

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

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

Dt.25/01/2016

Complaint No. 39 / 2015

**Grievance pertaining to incorrect excessive bill, applying incorrect F.A.C. interest
and cost**

Quorum

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

Shri.Sant Gadgebaba Sahakari Soot Girni, Akola.
Consumer No:- HT-I-C-310019025160

Complainant

.....Vrs.....

Superintending Engineer MSEDCCL, O&M Division Akola

Respondent

Appearances :

Complainant Representative: Shri. Ashish Chandarana

Respondent Representative: Shri. Navin Chitore Executive Engineer, Akola, Circle

1. Being not satisfied with the order of IGRC Akola in respect of incorrect and unlawful F.A.C. charges, the complainant has approached this forum seeking the reliefs prayed for. The complainant has stated about levying of Fuel Adjustment Cost (F.A.C) and also alleged the methodology of calculation of recovery of FAC before MERC & after its approval it is referred to in Tariff Order. Reference has been made to order in 19/2012 dt. 16/08/2012.
2. The complainant has alleged about applying of incorrect methodology from IT section and not as per circular issued by the licensee. As per complainant the IT department committed mistakes resulting in such anomaly. The complainant has given details of the alleged claim of excess recovery, in tabular form for the period Aug-2013 to Dec-2014 and alleged that at some places less amount has been charged and at some places excess amount has been charged resulting in unlawful recovery. According to the complainant on some occasions there was under recovery where as some times excess recovery a per details given in the tabular

form and according to it excess recovery Rs.3,54,701.14/- made from the complainant hence sought the reliefs prayed for. Alongwith complainant bunch of documents such as circulars bills etc. have been annexed.

3. The N.A. has not filed reply to the complainant 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 circular's, bills etc.
4. Heard Shri. Ashish chandarana, the learned representative of the complainant and Shri. Chitore, the learned representative 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 faivly admitted that as per circular the N.A. has levied F.A.C/Add/ F.A.C correctly in the bills of Aug-2013 to Nov-2013 and complainant is not pressing its claim of difference amount mentioned in the table for there months.
5. As already observed above F.A.C also part of tariff and approved by MERC. There cannot be change there in without approval of MERC. That the N.A. has also filed month wise details of F.A.C. charge 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.'s 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 circular's. The N.A. has not at all applied circular no.193. Form 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 an in fact in has occurred as stated above.

6. 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.

7. That even IGRC has passed an order directing N.A. to apply F.A.C charges as per circular and to issue corrected bills to the complainant. Inspite there of nothing

has been done from the side of the N.A. neither in the reply, nor during course of arguments anything has been stated/ submitted on behalf of the N.A. to what steps have been taken from its site in compliance to the order of IGRC. In any case it has been observed above that for the month of Dec-2013 excess amount of Rs.41,706.84/- are recovered from the complainant. After considering the month wise amount of excess and under recovery from Dec-2013 to Dec-2014 it is clear that amount of Rs.2,56,806.73/- is by way of excess recovery whereas an amount of Rs.82,219.57/- is under recovery (for the month of July-2014 and Oct-2014) So after making adjustment of this amount of under recovery from the amount of excess recovery referred to above it is clear that an amount of Rs.1,74,587.16/- is in excess and refundable to the complainant. The N.A. to therefore make correction/revision in the bills from Dec-2013 onwards till Dec-2014 as per respective circulars. Needless to say that the excess amount refundable ie. Rs. 1,74,587.16/- is to be adjusted in the forth coming bills payable by the complainant. Appropriate order with regard interest and cost is passed in the final order. With such observations this forum proceed to pass following unanimous order.

ORDER

1. That the complaint no. 39/2015 is hereby allowed. The N.A. is directed to refund the excess amount of Rs.1,74,587.16/- by way of adjustment in the forth coming bills payable by the complainant, in terms of the order by making correction/revision of the bills from Dec. 2013 till Dec.2014 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.
3. That in the circumstance the parties to bear their own costs.
4. That the compliance report to be submitted within period of one month.

S/d

S/d

S/d

Member/ Secretary

Member(CPO)

Chairman

No.CGRF / AZ/ Akola/ 19

Dt. 25/01/2016

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

The order passed on 25/01/2016 in the Complaint No. 39/2015, is enclosed herewith for further compliance and necessary action.

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

Copy fwc to:

1. Shri.Sant Gadgebaba Sahakari Soot Girni, Akola.