

**CONSUMER GRIEVANCE REDRESSAL FORUM,
AKOLA ZONE, AKOLA.**

“ Vidyut Bhavan ” Ratanlal Plots, Akola : 444001 Tel No 0724 .2434476

Dt.28/12/2015

Complaint No.27 / 2015

**Grievance pertaining to applicability of improper tariff, compensations and
interest.**

Quorum

Shri T.M.Mantri, Chairman

Shri. D.M.Deshpande-Member (CPO)

Shri. Viththalrao Dabre, Tapdiya Nagar, Akola.
Consumer No:- LT-(X) 310073108984

Complainant

.....Vrs.....

Executive Engineer, MSEDCL, Urban, Akola.....

Respondent

Appearances :

Complainant Representative: Mr. Viththalrao Dabre.

Respondent Representative: Shri. G.T.Sorte, Addl. Executive Engineer Urban (III) MSEDCL.
Akola.

1. In substance complainants grievance is about not applying of proper tariff, since Aug-2012, which ought to have been done suomuto. The complainant is seeking relief for correct applicability of tariff, compensation for delay so also claimed interest. According to the complainant the IGRC has not heard the matter but passed the order. The complainant has sought the reliefs prayed for. Along with complainants copies of document came to be filed.
2. After the receipt of notice of this forum, the N.A. submitted reply stating that as per the application of the consumer the category has been changed from commercial to public service, in billing month of April-2015 with further averments that in pursuance to the request of consumer, submitted on dt.25/05/2015 for giving credit adjustment because of change of tariff, credit of Rs.376.18/- is given in Sept-2015. Along with this short reply copy of bill, revised report as per B-80 sheet is given. The matter was posted further as both sides sought time for reverification of B-80 so also submission of manual B-80. Later on the N.A. has filed detailed reply under public service LT-X has been given and accordingly Rs.376.18/- has been reduced from the bill of Sept-2015.

3. Then reference has been made to commercial circular no.209 dt.07/09/2013 whereby the charges have been levied for LT-X category as shown in this statement. Further reference has been made to circular no.218 dt.18/02/2014 stating that the said is not applicable LT-X category public services. Further N.A. has referred to circular no.221 which has been implemented as per details annexed.
4. The N.A. has then given details of the tariff of Aug-2012 stating that accordingly the rates have been made applicable. According to the N.A. rate of revised LT-X in view of providing 17% rate of the charges, there seems to be rise in the electric bills and same is correct. Lastly it is stated that as after 2 years revised LT-X bills has been made as per applicable tariff therefore complainants claim is untenable and the complaint is liable to be dismissed. Along with the said reply copies of document have been annexed and one set thereof is given to the complainant.
5. Heard complainants representative shri. Viththalrao Dabare and Shri. G.T.Sorte, Addl. Executive Engineer, the learned representative of N.A. As for as complainants grievance for the making LT-X tariff applicable after tariff order of 2012 immediately suomoto, it is admitted by the N.A. and as per reply as well as submission it has been changed to public service since billing month of April-2015. So admittedly there is delay in implementation of the tariff order. The complainant has sought compensation for such delay. On behalf of the N.A. it has been admitted during course of arguments with request that no SOP compensation be awarded as the mistake has been occurred in advertantly because of new employees. The learned representative of the N.A. has sought apology for such delay with assurance that in future such mistake will not be repeated. As admittedly there is delay implementation of tariff order and change of tariff category, this forum think it just and proper to pass appropriate order, so as to meet the ends of justice, taking into consideration the argument of both the sides, in final order, here in after.
6. It is clear from the record as well as submissions that the N.A. has changed category of consumer to public service and the revised bill as per B-80 the amount of Rs.376.18/- has been adjusted by giving credit in Sept-2015. The complainant has admitted the same but according to him it was not as per manual B-80 statement. According to him the system generated B-80 is not correct. This forum thought it proper to have manual B-80 on record. Accordingly the N.A. has produced B-80 stating it to be manually done. During course of arguments complainant could not point out any

difference in the ultimate calculations. In view there of there appears no substance in the complainant's submission that B-80 statement is not correct. That on record copies of circulars such as 209, 218,221 etc had been filed. It has been admitted as per circular no. 209 the charges have been levied in the revised bill of the complainant. The complainant submission is that the Government has given subsidy even for the tariff applicable to public services LT-X and according to him the commercial circular no.218 is illegal. On going through the commercial circular no.218 dt.18 Feb-2014 it is clear that it is pertaining to reduce the present and impending impact of hike in electricity tariff and concession in electricity tariff by Govt. of Maharashtra.

In the said circular there is reference of GOM's decision dt.29/01/2014. At the bottom of the first page of the said circular it is stated that.....

(A) The rise in tariff in Sept-2013 for residential (up to 300 units), commercial, industrial and agricultural consumer is here by reduced as per Annexure-A. This concession are limited to energy charges as per Annexure-A.

(B) This concession are not applicable to public services, public water works, street lights, railway tariff category which are not included in Annexure-A. As per as complainant's submission that this circular no.218 is illegal, nothing has been brought on record to substantiate the same. When the Chief Engineer has issued all other circulars on record which the complainant also admit how it can be accepted that this circular no.218 issued by said authority is illegal as tried to be submitted by the complainant. There is nothing on record to accept the said argument of the complainant. From the circular as well as B-80 statement filed on record it has to be accepted that the revision made by the N.A. cannot said to be improper and incorrect. In view of the above referred circular as well as the details of the charges, both the B-80 statement (System generated and manual) are appearing to be correct. The N.A. has already given credit of Rs.376.18/- to the complainant by way of adjustment in the bill. The complainant could not make out case justifying his claim in this regard. The claim in that respect therefore cannot be accepted and needs to be rejected.

7. That as there are laches/negligence on the part of the concerned officer/ staff of the learned office in not implementing change of tariff as per tariff order, the liability of amount of compensation of Rs.2000/- awarded to be recovered from these earring officer/ staff. Had the tariff been implemented propely and promptly there could not have

been any reason for such grievance. So they are responsible for the same. As per regulations making applicability of tariff is the responsibility of the licensee.

8. In view of the observation and conclusion this forum proceeds to pass the following unanimous order.

ORDER

1. The complaint no. 27/2015 is hereby partly allowed the N.A. is liable to pay lumsam compensation of Rs.2000/- (Two Thousand) for causing delay in implementation of MERC tariff order of Aug-2012. Rest of the claim of the complainant is here by rejected.
2. The amount of compensation of Rs.2000/- (Two Thousand) is to be adjusted in the forth coming bill payable by the complainant and the said amount is to be recovered from the earning officer/staff of the concerned office of the N.A.
3. That the parties to bear their own cost.

That the compliance report to be submitted within a period of one month from the date of this order.

Sd /-
Member(CPO)

Sd /-
Chairman

No.CGRF / AZ/ Akola/ 845

Dt. 28/12/2015

TO
The Nodal Officer,
Executive Engineer
Urban,
MSEDCL,
Akola.

The order passed on 28-12-2015 in the Complaint No. 27/2015, is enclosed herewith for further compliance and necessary action.

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

Copy fwc to: Shri. Ashutosh Vitthalrao Dabare, Tapdiya Nagar, Akola.Dist.Akola.