

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

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

Dt.01/02/2016

Complaint No. 29, 31 and 32 / 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)**

1)M/S Shrivijay Industries. Complainant in 29/2015
Consumer No:- HT-I-N-310019002534

2) M/S Ruhatiya Cotton and Metal Pvt.Ltd Complainant in 31/2015
Consumer No:- HT-I-S-311039024260

3) M/S Omprakash Shivprakash Complainant in 32/2015
Consumer No:- HT-I-N-310019002712

.....Vrs.....

Superintending Engineer MSEDCL, Circle Office Akola

Respondent

Appearances :

Complainant Representative: Shri. A.K.Agrawal

Respondent Representative: 1. Shri. Navin Chitore, Executive Engineer (Adm.)

1. That as the grievance in the matters being same, so also the reply of the N.A. as well as submission made on behalf of the parties, by this common order the above referred group of complainants are being decided. The learned representatives of both the parties submitted that as the points/ issues involved in the matter being same and identical they are advancing common arguments. In substance the grievance of the complainants is being not satisfied with order of IGRC, in respect of grievance about levying of incorrect F.A.C. charges in the bills and sought the reliefs of refund of excess F.A.C. charged 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 of Rs.35,344.43/- in complaint no.29/2015, Rs. 14,544.37/- in complaint no.31/2015 and Rs.10,348.19/- in complaint no.32/2015 respectively. 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 but later on the reply has been filed justifying the action of the N.A. with objection that the complainant approached this forum after period of two months from the order of IGRC so the complaint is not tenable and liable to be dismissed. The N.A. has then given details of month wise bills stating that they are correct as per circulars. Reference has been made to circular dt. 07/09/2013 and submitted that the F.A.C. and additional F.A.C. charged in the bills are correct, Hence there is no question of refund. Therefore according to the N.A. complaint is to be rejected. Alongwith reply the N.A. has filed copies of circulars, bills etc.

3. Heard learned representatives for the parties Shri. A.K.Agrawal for the complainant and Shri. Navin Chitore, E.E., on behalf of the N.A. Though the complainants grievance was also pertaining to mode and manner of levying additional F.A.C. however during course of arguments the L.R. of the Complainant has submitted that upon verification by him, it has been found that the F.A.C. and additional F.A.C for Aug-2013 to Nov-2013 has been charged correctly as per circular and the complainant is not pressing its claim on that count as claimed in the complaint. However according to him the F.A.C/ additional F.A.C. for the month of Dec-2013 has not been calculated properly as per circular issued. Though the complainant has claimed 84,410.16/- by way of difference in the table however even as per him the difference for this month comes to Rs.41,706=84. The learned representative of the complainant has fairly admitted that as per circular, the N.A. has levied F.A.C/Addl. F.A.C correctly in the bills of Aug-2013 to Nov-2013 and

complainant is not pressing its claim of difference amount as mentioned in the table for these months.

4. As far as objection for delay in filing the complainant there is no substance therein. As per regulations the complaints are filed in time. In any case order of IGRC is also cause of action. As already observed above F.A.C also part of tariff and approved by MERC. There cannot be change therein without approval of MERC. That the N.A. has also filed month wise details of F.A.C. charged during the above mentioned disputed period. It is an admitted position that one circular is applicable to particular month and it cannot be made applicable for two or more months, but only for a particular month. From the statements/ charges of both the parties it is clear that the respective circulars no. have been correctly applied for the months of Aug-2013 to Nov-2013. In the chart filed by the N.A. circular no.187 has been made applicable to two months Nov & Dec-2013 so also the circular no.190 has been also applied to two months i.e. Feb and March-2014. So the N.A. has wrongly applied rate of F.A.C. for two months on the basis of one circular. Further it is clear from the record itself more particularly the circulars. The N.A. has not at all applied circular no.193. From the copies of the circulars on records, coupled with the month wise details filed by the N.A. it is clear that the N.A. has applied incorrect circulars for Dec-2013 and Feb-2014 onwards till Dec-2014 and thereby it resulted in incorrect application of F.A.C. in respective bills of these months. In the details of N.A., there is no reference of under recovery where as in fact it has occurred as stated above.

5. As already observed above by not applying the correct F.A.C. as per applicable circulars by the N.A. on some occasions the bills of less amounts have been prepared and issued resulting in under recovery. For ex.:- Bills for the month of July-2014 and Oct-2014. That on going through the copies of this respective circular's issued by the licensee it is clear that the month wise details submitted by the N.A. with reply is not correct. So on going through the entire material on record that is the circulars, bills of the N.A. on the record, it is clear that there is sum substance in the grievance of the complainant. Here it needs to be mentioned

that the head office of the N.A. has also realized about the anomalies being occurred and hence issued circular no.219/ of July-2015 clearly making observation about the anomalies on account of deviation from earlier practice and ask to adopt the earlier practice. During course of arguments it has been admitted that since Jan-2015 there is no controversy /dispute about the bills.

6. That even IGRC has passed order directing the N.A. to apply F.A.C. charges as per circular and to issue corrected bills to the complainants. In spite thereof nothing has been done from the side of the N.A. as neither in the reply nor during argument anything has been stated/ submitted on behalf of the N.A. That the complainant has filed statements giving month wise details in respect of their stands. As already observed above the N.A. has not applied correct circulars for the respective months, there by the F.A.C. has not been correctly charged in some of the bills. It needs to be mentioned that because of application of incorrect circular for some of the months there has been instances of levying of less bills (under recovery) to the complainants for ex:- July-2014, Oct-2014 and Jan-2015. In the statements filed by the N.A. more particularly in case no 29/2015 and 32/2015 no such under recovery bills have been shown whereas in case no.32/2015 the amount of under recovery are not correct, as per respective circulars and bills on record. On going through the record more particularly the circulars and the bills it is clear that the statements/ details given by the complainants on record are correct whereas the statements of the N.A. are incorrect, being not as per circulars issued from time to time. One circular has been made applicable for bills of two amount in some cases whereas incorrect circulars have been applied for no months resulting in incorrect billing. That on considering all the relevant material it has been found that there are instances of not only excess charges but also of under recovery (levying less charges in the bills). The details of which complainant wise are as under.

Complainant no.29/2015---- Excess billing Rs.41,401.13/- Less billing under recovery Rs.24,169.12/-=Rs.16,432.01/- Refundable being excess.

Complainant no.31/2015---- Excess billing Rs.27,160.67/- Less billing under recovery Rs.22,872.50/-=Rs.4,288.17/- Refundable being excess.

Complainant no.32/2015---- Excess billing Rs.16,404.76/- Less billing under recovery Rs.15,363.20/-=Rs.1041.56/- Refundable being excess.

The N.A. therefore to make correction/ revision in the bills from Dec-2013 onwards till Jan-2015. Needless to say that the excess amount refundable as referred to above in each of the complaint is to be adjusted in the forth coming bills payable by the complainants. That as neither the steno nor any typist was available for sufficient long period therefore the order could not be passed early, in stipulated period. With such observation this forum proceeds to pass following order.

ORDER

1. Complaints no. 29, 31 and 32 /2015 are hereby partly allowed. The N.A. is directed to refund/ adjust in the forth coming bills of the respective complainants.
Rs.16,432.01/- to M/S Shrivijay Industries in complaint no.29/2015.
Rs. 4,288.17/- to M/S Ruhatiya Cotton and Metal Pvt.Ltd in complaint no.31/2015.
Rs. 1041.56/- to M/S Omprakash Shivprakash in complaint no.32/2015., by making correction/ revision of the bills of Dec-2013 to 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 one month.
3. In the circumstance no order as to costs.
4. That the compliance report of this order to be submitted within period of one month.

S/d
Member/ Secretary

S/d
Member(CPO)

S/d
Chairman

TO
The Nodal Officer,
Superintending Engineer
MSEDCL,O&M Circle
Dist. Akola

The order passed on 01/02/2016 in the Complaint No. 29, 31 and 32/2015, is enclosed herewith for further compliance and necessary action.

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

Copy fwc to:

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