

scheme. NA-MSEDCL released additional load on 27.04.2016 after incurring expenditure on infrastructure cost, Rs. 250130/- by complainant. According to complainant, NA-MSEDCL did not refund infrastructure cost even after perusal for 8 months, hence complaint was lodged with IGRC Akola on 03.03.2017. NA-MSEDCL in their reply to IGRC Akola on 26.04.2017 admitted refund of Rs. 183826/- disputed by complainant & NA-MSEDCL admitting revise cost Rs. 230245/- on 27.04.2017 with addition of 10% labour but excluding 5% transportation, 3% contingencies and 1.5% tools and plant, is the cause of dispute. According to complainant IGRC Akola while passing order on 03.05.17 for refund of Rs. 230245/-rejecting the other charges, committed error, compelling complainant to approach to this Forum. According to complainant Executive Engineer Rural Division, Akola is responsible for delay who took 7 months for finalization of WCR and subsequent modification on 27.04.2017 that too incorrectly and hence claimed interest of 18% to be recoverable from negligent officers of MSEDCL as per Principle laid down by Apex Court in the matter of M/s. Lucknow Development Authority Vrs M.K.Gupta in 1994. Complainant prays for refund of infrastructure cost Rs. 250130/- with 18% interest and cost Rs. 10000 and action against guilty officers of MSEDCL, complainant Annexed with complaint, copy of estimate , WCR , IGRC case with order, corrected WCR to Rs. 230245/- and WCR of Rasoi spices Akola.

3. Reply came to be filed by NA-MSEDCL on 13.06.2017. According to NA-MSEDCL credit against infrastructure cost as per IGRC order for Rs. 230245/- has to be given in the energy bill for May-2017 but revise approval to the cost of Rs. 249684/- is accorded as per grievance of the complainant to CGRF Akola, admitting 5% transportation, 3% contingencies and 1.5% tools and plant, being credited subsequently after sorting out problem of date feeding in IT department. According to NA-MSEDCL grievance of the complainant is resolved. NA- MSEDCL annexed with reply revise WCR for amount Rs. 249684/-

4. Heard Shri Ashish Chandarana, learned representative for complainant and Shri S.P.Kenekar, Dy. Executive Engineer Rural Sub-Division, Akola learned representative for NA-MSEDCL. Shri Ashish Chandarana, complainant representative re-iterated the facts mentioned in the complaint and urged that though the complete cost of infrastructure is admitted by NA-MSEDCL, the refund is delayed for unreasonable period, particularly blaming office of Executive Engineer Rural Division Akola, claiming 18% interest with detail enquiry for preferential settlement of claims by NA-MSEDCL without following chronology and recovery from guilty officers. Complainant representative however claimed interest from 26.05.2016 as according to him S.D.O. Akola Sub-division has promptly submitted WCR to Executive Engineer Rural Division, Akola.

5. Shri S.P.Kenekar, Dy. Executive Engineer NA-MSEDCL has urged that the grievance is already settled and cost will be credited within one month and also accepted the payment of reasonable interest as admitted in similar cases in past, if ordered to pay by Hon'ble Forum.

6. Forum have gone through the complaint and reply on record and also considered deliberations by both the parties. Forum is of the view that dispute for refund of infrastructure cost is settled to the satisfaction of complainant as per Law, Leaving the grievance of allowing interest of 18% as claimed by complainant to be decided by the Forum. Forum is of the view that there is substance in the submission of complainant that unreasonable delay occurred in the office of Executive Engineer in finalizing WCR, causing delayed refund, which needs to be enquired and refund which was otherwise adjustable in the energy bill for May-2016, entails complainant of 9.5% interest at the rate of RBI on the cost till credited in the bill. Forum is of the view that parties to bear their own cost. With these observations forum proceeds to pass following unanimous order.

// ORDER //

1. That the Complaint No.28/2017 is hereby partly allowed.
2. The N.A. MSEDCL is directed to refund Rs. 249684/- towards infrastructure cost & adjust the amount in the forthcoming bill payable by complainant alongwith 9.5% interest from 26.05.2016 till credited in the bill.
3. The N.A. MSEDCL is directed to recover the loss of revenue by way of interest from guilty officers of MSEDCL, after due enquiry, as per principle laid down by Apex court in the matter of M.K.Gupta Vrs Lucknow Development Authority, reported in 1994(i) SCC page 243).
4. The parties to bear their own cost.
5. 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/127

Dt. :- 14.07.2017

TO,
The Nodal Officer/Executive Engineer
Rural Division, MSEDCL, Akola.

The order passed on 14/07/2017 in the Complaint No. 28/2017, 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, Akola.
2. Shivshakati Stone Crusher, Borgaon Manju. Tq. Distt. Akola.
C/o Shri Ashish Subhash Chandarana, Samudra Vihar Apartment , Flat No.3 Near Datta Mandir Ramdas peth ,Akola. -444001