case no.43/2012 directed the licensee (MSEDCL) for recovery of unrecovered FAC. Total unrecovered FAC as under :

Total unrecovered FAC amount of Rs.1483 Crore (hereinafter total unrecovered FAC) is to be recovered in 6 equal monthly installments, total monthly recovery amount in such case will be Rs.247 Crore (in each month), hereinafter, FAC recovery amount)

- 9) Commercial Circular No.162 issued by Chief Engineer (Comm.) vide no.PR-3/Tariff/No.17073 dtd.19th June 2012 reads as under.

MERC vide above referred order has directed MSEDCL to recover the unrecovered FAC amount of Rs.1483 Crs. In 6 monthly installment, total monthly recovery amount will be Rs.247 Crs.(in each month) from June 2012 to November-2012. The additional amount of Rs.247 Crs. Per month will be recovered proportionable to the tariff charged to the consumer as per their respective category and slab in conformity with the principles specified in Regulation 82.10 of Maharashtra Electricity Regulatory Commission (Terms and condition of Tariff) (Amendment) Regulations 2011.

- 10) In pursuance to MERC order in Case No.43/2012 dated 15.6.2012 the Chief General Manager (IT) issued amendment vide No. H.O./IT/HTdtd.20.06.2012 in r/o HT billing version 1.14.24 &

Purpose of amendment

MERC vide above referred order has directed MSEDCL to recover the unrecovered FAC amount of Rs.1483 Crs in 6 monthly installment, total monthly recovery amount will be Rs.247 Crs. (In each month) from June-2012 to Nov.2012. Accordingly, the additional FAC will be charged from bill month June-2012. HT billing software is modified for the same. Category wise and slab wise Additional FAC amount to be billed in the month of June-2012 has been indicated at annexure-1.

Consumers' whose bills were already issued, adjustment for such consumers will be created in billing month of July-2012

Accordingly the programme was fed in the IT system & bills were issued by the Licensee.

- 11) Therefore additional FAC charges as per MERC Case No.43 of 2012 dtd.15.06.2012 have been recovered for the bill of June-2012 to Nov.2012 in 6 equal monthly installments each of Rs.247 Crs. As per Circular No.162 dtd.19.06.2012 & IT amendment dated 20.06.2012. The Licensee has recovered the said amount in immediate 6 billing cycle. Therefore 7 bills were issued to

this consumer but in 6 billing cycle. The supplementary bill for the period 13.08.2012 to 01.09.2012 was issued to the consumer on dt. 21.9.2012 as per the Commercial Circular P/Com/AMR/9566 dt.13.4.2012 through IT System. Therefore we do not find any error committed by the Licensee while recovering FAC amount. Consequently the consumer is not entitled to get any refund of FAC charges i.e. prior to 1st of June 2012. Hence we answer point no.I above in the negative. Grievance is liable to be dismissed.

12) Post of Chairperson, CGRF of this Zone was vacant during the period from 28.7.2014 to 7.12.2014 & CGRF member post was vacant from 1st Nov.2014 to 1st Feb.2015. Hence grievance could not be decided during a period of 2 months.

13) Hence we pass the following order:

ORDER

1. Grievance application stands dismissed with no order as to cost.

Delivered on: - 02/03/2015

Y.M.Kamble	Suryakant Pathak	S.N.Shelke
Member/Secretary	Member	Chairperson
CGRF:PZ:PUNE	CGRF:PZ:PUNE	CGRF:PZ:PUNE

Note :- The consumer if not satisfied may file 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.

