

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

*“Vidyut Bhavan”,
Ratanlal Plots,
Akola: 444 001
Tel.No.2434476*

Dt- 23/10/2013

Complaint No.83/2013

In the matter of grievance of disconnection of electric supply with dispute in
respect of bill payment charges/interest etc.

Quorum :

Shri T.M.Mantri,	Chairman
Shri A.S.Gade,	Member
Shri P.B.Pawar,	Secretary

M/s Tapadia Stone Crusher, Borgaon Manju (Con.No.Ag- 310085026700)
... Complainant

...VS...

The Executive Engineer, MSEDCL, Rural Dn. Akola. ... Respondent

Appearances:

Complainant Representative: Ashish Subhash Chandarana

Respondent Representative: Shri J.H.Rathor, Asstt. Engineer, Rural Dn. Akola.

1. The complainant's grievance in the present complaint is pertaining to levying of DPC charges interest alongwith issuing of notice of disconnection of electric supply dt. 23.8.13 received on 27/8/13. Complainant has referred to order passed by the Forum in respect of refund of electric duty, illegally collected from it, alongwith interest @ 9.5% and cost of Rs. 1000/-. It is alleged that on the request of the concerned officers, the complainant has voluntarily surrendered the claim for interest on the condition that amount will got adjusted in forthcoming bill i.e. bill to be received in first week of August,13. It is alleged that Mr.Agadate, DA, had assured about adjustment of

the said amount in the forthcoming bill so also later on he sought such undertaking on stamp paper. It was given on the condition that this waiver of interest shall be applicable only if the licensee adjusts the amount in the current bill.

2. It is alleged that however on 27th August,13 the complainant has received notice of disconnection from Akola Circle Office and upon calling orally it was informed that dues at Division Office of about 1.25 lakhs are pending when the complainant was LT consumer. Upon production of related receipts to the concerned A.A of Sub Dn. Mr.Borakhade and Mr.Agadhate they have assured for early and timely settlement. It is alleged that on 3/9/13 the E.E. sent letter to S.E. Akola for giving adjustment of Rs. 3,35,101.87 through energy bill which clearly shows that the notice of disconnection is illegal and only because of mis-management of Rural office the complainant is harassed, including notice of disconnection, hence approached to the forum seeking the reliefs prayed for. Alongwith the complaint copies of documents came to be filed.

3. After notice of the forum, as per regulations, reply came to be filed from the side of the concerned office of the N.A.licensee to the complaint stating that the complainant's LT category has been converted to HT category and all the work of HT category is being carried out in the Circle Office, Akola. In view of arrears on HT line connection, the said office has issued notice to the complainant. Reference has been made to the order passed by the Forum in the matter of complainant when it was in LT category and as per the said order an amount of Rs.3,35,102 is payable to the said consumer, hence concerned Sub Dn. Office was informed for not disconnecting the electric supply of the

complainant and it has not been disconnected. Further it is stated that as per order of the forum Ch.No.937621 dt.20/9/13 of Rs.3,35,102/- alongwith Ch.No.937554 dt. 4.9.13 for Rs.1000 towards cost have been paid to the complainant and as the order of the forum stands complied with hence the proceedings needs to be disposed off. No documents has been filed from the side of the N.A.licensee.

4. The matter was fixed for arguments. Heard Mr.Ashish Chandarana the learned representative for the complainant and Mr.Agadate, D.A. the learned representative for the N.A.licensee. Upon considering the record as well as rival submissions of the parties it is clear that earlier the complainant was LT consumer and some time in Feb.13 it has become HT consumer. It is not in dispute that inspite of claim of refund of electricity duty which was recovered illegally, complaint was filed to the forum and order therein was passed for refund of amount of electricity duty alongwith cost of Rs.1000/-. It is also not in dispute that in pursuance to the order the N.A.licensee has paid Ch. Of Rs.3,35,102/- dt. 20/9/13 and Ch. of Rs.1000/- dt. 4.9.13 towards cost as per order. According to N.As representative there was compliance of the order of Forum. According to the complainant the complainant has surrendered the claim of interest on the request of the concerned officers of the licensee provided the same is got adjusted in the forthcoming bill to be received in first week of August,13. According to the complainant this understanding was not followed by the concerned officers of the N.A.licensee and it has approached to the S.E. Circle Office, Akola vide letter dt. 3.9.13 in respect of adjustment of Rs.3,35,101.87 with proposal . So according to the complainant there was delay which resulted in imposing additional charges on the complainant.

During the course of arguments it has been admitted that 2 cheques of Rs.3,35,102/- and Rs.1000/- as referred to in reply have been received by the complainant but there was delay in making such payment. Further it has submitted that the notice under section 56(i) of E.A. came to be issued in the meantime, which was not proper and to avoid disconnection the said amount has been deposited.

6 According to the learned representative of the N.A.licensee the notice in question was for dues of HT consumer whereas the claim of the complainant is in respect of refund of electricity duty when it was LT consumer. It has been further submitted by the learned representative of the N.A.licensee that by issuing above referred two cheques the order of Hon.ble Forum has been complied with. Though it has been tried to submit that inspite issuing notice of disconnection the electric supply was not disconnected however the fact remains that the complainant has deposited the amount and in view thereof there was no question of disconnection. Now the fact remains in respect of the submissions of the complainant about the assurance given by the concerned officers of the N.A.licensee for adjustment of the amount payable to the complainant in forthcoming bill, it seems from record that in the forthcoming bill such adjustment was not given and according to the learned representative as the category of the complainant was changed from LT to HT consequently the concerned offices were also changed. The complainant now being HT consumer the concerned office is Circle Office and there was correspondence made with the said office but ultimately above referred cheques have been issued which has been accepted without protest by the complainant and they have been encashed. In the background of these

circumstances the submission made by the learned representative of the complainant that because of late payment complainant has been put to loss of about Rs.8500/-, hence it is entitled for that relief needs to be considered. As already observed above the complainant is HT consumer since Feb.13 The notice in question for the alleged dues of bill of HT consumer, the submissions made on behalf of the N.A.licensee that in view of change of offices, some time has been required in making correspondence and compliance can not be said to be ill-founded. Apparantly there seems to be no ill intention and ultimately the payment has been made, by issuing above referred cheques to the complainants. No doubt there was understanding between the parties in respect of giving up of claiming of interest. That considering the nature of working in different offices, it cannot be said that the delay was intentional. Ultimately compliance of the order is on priority and that has been done though there might be some delay. The complainants request for interium stay to the notice of disconnection has become infructuous. The complainant has made payment of the bill involved in the concerned notice likewise the concerned office of the N.A.licensee has paid the amount to the complainant vide above referred cheques, thereby claim has been settled and nothing remains. This Forum is of the view that in such facts and circumstances, it will not be just and proper to grant the claim as pressed by the complainant during the course of arguments. Hence this Forum proceeds to pass following unanimous order.

ORDER

- 1) That complaint No. 83/2013 is hereby disposed off in view of making of payments of Rs.3,35,102/- and Rs.1000/- by the concerned office of the N.A.licensee as per order of the Forum.

- 2) In the circumstances parties to bear their own costs.

Sd/-
(A.S.Gade)
Member

Sd/-
(P.B.Pawar)
Secretary

Sd/-
(T.M.Mantri)
Chairman