

amount of Rs. 87,176/- has been refunded through energy bills of April-2016 towards part of the cost of cubical meter. According to the complainant it has spent Rs. 1,06,875/- as cost of cubical meter and N.A.'s liability is also for transportation charges @ 5%, so it is liable to pay the balance amount with interest @ 18%. It is alleged in case of some of the consumers like M/S. Tapdiya Stone Crusher, Sai Agro, the licensee refunded entire amount. It is also alleged that Rs. 3000/- has been illegally recovered towards cubical testing charges and same needs to be refunded. In spite order of IGRC the compliance has not been made. Alongwith complaint copies of documents have been filed.

2. The N.A. has submitted reply after receipt of notice from this forum, stating that already an amount of Rs. 87,716/- has been credited. The difference amount of Rs. 19,699/- + Transportation charges 5344/- as well as Testing charges Rs.3000/- will be refunded in forthcoming energy bill, therefore the claim of the complainant for interest may not be granted. Reference has been made about passing of order by CGRF Nagpur, so also it is alleged that issue of refund of cost of infrastructure is sub-judice before Hon. Supreme court and stay order dt. 31.08.2007 continues, therefore the grievance of the complainant for refund of infrastructure cost be dismissed. Reference has been made to regulation No. 3.3.2 of MERC supply code -2005 with further averments that consumer cannot raise objection about use of service line to other persons, so also cannot claim refund of infrastructure cost, therefore also the claim for infrastructure cost needs to be dismissed. Alongwith reply copies of some documents have been filed.

3. That on behalf of complainant rejoinder came to be filed with annexures, copy of which given to the N.A.

4. Heard Shri Ashish Chandarana and Shri Dilip N.Dodke, Superintending Engineer, the learned representatives for the parties. It is pertinent to note that the line has been provided to the complainant under DDF scheme as the complainant has spent

on infrastructure cost. It is an admitted position as per MERC case No. 56 of 2007 that the N.A. licensee cannot use DDF infrastructure to provide connection to other consumers. It has been admitted that from the said DDF Line of complainant, the N.A. has provided electric connections to other consumers (Industries) such as M/s. Kalptaru Industry and M/s. Rasoya Spices, that too, without his consent & permission. So naturally the said line was not as contemplated under DDF scheme, but it was general public line. Admittedly the complainant had spent for the said infrastructure and the N.A. is liable to pay the costs spent by the complainant. From the order of IGRC, the position is clear, including that of providing of connections to above named two consumers by tapping on the said line. The representative of the N.A. realizing and understanding the position has made submission, which has been referred to in the order of IGRC. It seems that now the N.A. is making an attempt by raising untenable grounds, in reply. However during the course of Arguments, the learned representative of the N.A. fairly did not pursue such defense/stand.

5. Firstly it needs to be mentioned that no such pleas were raised before IGRC & in the present proceeding the same are being raised but not justly & properly. As far as reference of order of CGRF Nagpur is concerned it is clear that the same is not at all helpful to the N.A. The controversy involved there in is all together different. In the present matter approval for connection under DDF was accorded on 27.06.2014 & thereafter the work was carried out. In view of undisputed facts of the present matter in hand, neither the order of CGRF Nagpur as well as other objection raised in reply have any merit of substance. In any case they were not raised before IGRC. In view of tapping of lines by the N.A. it does not remain the asset of the complainant, hence the N.A. is liable to refund the cost thereof.

6. That during the course of arguments the learned representative of the complainant has submitted that the N.A. has further made payment of about Rs. 27,000/- during pendency of this complaint. It is clear that the said payment must have been towards

the balance amount + Transportation & Testing charges as mentioned in Para No.1 of reply of the N.A.

7. Now the only question remains about the other claims i.e. cost of infrastructure and interest as mentioned in the complaint. That the N.A. itself in letter dt. 10.07.2014 has estimated cost of Rs. 3,47,322/-. Though the complainant has claimed interest @18% on infrastructure cost from 01.09.2014 as well as on other grounds also, this forum is not inclined to accept such request. Neither the complainant nor the N.A. has brought on record the dates of tapping of the DDF connection. The complainant cannot claim interest from the date of release of connection i.e. 01.09.2014, so also the claim @ 18% p.a. interest is exaggerated. This forum thinks it just and proper to grant interest at @ 6% p.a. from the date of the tapping of the said DDF Line by the N.A, for providing connections to other consumers. The complainant's claim for interest on cost of cubical meter etc is turned down in view of the fact that those amount have been refunded. The complainant needs to be granted reasonable cost in view of requirement for approaching to the official of the N.A., IGRC & lastly to this forum. Needless to say that the amount to be refunded to the complainant has to be by way of adjustment in the forthcoming bills payable by the complainant. With such observations, this forum proceeds to pass following unanimous order.

// ORDER //

1. The complaint No.15/2016 is here by partly allowed.
2. The N.A. is directed to refund infrastructure cost of Rs. 3,47,322/- alongwith interest 6% p.a. from the date tapping of the said DDF Line for providing connections to the other consumers.
3. The N.A. is also liable to pay cost of Rs. 2500/- as cost of the present proceeding.

4. That the compliance report to be submitted within 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/ 123

Dt. 11.08.2016

TO

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

The order passed on 11/08/2016 in the Complaint No. 15 /2016, is enclosed herewith for further compliance and necessary action.

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

Copy f.w.c. to:-

1. The Chief Engineer Akola Zone, Akola.
2. M/S. M.K.AGRO PLOT NO. N-168,GROWTH CENTRE
MIDC, YEOTA ROAD, AKOLA Distt. Akola.

R.A.Ramteke
Member/Secretary

D.M.Deshpande
Member (CPO)

T.M.Mantri
Chairman

Sd/-
Member/Secretary

Sd/-
Member (CPO)

Sd/-
Chairman