

CONSUMER GRIEVANCE REDRESSAL FORUM,
AKOLA ZONE, AKOLA.

“ Vidyut Bhavan ” Ratanlal Plot,Akola. Tel No 0724.2434475

ORDER.

Dt. 13/06/2017

Complaint No. :- 22/ 2017

In the matter of billing under wrong tariff, revision thereof, refund of infrastructure cost and refund of electricity duty.

Quorum

Shri. R.A. Ramteke ,Member-Secretary
Shri. D.M.Deshpande-Member (CPO)

M/S Tahoor Fruit Cold Storage,
At & Po. Sajanpuri Khamgaon
Con.No. Ind-297390010241

:-

Complainant

....Vrs.....

Ex. Engineer MSEDCL,
O&M Khamgaon Division,Khamgaon.

:-

Respondent

Appearances: -

Complainant Representative

:-

Shri. Ashish S. Chandarana

Respondent Representative

:-

Shri. S.M. Rathod Add. Ex.Engineer.

1. Complainant Shri Izharuddin Nazimuddin partner Tahoor Fruit cold storage,Khamgaon approached this forum under sanction 8.3 of MERC CGRF Ombudsman regulation 2006 under the threat of disconnection notice dated 13.04.17 issued by NA- MSEDCL for recovery of Rs. 199832.70/-

2. Complainant's case in brief is that establishment M/S Tahoor Fruit Cold Storage is Industrial establishment for which Agriculture tariff is made applicable by MERC vide tariff order 121 dtd.26.06.2015. According to complainant application for

new connection dtd.10.06.2016 was applied for commercial tariff as complainant was not aware of MERC tariff order. According to complainant application of proper tariff for billing is the duty of MSEDCL as per the provision of clause 13 of supply code regulation. Infrastructure cost was borne by complainant under Non DDF CCRF refundable Scheme and after connecting the supply on 05.08.2016 by N.A. tax invoice for Rs. 246979.82/- was submitted for refund. Applicant received first energy bill under commercial tariff, first time after 5 months on 17.01.2016, inclusive of Electricity duty, though exempted. Complaint was preferred with IGRC Buldhana on 23.03.2017, after receipt of bill dated 23.03.2017, for Rs. 223460.00, payable before 06.04.2017, for correction of bill though grievance of application of cold storage tariff was resolved. According to complainant the bill is disputed because complainant's liability is negative and needs to be corrected. According to complainant Rs. 100000/- were deposited with MSEDCL under protest subject to correction of bill under assurance from N.A. MSEDCL. Despite pending correction in the bill, N.A. MSEDCL threatened complainant with disconnection notice under section 56 of Electricity Act-2003, knowingly when complaint was pending before IGRC Buldhana. Complainant referred C.E. Commercial letter and prayed for interim stay on disconnection, revision of bill with cold storage tariff from date of connection, application of proper tariff as per MERC tariff order, refund of infrastructure cost with 10% Labour, 5% Transportation charges, 3% cantages and 1.5 % T&P. Complainant enclosed with complaint document such as estimate copy, IGRC complaint, bill dated 23.03.2017

3. Belated reply came to be filed by N.A.MSEDCL on 06.06.2017 instead of 15.05.2017. According to N.A.MSEDCL as per complaint dated 10.03.2017 the correction in the bill is carried out for March-2017 and credit of Rs. 196823/- is passed on to the complainant after changing tariff from commercial to LT IV Ag cold storage. Accordingly bill for the month of April-2017 is issued as per recorded consumption with cold storage tariff. According to N.A., though the disconnection notice was issued, it is

not acted for. N.A.MSEDCL Annexed with reply B-80 correction copy, with energy bill for March-2017 and April-2017.

4. Shri Chandarana Complainant representative and Shri S.M. Rathod Add.E.E for NA- MSEDCL were present for hearing scheduled on 08.06.2017. Heard both complainant and NA- MSEDCL. Shri Ashish Chandarana for complainant brought to the notice of Forum that bill revision is carried out on 04.04.2017 by N.A.- MSEDCL applying incorrect current tariff for entire period from Aug-2016 to Feb-2017, resulting in incorrect bill revision and requested for correction in the bill as per applicability of respective MERC tariff order for respective period. Complainant's representative brought to the notice of Forum that NA- MSEDCL have not dealt other issues in the complaint such as refund of infrastructure cost and Electricity duty and preferred to remain silent in their reply. Representative brought to the notice of Forum that estimate prepared and executed under Non DDF CCRF refund Scheme is without 5% Transportation charges, 3% centiges and 1.5 % T&P and needs to be corrected and refund should be given by NA- MSEDCL as per MSEDCL procedure for refund, but from sept 2016, bill. Shri Ashish Chandarana Complainant representative brought to the notice of Forum that electricity duty is exempted and liable to be refunded by NA-MSEDCL.

5. Shri S.M.Rathod Add.E.E. representative of NA-MSEDCL however agreed for correction of energy bill from 05.08.2016 as per applicable tariff order from time to time as per cold storage tariff. Representative of N.A. also agreed to revise estimate for Non DDF CCRF scheme as per practice followed with 10% Labour, 5% Transportation charges, 3% centiges and 1.5 % T&P. N.A. representative agreed for correction with up to date revision including refund of infrastructure cost- in forthcoming bill. N.A. representative brought to the notice of Forum that unless

complainant submit the District Industries Certificate for manufacturing unit duty exemption can not be granted.

6. Forum have gone through the complaint, reply on record and arguments by both the parties. Forum is of the view that NA- MSEDCL have agreed to rectify the necessary correction in the energy bill as per applicable tariff order from MERC. Forum is of the view that there is no dispute as to refund of infrastructure cost with revised estimate, so necessary revision of estimate should be carried out with 10% Labour, 5% Transportation charges, 3% centages and 1.5 % T&P. by NA- MSEDCL and infrastructure refund under Non DDF CCRF scheme should be given by NA- MSEDCL from the energy bill of Aug-2016 as per procedure followed by them. As agreed by complainant to submit DIC certificate for getting exemption from electricity duty NA- MSEDCL to consider the same as per government notification for refund of electricity duty. With these observations Forum proceeds to pass following unanimous order.

// ORDER //

1. That the Complaint No.22/2017 is hereby partly allowed.
2. The N.A. MSEDCL is directed to revise bill from Aug-2016 to June-2017 under cold storage tariff for agricultural products with applicable rates as per respective tariff order 121 Dtd. 26.06.2015 and 48 Dtd. 03.11.2016
3. The N.A. MSEDCL is directed to refund infrastructure cost with 10% Labour, 5% Transportation charges, 3% centages and 1.5 % T&P from Aug-2016 to June-2017 as per their circular for refund and balance refund if any be credited to complainant's account in forthcoming bill.
5. No order as to the cost.

6. The N.A. MSEDCL is directed to submit the compliance report within period of one month to the forum 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/ 109

Dt. :- 13.06.2017

TO,
The Nodal Officer/Executive Engineer
Khamgaon Division, MSEDCL,
Khamgaon.

The order passed on 13/06/2017 in the Complaint No. 22/2017, is enclosed herewith for further compliance and necessary action.

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

Copy fwc to :-

1. Superintending Engineer O&M Circle, MSEDCL, Buldhana.
2. M/S Tahoor Fruit Cold Storage, At & Po. Sajanpuri Khamgaon
C/o Shri Ashish Subhash Chandarana, Samudra Vihar Apartment , Flat No.3 Near Datta
Mandir Ramdas peth ,Akola. -444001