

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

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

Dt.01/02/2016

Complaint No. 30 / 2015

**In the matter of grievance pertaining to incorrect excessive bill by applying
incorrect F.A.C.**

Quorum

**Shri. T.M.Mantri, Chairman
Shri. R.A. Ramteke ,Member-Secretary
Shri. D.M.Deshpande-Member (CPO)**

Narmada Solvex Pvt.Ltd., Kirana Bazar, Akola.
Consumer No:- HT-I-C-326019025170

Complainant

.....Vrs.....

Superintending Engineer MSEDCL, Circle Office Washim

Respondent

Appearances :

Complainant Representative: Shri.A.K.Agrawal

Respondent Representative: 1. Shri. S.U.Khan Executive Engineer (Adm.)
2. Shri. P.K.Sakharkar, Dy.Manager (F&A)

1. Being not satisfied with the order of IGRC the complainant has approached this forum in respect of the grievance of levying incorrect F.A.C charges and sought the relief of refund of excess F.A.C. charge in the bills. According to the complainant the N.A. has to charge F.A.C as per circular issued every month. It is alleged that since Aug-2013 to Jan-2015 the N.A. has not charged F.A.C as per circulars and there has been excess charges Rs.5,16,919.99/- The complainant has given the details of such excess charges during the said period in tabular form. The complainant alleged that inspite approach to IGRC the N.A. has neither refunded nor adjusted the excess amount. So also no clarification has been made hence the complainant is compelled to approach this forum for the reliefs.
2. The N.A. has not filed reply to the complaint after receipt of the notice on the date fixed but later on reply has been filed along with delay condonation application, which was allowed. The N.A. has submitted that in view of deviation

caused in levying F.A.C charges from Dec-2013 till consumption for March-2014 an amount of Rs.54,998.52/- has been calculated and it is being refunded in the coming bill to be generated in Jan-2016. The approved office note has been enclosed with reply. According to the N.A. as the N.A. has finally redressed the complaint so it may be disposed off. The N.A. has referred to circulars 191 and 190 alleging that there has been interpretations about levying of F.A.C and also given instances of such incorrect calculations. The calculation sheet (note) has been enclosed with reply. According to the N.A. as the grievance is rightly redressed hence the complaint needs to be dismissed.

3. Heard the learned representatives of the parties and as per submission made on behalf of the complainant for ascertaining levying of F.A.C charges from the head office, the N.A. has filed / submitted additional reply on 13/01/2016, by referring circular no.219 dated 03/07/2015 so also other circulars earlier referred to in reply. It is further stated that additional F.A.C has been charge to all the consumer as per circular no.209 dated 07/09/2013 and there is no discrepancy about the same. The copy of the said circular no.209 has been annexed.
4. In view of submission and explanation made on behalf of the N.A. the complainants representative has submitted that on verification by him for Aug-2013 to Nov-2013 the F.A.C and additional F.A.C have been correctly charged and therefore complainant is not pressing its claim on that count as claimed in the complaint in tabular form. However according to him the F.A.C Dec-2013 onwards has not been calculated properly. On going through the record it is clear that even in the statement filed by the N.A. with reply an amount of Rs.80,542.82/- has been shown as excess amount charged for billing month Dec-2013. Similarly in the said statement of the N.A. an amount of Rs.15,985.18/- has been shown excess amount charged for billing month of Feb-2014. On going through the various circulars and bills issued by the N.A. to complainant it is clear that the statement file by the N.A. on record is not correct where as the details given by the complainant in tabular form from Jan-2014 till Jan-2015 are as per circulars issued by the N.A. from time to time. Here it is needs to the mentioned that by applying improper and incorrect

circular the N.A. has charged less amount for the billing months of April-2014, July-2014, Oct-2014 and Jan-2015 and charged excess amount for billing month of Dec-2013, Feb-2014, (which has been admitted in reply of the N.A.). Apart from that the N.A. has also charged excess amount in May-2014, June-2014, Aug-2014, Sept-2014, Nov-2014 and Dec-2014 for the amounts given by the complainant in the tabular form. Here it needs to be mentioned that though there were incorrect bills of less amount (under recovery) for number of months mentioned above, the N.A. has not shown the same in its statement with reply. However it has been admitted that there has been anomaly resulted in issuing of incorrect bills therefore circular no.219 of July-2015 has been issued, clearly observing about the anomalies on account of deviation from earlier practice and asking to adopt the earlier practice.

5. So from the submissions made on behalf of the parties, as well as the statements/ details given on record it is clear that during relevant period billing month Dec-2013 to Jan-2015 the N.A. has in all charge excess amount of Rs.4,81,695.32/- where as it has charged less amount (under recovery) of Rs.1,99,051.18/- in the bills from time to time as referred to above. The N.A. has admitted in statement of excess recovery Rs.54,998.52/- which is not correct. From the record it is clear that the excess recovery is Rs. 2,82,644.14/- which needs to be refunded to the complainant. Needless to said that amount of Rs.54,998.52/- is already adjusted/ refunded by the N.A. as stated in reply, then the balance amount needs to be adjusted by making correction/ revision in the bills. As neither steno nor typist is available since last no. of days the order could not be passed early, in stipulated period. With such observations the Forum proceeds to pass following unanimous order.

O R D E R

1. Complaint no. 30/2015 is hereby partly allowed. The N.A. is directed to refund in all excess amount of Rs.2,82,644.14/- (including 54,998.52/- as admitted by N.A. in reply) by way of adjustment in the forth coming bills payable by complainant, by making correction/ revision of the bills Dec-2013 till Jan-2015 as per respective circulars.
2. The N.A. is liable to pay interest at the rate of 6% P.A. if the order is not complied with within period of one month. No order as to costs.
3. That the compliance report to the submitted within period of one month.

Member/ Secretary

Member(CPO)

Chairman

No.CGRF / AZ/ Akola/

Dt. 02/02/2016

TO
The Nodal Officer,
Superintending Engineer
MSEDCL, O&M Circle
Washim

The order passed on 01/02/2016 in the Complaint No. 30/2015, is enclosed herewith for further compliance and necessary action.

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

Copy fwc to:

1. Narmada Solvex Pvt.Ltd., Kirana Bazar, Akola.