

CONSUMER GRIEVANCE REDRESSAL FORUM
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION COMPANY LTD.
NASHIK ZONE
(Established under the section 42 (5) of the Electricity Act, 2003)

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Consumer Grievance Redressal Forum
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No. / CGRF /Nashik/NUC/N.R.Dn./678/10/2018-19/
(BY R.P.A.D.)

Date:

Date of Submission of the case : 05/05/2018

Date of Decision :

To.

M/s. Nashik Ispat Pvt. Ltd.
Plot No. E-26, M.I.D.C.
Tq. Sinnar
Dist. Nashik 422103.
(Consumer No. 075949020720)

Complainant

1. Nodal Officer ,
Maharashtra State Electricity Distribution Com. Ltd.,
Urban Circle office, Vidyut Bhavan ,
Nashik Road.
2. Executive Engineer (R)
Maharashtra State Electricity Distribution Com. Ltd.
Vidyut Bhawan Nashik Road.

Distribution Company

DECISION

M/s. Nashik Ispat Pvt. Ltd., (hereafter referred as the Complainant). Sinnat Dist. Nashik is the HT consumer of the Maharashtra State Electricity Distribution Company Ltd. (hereafter referred as the Distribution Company). The Complainant has submitted grievance against MSEDCL for Refund of AEC and Additional FAC and Excess recovered Addl. FAC. The Complainant filed a complaint regarding this with the Internal Grievance Redressal Committee of the Maharashtra State Electricity Distribution Company Ltd. Ltd. But as the IGRC did not provide any remedy for more than 2 months, the consumer has submitted a representation to the Consumer Grievance Redressal Forum in Schedule "A". The representation is registered at Serial No.51 of 2018 on 05 /05/2018.

The Forum in its meeting on 18/05/2018, decided to admit this case for hearing on 22/06/2017 at 12.00 pm in the office of the forum . A notice dated 21/05/2018 to that effect was sent to the appellant and the concerned officers of the Distribution Company. A copy of the grievance was also forwarded with this notice to the Nodal Officer, MSEDCL, Urban I Circle Office Nashik for submitting para-wise comments to the Forum on the grievance within 15 days under intimation to the consumer.

Smt. P. V. Bankar, Nodal Officer / Ex. Engr. Shri. D. R. Mandlik, Sr. Manager (F&A) represented the Distribution Company during the hearing. Shri . Anupam Ghosh appeared on behalf of the consumer.

Consumers Representation in brief :

MSEDCL has incorrectly recovered over and above the MERC Stipulated charges which can be broadly divided into three main parts :

1. Refund of AEC & Addl. FAC
 - a. AEC1 + AEC2 : Wrongly recovered in the billing month of Aug 2013.
 - b. AEC3 + AEC4 : Wrongly recovered in the billing month of Aug & Sep 2013.

- c. Addl. FAC : Wrongly recovered in the billing month of Aug & Dec 2013.
2. Refund of Excess recovered Addl. FAC for May 2012.–Despite the MSEDCL Circular dated 13th Apr 2012 ordering the Auto reset to be done from 1st May 2012, the Auto reset was not done by MSEDCL therefore the billing period of June started from 26th May and MSEDCL recovered Addl. FAC wrongly for the 6 Days period from 26th May to 1st June 2012.
3. Excess Collected FAC over and above the rates approved by MERC.–MSEDCL Had Collected Excess FAC incorrectly over and above the MERC post Facto Approval particularly in the billing months of Dec-13, Feb-14, Mar-14, May-14, Jun-14, Sep-14, Nov-14, Dec-14, Mar-15 and Jun-15.

A Detailed Common Say (For M/s Nashik Ispat Pvt Ltd, M/s Wadhava Infracore Steel Pvt Ltd & M/s New Natraj Industries) is attached explaining the detailed grievance.

We had gone to IGRC regarding this grievance vide Application in Form X dated 22.12.2017. Further the hearing in the matter was kept on 24.01.2018 and also on 15.02.2018. However after repeated follow-up by e-mail and call we did not receive the IGRC Order till date.

Therefore we appeal the Hon. Chairman, CGRF for directing MSEDCL to provide corrected bill for the relevant mentioned periods and refund the Excess collected Amount; along with Interest at the rate of Interest provided by MSEDCL on SDon the said amount.

Prayer :

1. To provide refund of excess collected Charges by MSEDCL from the Consumer.
2. To Provide Interest on the Amount wrongly collected by MSEDCL at the rate of Interest provided by MSEDCL on SD from the date of deposit to the date of refund.

Arguments from the Distribution Company.

The Distribution Company submitted a letter dated 20/06/2018 from the Nodal Officer, MSEDCL, Urban Circle Office Nashik and other relevant correspondence in this case. The representatives of the Distribution Company stated that:

- As per instruction from CE commercial Ref. PR-3/Tariff/AEC/25310 Dtd. 13/10/17, AEC-1,AEC-2,AEC-3 & AEC-4 is refunded of Aug. 13 & recovered of Feb.14 as per MERC order 78 of 2016 through IT billing system to all consumer in Oct. 2017.
- As per IGRC decision Additional FAC refunded through credit (-) B 80 of Amt. Rs. 2,58,018.89 in the month of May 2018 (B-80 sheet attached).
- As per IGRC decision FAC from Dec. 13 to Dec. 14 refunded Rs. 8,07,859.24 in the month of May 2018.

As per IGRC Decision both effect given to the consumer.

Action by IGRC :

1. The complainant has submitted grievance to the Internal Grievance Redressal Cell Nashik Urban Circle on 22/12/2017 .
2. But the IGRC has not taken any action for more than 2 months.

Observations by the Forum:

1. MSEDCL has recovered over and above the MERC stipulated charges as under and also observed that the Dist. Co. has refunded the excess recovered charges as below :
 - a) AEC-1 – AEC-2 recovered in the billing month of August 2013 seems refunded in 2017.
 - b) AEC-3, AEC-4 recovered in the billing month of August & September 2013 seems refunded in 2017
 - c) Additional FAC recovered in the billing month of August & Dec. 2013.& it is observed that same is adjusted through credit B-80 in may 2018.
2. MSEDCL has recovered excess FAC for the six days period from 26th May to 31st May. 2012 .

3. MSEDCL has collected excess FAC incorrectly over and above MERC post factor approval particularly in the billing months of Dec. 2013, Feb. 2014, Mar.2014, May 2014, June 2014, Sept. 2014, Nov. 2014, Dec. 2014, Mar.2015 and June 2015& it is observed the Dist. Co. has reworked the refund of excess recovered FAC for the period Dec. 2013 to Dec. 2014

After considering the representation submitted by the consumer, comments and arguments by the Distribution Licensee, all other records available, the grievance is decided with the observations and directions as elaborated in the preceding paragraphs and the following order is passed by the Forum for implementation:

ORDER

1. MSEDCL Shall refund wrongly recovered additional FAC for the six days period from 26th May 2012 to 31st May 2012.
2. MSEDCL shall make refund all excess amount in above (1) with interest equivalent to interest charged to security deposit from the date of payment of the bill to the date of refund.
3. As per regulation 8.7 of the MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 , order passed or direction issued by the Forum in this order shall be implemented by the Distribution Licensee within the time frame stipulated and the concerned Nodal Officer shall furnish intimation of such compliance to the Forum within one month from the date of this order.
4. As per regulation 22 of the above mentioned regulations , non-compliance of the orders/directions in this order by the Distribution Licensee in any manner whatsoever shall be deemed to be a contravention of the provisions of these Regulations and the Maharashtra Electricity Regulatory Commission can initiate proceedings *suo motu* or on a complaint filed by any person to impose penalty or prosecution proceeding under Sections 142 and 149 of the Electricity Act, 2003.
5. If aggrieved by the non-redressal of his Grievance by the Forum, the Complainant may make a representation to the Electricity Ombudsman, 606, 'KESHAVA', Bandra Kurla Complex, Bandra (East), Mumbai 400 051 within sixty (60) days from the date of this order under regulation 17.2 of the MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006.

(Smt. Vaishali V.Deole)
Member

(Prasad P. Bicchal)
Member Secretary

(Dr. Bhaskar G.Palwe)
Chairman

Consumer Grievance Redressal Forum Nashik Zone

Copy for information and necessary action to:

- 1 Chief Engineer , Nashik Zone, Maharashtra State Electricity Distribution Company Ltd. , Vidyut Bhavan, Nashik Road 422101 (For Ex.Engr.(Admn)
- 2 Chief Engineer , Nashik Zone, Maharashtra State Electricity Distribution Company Ltd. , Vidyut Bhavan, Nashik Road 422101 (For P.R.O)
- 3 Superintending Engineer, Maharashtra State Electricity Distribution Company Ltd. , Urban Circle office, Nashik .

