

days and should have refunded the balance amount. According to complainant N.A. MSEDCL failed to comply the provisions of SOP regulation 2014 and hence complaint was lodged with IGRC Akola dtd. 25.11.2016. According to complainant, being not satisfied with IGRC order approached this forum with prayer to allow the grievance with refund of balance amount with 15% interest and SOP compensation of Rs. 100/week from 04.04.2016. Documents such as application dated 04.04.2016, 20.04.2016, 12.09.2016, IGRC order 305 Dt. 20.01.2017 and CGRF Akola order No. 33/2015 dtd. 04.02.2016 are annexed with complaint.

2. In spite of 15 days notice N.A. MSEDCL did not file reply on record on 10.03.2017. Hearing in the matter was scheduled on 11.04.2017, in absence of reply by N.A. On schedule date of hearing N.A. MSEDCL requested for adjournment of hearing with time for filing reply up to 13.04.2017. On objection by complainant forum ordered to pay cost Rs.200/- (Two Hundred Rs only) of conveyance payable to complainant by N.A. MSEDCL and adjourned hearing up to 13.04.2017.

3. Belated reply came to be filed by N.A. MSEDCL on 12.04.2017. According to N.A. supply of electricity to the Ag.pump of complainant was disconnected on 23.02.2017 on the application of complainant dated 12.09.2016. According to N.A. , they have implemented the IGRC order dtd. 24.01.2017, and after adjustment of Rs. 88.93 for 13 units, amount Rs. 113033.48 is payable to complainant and will be refunded in March-2017 bill. Alongwith reply, documents such as P.D. report, CPL, copy of B-80 report with office note and application of complainant dtd. 12.02.2016 came to be filed.

4. Heard Shri Khandagale learned representative of complainant and Shri Fulzele Dy.E.E. learned representative for N.A. During hearing representative for complainant referred clause No. 6.7 and 6.8 of SOP regulation 2014 and brought to the notice of forum that intimation for balance amount to the credit of complainant has not been given to complainant which should have been given within 10 days, as per regulation when they have applied for closure of account on 04.04.2016. Further

representative brought on record that N.A. MSEDCL failed to settle the closure of account within 45 days i.e. up to 19.05.2016 as per SOP regulation and hence entitle for 15% interest on balance amount, till the amount is actually paid to complainant. Complainant Representative further argued that MSEDCL in their reply was silent on the refund of S.D. with interest. Complainant's representative objected for filing of additional documents during hearing on the part of N.A. MSEDCL, which is a letter No.. 6088 dtd.08.12.2016 as not pertaining to this grievance and has no relevance to present grievance.

5. N.A. representative during hearing admitted the claim for balance amount Rs. 113033.48 after adjusting Rs.88.93, which will be paid in the month of March-2017 but resisted for the interest payable on this amount as claimed by the complainant. N.A. representative further argued that the complainant is not liable for SOP compensation as MSEDCL authorities could not disconnect the supply as found to be locked two times on 08.06.2016 and 12.07.2016 and filed document on 13.04.2017, which is a letter no. 6088 Dt. 08.12.2017 addressed to complainant under Right to information Act, in response of complainant's application dtd. 19.10.2013 under RTI act.

6. Forum have gone through complaint with documents annexed, reply filed by N.A. on record with additional documents filed on 13.04.2017 and argument from N.A. as well as complainant representative. It is undisputed fact on record that complainant has applied for closure of account on 04.04.2017, which is acknowledged by N.A. MSEDCL. It is fact on record, not denied by N.A. MSEDCL that complainant has given reminder on 20.04.2016, 12.09.2016 and 19.10.2016. It is also fact on record that closure of account has not been effected even today. As per SOP regulation 2014, closure of account does not mean merely disconnection of electricity supply but payment of balance amount within a period of 45 days, as specified in the regulation. Forum is satisfied that additional document which is information furnished to complainant by N.A. under RTI act has no relevance as far as present grievance is concerned. Authenticity of information furnished under RTI act has not been proved. N.A.'s representative on interrogation by forum about issue of any notice to the

complainant as per supply code for the instances claimed in the letter dtd. 08.12.2016 has replied in negation. It is fact on record that claim for SOP compensation is preferred by complainant on 25.11.2016 in IGRC and grievance is not settled till date.

7. Forum is of the view that N.A. MSEDCL have failed to meet standards of performance under SOP regulation 2014 and closure of account is not effected within 45 days i.e. before 19.05.2016. As per SOP regulation 2014, SOP compensation has to be claimed within 60 days from 19.05.2016 and as it is first claimed on 25.11.2016 in IGRC complaint and grievance is continuing till today, the complainant is entitled for SOP compensation from 26.09.2016 till claim is settled by MSEDCL at Rs.100 per week. As per Electricity Act 2003 section 62 the excess amount utilised by MSEDCL has to be compensated by payment of interest as per RBI present rate . Forum is of the view that 7% interest on balance amount of Rs. 113033.48 from 19.05.2016 is payable till date of cheque/DD for Rs.113033.48 is issued. Balance S.D. is also to be refunded with interest as per MERC tariff order and interest amount to be calculated up to the date of issue from 19.05.2016. Forum is of the view that delay is on the part of negligent employee of the MSEDCL and so loss of SOP and interest is recoverable from these employees of MSEDCL after due enquiry as per principle laid down in the matter of M.K.Gupta Vrs Lucknow Development Authority, reported in 1994(i) SCC page 243. With these observations forum proceeds to pass following unanimous order.

// ORDER //

1. That the Complaint No.10/2017 is hereby partly allowed. The N.A. MSEDCL is directed to refund balance amount Rs. 113033.48 with interest of 7% from 19.05.2016 till date of issue of cheque/D.D. but within 15 days.
2. That the N.A. MSEDCL is directed to refund S.D. Rs.5000/- with interest as per MERC tariff order from 19.05.2016 till date of issue of cheque/DD.

3. That the N.A. MSEDCL is directed to compensate complainant towards SOP compensation at Rs.100 per week from 26.09.2016 till the date of issue of cheque/D.D. but within 15 days for 29 weeks. (i.e. 29 weeks xRs.100=2900) Rs. Two Thousand nine hundred only)
4. The N.A licensee to take appropriate action against the concerned erring officer/employee of the N.A. licensee for negligence/latches, resulting in monetary liability against it, as per ruling of The Supreme Court of India in the matter of M.K.Gupta Vrs Lucknow Development Authority, reported in 1994(i) SCC page 243, after due enquiry.
5. That the compliance report be submitted within period of one month from this order.

Sd/-
Member/Secretary

Sd/-
Member (CPO)

Contact details of Electricity Ombudsman appointed by MERC (CGRF&EO) Regulations 2006 under Regulation 10:

THE ELECTRICITY OMBUDSMAN,
Office of Electricity Ombudsman (Nagpur)
Plot No.12, Shrikrupa, Vijaynagar, Chhaoni,
Nagpur-440 013.
Phone : 0712-2596670

No.CGRF /AKZ/ AKL/ 71

Dt. 13 /04/2017

To,
The Nodal Officer,/
The Executive Engineer
MSEDCL,O&M Rural Division,

Akola.

The order passed on 13/04/2017 in the Complaint No. 10/2017 is enclosed herewith for further compliance and necessary action.

**Secretary,
Consumer Grievance Redressal Forum,
MSEDCL, Akola Zone, Akola**

Copy fwcs to :-

- 1) The Superintending Engineer, MSEDCL, O&M Circle, Akola.
- 2) Shri Vivek Arvind Mohod,At Sahakari Bank Colony, Sirso ,Tq. Murtizapur,Distt.Akola.