

CONSUMER GRIEVANCE REDRESSAL FORUM,
AKOLA ZONE, AKOLA.

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

ORDER.

Dt. 08/08/2016

Complaint No. :- 14/ 2016

In the matter of grievance pertaining to revision of WCR amount,illegal recovery electricity duty , interest on Security Deposit, SOP compensation & interest + cost etc.

Quorum

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

Bhaskar Devta Milk & Milk Product :-
Barshitakli Distt. Akola. Complainant.
Consumer No. Ind. – 311059063700

.....Vrs.....

Executive Engineer MSEDCL, :- Respondent
Rural Division,Akola.

Appearances: -

Complainant Representative :- Shri. Ashish Chandarana
Respondent Representative :- Shri. S.H.Rathod, Dy.Ex.Engineer.

1. The complainant is alleging that though approached to IGRC on 29.12.2015, however in view of failure of the said authority to attend the grievance, complainant is compelled to approach this forum for redressal of grievance. The complainant's case in brief is that its request for load enhancement of 10 HP was sanctioned under Non DDF&CCRF, upon making payment of Rs. 12,500/- on 23.03.2010 itself. However because of hurdles the route of erection of line was changed resulting deviation in work, so also cost as compared to estimated one. It is alleged that accordingly

WCR was prepared proposing revision in estimate of work it was sanctioned on 14.07.2011. It has been alleged that on 18.10.11 local sub-division has submitted said WCR for Rs. 1,96,302/- to the divisional office. In spite of spending on infrastructure in 2010 the complainant has not received any refund though as per N.A.'s record the said asset put to its use on 19.04.2010 . Though it was duty of concerned SDO & sectional in charge for proposing revision in estimate but there was gross negligence on their part. The revision was proposed late on 27.06.2011 i.e. after about 14 months. Even there after no steps have been taken about refund, thereby resulting in non adjustment of the amount. It resulted in cash crunch and stopping payment of the bill, thereby the licensee disconnected the supply without any notice & later on as the connection was P.D, resulting in stoppage of business by the complainant.

2. It is alleged that in spite repeated requests made, nothing was done so since 08.05.2015 the complainant started making written correspondence. In spite thereof no steps have been taken for redressal of grievance. It is alleged even security deposit was refunded belatedly that too without interest. The account of the complainant is still not settled though mandatory to settle within 30 days of disconnection. The complainant therefore approached the IGRC but it has not acted in right spirit hence the complaint. Grievance is also made for unlawful recovery of electricity duty, according to the complainant even in the WCR prepared by the N.A. it has not covered VAT @ 5% , Transportation @5%, so also P&T 1.5% therefore it was necessary to modify the WCR hence this complaint seeking the reliefs prayed for. Alongwith complainant copied of certain documents annexed.

3. After N.A.'s failure to file reply matter was proceeded further, that time reply came to be filed on behalf of N.A. wherein most of the facts have been admitted including that of payment of security deposit by the complainant against load sanction. Submission of WCR as well as finalization thereof, by reducing amount, has been admitted with the averments that in July -2013 the connection was permanently disconnected so it

was not possible to refund the expenses of said infrastructure in monthly energy bills .Hence N.A. is not responsible for balance unpaid amount, it is stated that on 16.09.2013 complainant was paid arrears amount, and applied for refund of Rs.35,000/- as security deposit which was refunded on 30.01.2016. nothing is due against the N.A. so also it stated that the N.A. has not deviated from its duties and responsibilities, and the payment of Non-DDF/CC&RF could not be done in view of P.D.

4. The complainant filed rejoinder alongwith documents by giving copy to other side. Heard Shri Ashish Chandarana and Shri S.H.Rathod, Dy.Ex.Engineer for the N.A. Gone through the record. From the submissions, as well as the material on record, most of the facts are not in dispute. The WCR for 1,96,302/- was submitted to the division office but it was finalized for Rs. 1,76,165/-. From the documents on record it is clear that the labour cost @ 10% amount to Rs.17,617/- Transportation @5% of Rs. 8808/- VAT @ 5% Rs. 8808/- plant and Tools @1.5% amounting to Rs. 2642/- has not at all been taken into consideration. The audited WCR was for Rs. 1,96,302.21 but it is dtd. 20.06.2015, as the said date is mentioned below the signatures of the concerned officials though at the top of WCR dt. is 14.07.2011. It is an admitted position that on account of delay and unviability the complainant did not continue its activities and the said connection was permanently disconnected in 2013. It is the deference and submission of the N.A. that as the connection of complainant was P.D. it was not possible to refund the cost of the infrastructure. Therefore N.A. is not responsible, the said deference and submission is not at all just & reasonable. Admittedly the said asset is that of the N.A. and it has been credited in the account of the complainant. When the said asset is that of N.A., though the complainant spent on it, the N.A., cannot disown liability of making payment thereof. The complainants grievance that only S.D. has been refunded on 30.01.2016, but not interest has been paid, has not been controverted. As per regulations the N.A. is also liable to pay interest on the S.D. so complaint on that account also need to be accepted.

5. That the complainant has also alleged about illegal recovery of electricity duty by the N.A. and claimed refund thereof with interest, In reply of the N.A. there is no

reference of these aspects. The non denial of specific allegations made by the complainant amounts to admission, as per settled legal position. In any case, the state government has exempted levying of such electricity duty, in the Vidarbha Region, consequently the N.A. is liable to refund the amount of electricity duty collected from the complainant.

6. During course of arguments it was thought fit and necessary in directing the N.A. to file CPL, approved WCR, Ledger, with concerned documents. The learned representative of N.A. earlier only filed CPL, from Jan-2015, later on filed CPL from Jan-2011 onwards, on going through the CPL at 19.07.2016 showing & entry of Rs. 35000/- in the column of S.D. admittedly the N.A. has refunded Rs. 34984/- only of S.D. i.e. principle only but not interest.

7. That the complainant has also claimed SOP compensation @ Rs.100/- per week for delaying final settlement of account after disconnection and during course of arguments the learned representative has referred to SOP regulations 9.4. On going through the said regulation it is clear that it requires an application for closure of account from the consumer subject to satisfaction of all dues of consumer, the licensee to pay all outstanding amount due to the consumer within prescribed period mentioned there in from the date of receipt such application for closure of the accounts. The complainant could not point out, making of such application for closure of account in the copies of correspondence made by the complainant on record. It is clear that it has never claimed such SOP compensation. The complainant demanded cost of infrastructure under Non-DDF CCRF, S.D. with interest. Even in the complaint in prayer clause only such demand has been made for SOP compensation. So considering the provisions relied upon by the complainant during course of arguments this forum is of the view that in the facts and circumstance of the grievance the said regulations is not attracted. In any case this forum is of the view that as relief of interest on delayed payment of infrastructure cost, S.D. as well as electricity duty is being granted, so it will not be just & proper to grant SOP compensation as has been claimed by the complainant, considering the facts and circumstance including that of attempts made by the

complainant by making approaches to the concerned authorities, IGRC and ultimately to this forum, it will be just & proper to pay reasonable cost i.e. Rs. 2500/- With such observations, this forum proceeds to pass following unanimous order.

// ORDER //

1. The complaint No.14/2016 is here by partly allowed.
2. The N.A. is directed to revise the WCR amounting to Rs.1,96,302/- by adding other overheads like transportation 5%, VAT @ 5% , Plantation &Tools @ 1.5% as prescribed standard method of estimation adopted by the licensee.
3. The N.A. is also directed to refund the electricity duty collected illegally.
4. The N.A. is liable to pay interest @ 7% on the amount due under both these counts till the date making of repayment thereof.
5. The N.A. is also directed to pay amount of unpaid interest on S.D. as per the rules & regulations + Rs.2,500/- (Two thousand five hundreds) towards the cost of the present proceeding.
6. Rest of the claims of the complainant are hereby rejected.
7. That the compliance report to be submitted within a period of two months from this order.

Sd/-
Member/Secretary

Sd/-
Member (CPO)

Sd/-
Chairman

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 /AKLZ/ AKL/ 122

Dt. 08.08.2016

TO,
The Nodal Officer,
Executive Engineer
O&M Rural Division, MSEDCL, Akola.

The order passed on 08/08/2016 in the Complaint No. 14 /2016, is enclosed herewith for further compliance and necessary action.

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

Copy fwc to:-

1. The Superintending Engineer, O&M Circle, MSEDCL, Akola.
2. Bhaskar Devta Milk & Milk Products.Manisha Apartment, Gayatri Nagar, Near S.T Division Office, Kaulkhed Road, Akola, Distt. Akola..

R.A.Ramteke
Member/Secretary

D.M.Deshpande
Member (CPO)

T.M.Mantri
Chairman