

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

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

Dt- 26/02/2014

Complaint No.110/2013

In the matter of recovery of excess infrastructure costs and other costs etc.

Quorum :

Shri T.M.Mantri,	Chairman
Shri A.S.Gade	Member

Smt. Shiladevi N. Gahilot, Patur (Con.No.313700001898) ... Complainant

...VS...

The Executive Engineer (R.) Akola. ... Respondent

Appearances:

Complainant Representative: Shri D.M.Deshpande, Akola

Respondent Representative : Shri M.G.Gorle, Dy. Ex. Engineer, Patur.

1 The complainant has approached this forum in respect of grievance of recovering of infrastructure cost, supervision charges, Service Connection charges, testing charges, costs and other reliefs. The complainant's case in brief is that he has applied for 95 Hp industrial connection for crusher in 2011 and as per regulation the N.A. was under obligations to release the connection within prescribed time. It is alleged that in contravention to directives of MERC, Executive Engineer (Rural) Akola has sanctioned estimate of Rs 2,56,540/- on 21/03/2012 and asked complainant to execute the work with

material with understanding to refund the cost in energy bills. The complainant has alleged that the N.A. has also recovered Rs. 3,335/- towards supervision charges so also recovered Rs 500/- towards SC charges and alleged that excess amount has been recovered hence the same are refundable. Reference has been made to documents in that respect.

2 It is alleged that the entire work upto service connection is got executed through Shri. Sawale, J.E. Patur to whom complainant has paid entire amount of Rs 2,56,540/- and the said officer himself has executed the work. It is alleged that refund of Rs 1,86,150/- against the amount incurred expenditure plus testing fees, supervision charges etc. is not acceptable to the complainant. Even the work completion report of 1,86,150/- has not been signed or accepted by the complainant. According to the complainant complete infrastructure and other charges is refundable. Infact the entire amount ought to have been refunded in one go, showing of arrears of Rs 1,40,381/- is illegal. Further the N.A. has also charged interest on arrears and DPC, hence it is requested refund the amount, after adjusting the energy bill due to the complainant without interest and DPC. Interim relief about disconnection of supply has been also asked for apart from cost of Rs 5000/- . Documents have been annexed with the complaint.

3 Notice as per regulation given to N.A. for submitting reply to the complaint. The reply came to be filed, belatedly, on 13 Jan 14, wherein only point has been raised that the complaint is not tenable making reference of MERC (CGRF and Electricity Ombudsman) Regulation 2006 with further averments that the complainant be directed to approach IGR Cell, so also

averred it be dismissed. References has been made to Para 4 of the complaint of the complainant.

4 On the date of hearing the Learned representative of N.A. has submitted an application for the time so as to file reply on merits to the complaint. The complainant's representative has no objection therefor. So strictly last chance was granted. Additional reply came to file on behalf of N.A. on 03.02.2014 stating that complainant has submitted consent letter for executing work under non DDF/CCRF scheme and has also executed agreement after getting information of adjustment of the amount from the electric bill under said scheme. Copies of documents have been referred to. It is further stated after erecting of infrastructure and as per audited work completion report, the licensee is making adjustment from the August 2013 bill. It is stated that an amount of Rs.1,86,150/- is the cost as per WCR and till January 2014 an amount of Rs. 1,07,448/- has been adjusted and the balance amount of Rs. 78,771/- will be adjusted in the forthcoming bill. It is alleged that an amount of Rs. 1,13,290/- is due to complainant towards energy charges, by referring to the bill. Further it is stated that the amount is being refunded as per circular of company. The amount of inspection fees and transformer testing charges will be adjusted in the forthcoming bill. Lastly it is stated that an amount of Rs. 34,519/- is due to the complainant. The interest can not be waived and as per directive of MERC the amount of inspection fees is being refunded to the complainant.

5 Heard arguments of both the sides through Shri.D.M.Deshpande, the learned representative of complainant and Shri.M.G.Gorle, Dy. Executive

Engineer, the learned representative of N.A. During course of arguments the Ld. representative of N.A. has submitted that the N.A. is ready to refund the amount of inspection and transformer testing charges. As far as service connection charges, it has been submitted that the material has been provided by the N.A. so that amount can not be claimed. He has referred to the relevant the gate pass in that respect, from the said document it is apparent that cable and meter for connection of the complainant came to be issued. In view thereof complainant's claim in that respect does not appear to be correct.

6 As far as the claim of complainant for levying of interest and D.P.C. on alleged arrears, the Ld. representative of N.A. has submitted that the same will not be charged. Admittedly the amount spent by the complainant was to be entirely adjusted towards energy bill. The Ld. representative of N.A. has submitted that in the bill Jan 2014. "Rs. 5,708.47/- " has been adjusted for those heads and has further agreed that an amount of Rs.944.61/- mentioned towards " Interest Arrears" will be deducted in the next bill.

7 The complainant has specifically averred in the complaint about making of payment of Rs.2,56,540/- as per sanctioned estimate to Shri.Sawale, J.E.Patur, so also categorically averred that said J.E, Sawale has executed the work upon receipt of that amount, whereas as per N.A. the audited WCR is for Rs.1,86,150/- , so that much amount is refundable. The complainant has neither accepted the said WCR nor signed or consented to the same. Here it needs to be noted that there is no whisper in reply of N.A. to the specific and pointed averments made by the complainant in that respect, more particularly in respect of Shri.Sawale J.E Patur. For want of denial the said contention has

remained unrebutted and the same has to be accepted. As per WCR an amount of Rs.1,86,150/- is to be adjusted in the electric bills of the complainant apart from inspection fee, transformer testing charges as referred to above. It has been agreed between both the Ld. Representatives of the parties that after making adjustment of those amounts, whatever dues towards energy charges, complainant to pay that much of amount of bill. Needless to say that no interest and DPC will be levied by the N.A.

8 As far as difference of amount of Rs 70,390/- (2,56,540-1,86,150), according to the complainant that entire amount has been recovered from her by Shri Sawle, J.E. as per sanctioned estimate. As already observed above, this forum has accepted the version of the complainant. The N.A. licensee to take appropriate steps against Shri. Sawle, the then J.E.Patur, for recovery of said amount of Rs. 70,290/- payable to the complainant apart from taking other action as per regulations.

9 As far as claim of the costs, the Ld. Representative of the complainant has not pressed for the same as N.A. has agreed to pay other charges. Consequently this forum proceeds to pass following unanimous order.

ORDER

- 1 Complaint No. 110/2013 is hereby partly allowed. The N.A. is directed to adjust the amount of Rs 1,86,150/- as per WCR alongwith the amount of inspection fees and transformer testing charges, without levying interest and DPC and complainant to pay the balance of energy charges payable if any, after adjustments of these amount.
- 2 The N.A. licensee is directed to take appropriate action against Shri Sawale, the then J.E., Patur, for recovering of Rs 70,390/- in excess of WCR from the complainant, as per sanctioned estimate, apart from action under the service regulations.
- 3 In the Circumstances the parties to bear their own costs.
- 4 The Compliance report to be submitted within the period of one month.

Sd/-
(A.S.Gade)
Member

Sd/-
(T.M.Mantri)
Chairman