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Consumer Grievance Redressal Forum
"Vidyut Bhavan", Gr. Floor,
L.B.S.Marg, Bhandup (W),
Mumbai – 400078.

REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/

Date

Case No. 544

Hearing Dt. 21/04/2015

Correction application filed by utility.

M/s. Ceat Tyre - Applicant

Vs.

M.S.E.D.C.L., Thane. - Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri. Anil Bavthankar, Chairman, CGRF, Bhandup
- 2) Shri.S.B.Bhalshankar, Member Secretary, CGRF, Bhandup.
- 3) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Applicant

- 1) Shri. B.R. Mantri - Consumer

C - On behalf of Respondent No. 1

- 1) Shri. D.M.Jadhav, Dy,LO, Thane Urban Circle.

Order (passed on 28/04/2015)

1. Above named applicant SE filed this application for correction in order previously pass by Forum in consumer complaint No. 544 of 2014. It is contention of utility Hon'ble Forum was please to pass the order directing utility to stop leading 2 % surcharge from the billing month of July 2014. The Forum also please to pass further order consumer complaint entitled for refund of 2 % surcharge levied since December

- 2012 that is diversion on 220/22 KV Gas insulated substation (GIS) prime lending rate of SBI. The above judgment was delivered.
2. Copy of the said judgment was filed along with prayer seeking clarification as application of interest of 2% surcharge in the said order where as the '**Interest**' word is missing in the judgment. Therefore utility was unable to make calculation and pay the interest on 2% surcharge to the consumer. It is also prayed in the application that passing of order of refund of 2% surcharge to above said consumer was proper and question of payment of interest on surcharge is not tenable.
 3. After filing the said Grievance notice was issued to the consumer on which consumer appeared and filed his objection stating that as per Forum already pronounce the judgment and order. Thereafter as per direction initially compliance of the said order was not proper made by utility in the circumstances raised objection for seeking clarification for the said question of refund of interest on 2% surcharge which is already recovered was no refund to consumer Therefore now the question of refund of interest of 2% surcharge is pending for which the clarification application is filed .by utility
 4. I have given opportunity to utility to explain and necessity of correction in the order whether it is due to technical reason of typographical error .or can be clarified or not.
 5. It appear that under the reason of making insertion of word '**Interest**' which was earlier missing in order required to be corrected but now for utility respondent trying to modified and reverse the order as prayed alleging to 2% surcharge recovered from the consumer should have been reviewed. Proper procedure as requirement to wave of the 2% surcharge in the given circumstances where recording of unit on other

- end (i.e.substation) feeder was not possible since more consumer meter is installed on said feeder which is emitting from EHV sub station.
6. It appears that all this objection was placed before earlier case No. 544/2014 on 24/06/2014. The order reflected that the said point was not consider of one of member as observed by Member Secretary refuse to give refund of 2% surcharge. It appears to me that the said judgment was not challenge by utility before appropriate Forum as the utility filed this application for seeking clarification only above the calculation of interest on the said 2% surcharge clerical error by way of clarification the word '**Interest**' was not mention in the earlier order. Therefore the utility justified and making this application. It is contention of consumer the interest which was prayed by consumer in the complainant was interest 9% entitled to receive by way of refund and such the clarification order required to be modified now. I minutely perused order pass by Forum earlier one of the Member Dr. Smt. Archana Sabnis at present working at CGRF, Bhandup also verified the judgment and came to conclusion that the '**Interest**' word was missing due to typographical mistake as intention of the Forum to consider refund of 2% surcharge should be refund from December 2012 with interest as prime lending rate of SBI.
 7. I have come across with similar other judgment in correction with refund of 2 % surcharge given to the consumer. I have considered the event of both possibilities in one case where the Forum refused to avoid the giving reasoning for not avoiding interest is clarification mention.
 8. In order event in consumer complaint the Forum is earlier to avoid the interest the such case the appropriate wording should be mention clearly above interest of 2% surcharge and application of interest in following terms. As per prime lending rate of SBI which means 2% surcharge

about the interest to RBI avoided for the permissible of Bank on RBI rate for running the Bank institution business.

9. In this case the intention of the Forum was appear to permit interest and 2% surcharge prime lending rate of SBI utility objection. The payment of such interest as directives issued the circular for MSEDCL Company should be pay the interest and deposit not more than 9% of the amount which is alleged to be recovered by utility from consumer in this case. After hearing the arguments here in this case the word '**Interest**' was in advent error in the judgment therefore without any other change which is not permissible. I am incline to hold consumer is entitled to add word '**Interest**'. After the word written with and therefore said certification application require to be allowed for limited purpose. Hence I proceed to pass following order.

ORDER

- 1] The clarification application filed by utility is allowed.
- 2] The word 'Interest' should be added in original judgment order pass by the forum earlier on dated 19/07/2014 and correction to be made accordingly.
- 3] The utility directed to refund interest at rate 9% on 2% surcharge recovered amount since December 2012 as per order.

Compliance be made by utility accordingly

No order as to cost.

Both the parties be informed accordingly.

Proceedings closed.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup.

Note:

1) If Consumer is not satisfied with the decision, he may file representative within 60 days from date of receipt of this order to the Electricity Ombudsman in attached "Form B".

Address of the Ombudsman
The Electricity Ombudsman,
Maharashtra Electricity Regulatory Commission,
606, Keshav Building,
Bandra - Kurla Complex, Bandra (E),
Mumbai - 400 051

2) If utility is not satisfied with order, it may file representation before the Hon. High Court within 60 days from receipt of the order.

DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP

ANIL P. BHAVTHANKAR
CHAIRPERSON
CGRF, BHANDUP

S.B.BHALSHANKAR
MEMBER SECRETARY
CGRF, BHANDUP