

**Maharashtra State Electricity Distribution Co. Ltd.'s
Consumer Grievance Redressal Forum
Nagpur Urban Zone, Nagpur**

Case No. CGRF(NUZ)/005/2012

Applicant : M/s. Associated Biscuits Company
Limited
B-14, MIDC Hingna Industrial Estate,
NAGPUR.

Non-applicant : Nodal Officer,
The Superintending Engineer,
Nagpur Urban Circle,
Nagpur.

Quorum Present : 1) Shri. Shivajirao S. Patil
Chairman,

2) Adv. Smt. Gouri Chandrayan,
Member,

3) Smt. Kavita K. Gharat
Member Secretary.

ORDER PASSED on 06.03.2012.

- 1) The applicant filed this grievance application on 09.01.2012 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as Regulations).
- 2) The applicant's case in brief is that applicant issued a electricity bill for the month of September 2011 amounting to Rs.35,88,790/-. There was remark on the

bill informing that if the bill is paid on or before 26.09.2011, in that case there will be discount of Rs.2,09,960=51. Thus after deducting the same applicant paid amount of Rs.33,78,830/- by cheque no. 220911 dated 22.09.2011. This cheque was handed over to MSEDCL on 22.09.2011 and MSEDCL presented the cheque on 24.09.2011 and said cheque was cleared on 26.09.2011 from Bank of the applicant i.e. Axis Bank and proceeds of the cheque was created with HDFC Bank i.e. Bank of the non-applicant who negligently credited the amount to Account of non-applicant on 27.09.2011. Therefore discount of Rs.2,09,960=51 is not given to the applicant. Therefore applicant filed present application and claim said prompt payment discount.

- 3) The non-applicant denied the case of the applicant by filing reply dated 31.01.2012. It is submitted that as per circular dated 03.05.2011 and circular dated 24.08.2011 the date of money receipt issued, after crediting the amount in the account of MSEDCL shall only be consider for allowing the prompt payment discount to the consumer. The cheque of the applicant was realized on 27.09.2011 in the account of MSEDCL and therefore applicant is not entitled for prompt payment discount.
- 4) Forum heard argument from both the sides and perused of the record. Record shows that applicant presented the cheque to MSEDCL on 22.09.2011. For that purpose

MSEDCL had issued acknowledgement on 22.09.2011. Record shows that amount was paid by Axis Bank of the applicant to Bankers of MSEDCL i.e. HDFC Bank on 26.09.2011. This fact is clear from Annexure "C" ledger of Axis Bank. Not only this below the cheque of the applicant there is stamp of Axis Bank under the date 26.09.2011 showing that amount is transfer to HDFC Bank of MSEDCL. Therefore applicant is not responsible if official of MSEDCL presented the cheque after the gap. Applicant is not responsible if Bankers of MSEDCL i.e. HDFC Bank is negligent in transferring the amount to MSEDCL to 27.09.2011. For that purpose MSEDCL is as liberty to take suitable action against HDFC Bank for not paying the amount promptly, within time.

- 5) Therefore in our opinion applicant is entitled for prompt payment discount of Rs.2,09,960=51. Hence Forum proceed to pass the following order.

ORDER

- a. The applicant is entitled for prompt payment discount of Rs.2,09,960=51.
- b. MSEDCL is directed to revise the bill accordingly.

c. The non-applicant shall report compliance to this order within 30 days from the date of this order.

(Smt.K.K.Gharat) (Adv.Smt.GauriChandrayan) (ShriShivajirao S.Patil)
MEMBER MEMBER CHAIRMAN
SECRETARY