



**CONSUMER GRIEVANCE REDRESSAL FORUM**  
**M.S.E.D.C.L., PUNE ZONE, PUNE**

**Case No.28/2016**

**Date of Grievance : 25.07.2016**

**Date of Order : 19.09.2016**

In the matter of refund of excess amount charged against FAC from the billing month of Dec.2013 to Dec.2014 along with interest.

M/s. Shriniwas Engg.  
 Auto Comp.Pvt.Ltd.,  
 Village Navalakh Umbre,  
 Tal.Maval, Pune-410507  
 (HT Consumer No.181029042400)

**Complainant**

(Hereinafter referred to as Consumer)

**Versus**

The Superintending Engineer,  
 M.S.E.D.C.L.,  
 Pune Rural Circle,  
 Pune.

**Respondent**

(Hereinafter referred to as Licensee)

**Quorum**

<b>Chairperson</b>	<b>Mr. S.N.Shelke</b>
<b>Member Secretary</b>	<b>Smt.B.S.Savant</b>
<b>Member</b>	<b>Mr. S.S.Pathak</b>

**Appearance**

<b>For Consumer</b>	<b>Mr.B.R.Mantri (Representatives)</b>
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<b>For Respondent</b>	<b>Mr.D.N.Bhole,E.E., PRC, Pune</b> <b>Mr.S.J.Patil, Dy.Manager, (F&amp;A) PRC</b>
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1. The Consumer has filed present Grievance application under regulation no. 6.4 of the MERC (CGRF & E.O.) Regulations 2006.
2. Being aggrieved and dissatisfied by the order dated 19/05/2016 passed by IGRC PRC Pune thereby rejecting the grievance, the consumer above

named presents the said grievance application on the following amongst other grounds.

3. The papers containing the above grievance were sent by the Forum to the Superintending Engineer, M.S.E.D.C.L., PRC, Pune vide letter no. EE/CGRF/PZ/Notice/28 of 2016/168 dtd.28.07.2016. Accordingly the Distribution Licensee i.e. MSEDCL filed its reply on 16.08.2016.
4. We heard both sides at length and gone through the contentions of the consumer and reply of the licensee and the documents placed on record by the parties. On its basis following factual aspects were disclosed.
  - i) M/s. Shriniwas Engg. Auto Components Pvt.Ltd.is an HT consumer having consumer no. 181029042400 with sanctioned load 14.625 MW /24 MVA on 22KV Line & connected on 8.2.2008.
  - ii) The MERC has given post facto approval for charging of FAC for the respective billing months vide order No. MERC/FAC/ FY13-14/1350 dtd.18.12.2014,MERC/FAC/FY15-16/1469dtd.11.02.2016, MERC/FAC /FY15-16/1481 dtd.16.02.2016.
  - iii) The consumer claims that as per above mentioned post facto approval of the commission, the Licensee should rework the calculation of FAC from the billing month of Dec.2013 to Dec.2014 & refund the excess amount of FAC collected during the said period along with interest from the date of deposit till the date of refund.
  - iv) The consumer made complaint submitting the grievance before IGRC on 5.5.2016. The IGRC rejected the said grievance of the consumer on the point of limitation vide impugned order dated 19.5.2016.
5. The consumer representative Mr.B.R.Mantri submitted that FAC is the part of tariff & tariff is being determined by the MERC. The methodology of FAC calculation & recovery thereof has approved from the commission in the tariff order. Without change in tariff order or without approval or sanction of MERC the Licensee cannot change or alter levy of FAC methodology. However the Licensee has changed levy of FAC with gap of three months two months from the billing month of Dec.2013. Therefore the wrongly

collected FAC from the billing month of Dec.2013 to Dec.2014 be refunded with interest.

6. On the other hand Mr.Bhole, Ex.Engr., submitted on the behalf of Licensee that the consumer is not sure about the period of charging of FAC & filed grievance with misleading facts. The CE, Commercial issued Circulars time to time for levying of FAC to the consumers & Circle Office only implements the directions of the Head Office. He further submitted that the consumer has filed present grievance after the period of two years from the date of cause of action. Hence the grievance is time barred & be rejected.
7. It is seen from the record that previously the consumer has applied to Superintending Engineer, PRC vide application dated 13.3.2015 claiming refund of excess amount of FAC wrongly collected by the Licensee from the billing month of Nov.2013 to Sept.2014, with reference to the concerned circulars. It is further seen that on 27.11.2015 the consumer again applied to the Licensee for refund of excess recovery of FAC for the period from 14<sup>th</sup> May 2012 to 13<sup>th</sup> Nov.2012 which is exceeding six months vide order dated 15<sup>th</sup> June 2012 in case No.43 of 2012. Thereafter on 28.3.2016 consumer made applications to Superintending Engineer, MSEDCL, PRC, Pune and claimed refund of excess charged FAC Additional FAC, AEC from Dec.2013 to Dec.2014. Thereafter the consumer filed grievance before IGRC on 5.5.2016 & claimed refund of excess amount charged against FAC submitted by the billing month of Dec.2013. Therefore it is seen that the claim of refund of FAC submitted by the consumer is not specific & it claimed refund for different period. The consumer has not produced any documentary evidence in support of above mentioned wrongly charged FAC. The consumer has not provided details of wrongly charged FAC and details of MERC orders in support of claim with necessary details. On the contrary it is the contention of the Licensee that FAC is to be charged as per Circulars issued by CE, Comm. Mumbai time to time & Circle office only implements the same accordingly. Since the claim of consumer is not certain & no any specific amount is claimed by the consumer, on the said grounds, it is difficult to

ascertain exact claim of the consumer. For the reasons the grievance of the consumer is liable to be dismissed.

8. Hence we pass following order.

### ORDER

1. Grievance of the consumer stands dismissed with cost.

Delivered on: - 19.09.2016

Sd/-  
**S.S.Pathak**  
Member  
CGRF:PZ:PUNE

Sd/-  
**B.S.Savant**  
Member/Secretary  
CGRF:PZ:PUNE

Sd/-  
**S.N.Shelke**  
Chairperson  
CGRF:PZ:PUNE

Note :- The consumer if not satisfied may filed representation against this order before the Hon.' ble Ombudsman within 60 days from the date of this order at the following address.

Office of the Ombudsman,  
Maharashtra Electricity Regulatory Commission,  
606/608, Keshav Bldg.,  
Bandra Kurla Complex,  
Bandra (E), Mumbai-51.