

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

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No. / CGRF /Nashik/NUC/N.R.Dn./671/03/2018-19/

Date:

(BY R.P.A.D.)

In the matter of Refund of excess collected FAC , AEC and Additional FAC

Date of Submission of the case :19/04/2018

Date of Decision :

To.

M/s. Jindal Polyfilms Ltd
Gat No. 932, 935 & 938,
Tq. Igatpuri Dist. Nashik
(Consumer No. 052789010129)

Complainant

1 Nodal Officer ,
Maharashtra State Electricity Distribution Com. Ltd.,
Urban Circle office, Vidyut Bhavan
Nashik Road

Distribution Company

2 Executive Engineer (Rural)
Maharashtra State Electricity Distribution Com. Ltd.
Nashik .

DECISION

M/s. Jindal Polyfilms Ltd. , (hereafter referred as the Complainant). Igatpuri 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 excess collected FAC , AEC and Additional FAC .The Complainant filed a complaint regarding this with the Internal Grievance Redressal Committee of the Maharashtra State Electricity Distribution Company Ltd. Ltd. But IGRC did not take any decision for more than 2 months . Hence , the consumer has submitted representations to the Consumer Grievance Redressal Forum in Schedule "A". The representations are registered at serial No. 42 Of 2018 on 19 /04/2018.

The Forum in its meeting on 20/04/2018, decided to admit this case for hearing on 24/05/2018 at 4.00 pm in the office of the forum . A notice dated 21/04/2018 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, Smt. Nital S. Varpe Jr. Law Officer., Shri. Kishor K. Tirsra A.A. represented the Distribution Company during the hearing. Shri . Manish Mishra and Shri. Deepak Bansal appeared on behalf of the consumer.

Consumers Representation in brief :

(A) Grievance related to excess FAC Charging:

The applicant is engaged in activities related to manufacturing of polychips and Polyfilms. The 132 KV HT connection has been released by MSEB/ MSEDCL to the factory in the name of M/s Jindal Polyfilms Limited , bearing Consumer number 052789010129, with Contract Demand of 30200 KVA & Connected Load of 52205 KW. We are categorized under HT Industrial consumer category. The commercial production of our Unit started from 12.02.1996.

During Nov 2012 to March 2015, MSEDCL has charged the Fuel Adjustment Charges (FAC), which are not as per Hon. MERC's post-facto approval, in these months. According to us, MSEDCL has charged Rs.53947491.82, more than the approved tariff/FAC to us. We have regularly paid the amounts billed to us from time to time.

Incidentally FAC is the part of tariff, which is being determined by MERC. The methodology of FAC computation & recovery thereof by MSEDCL needs to be approved by Hon. MERC. Without change in the tariff by MERC or without approval of Hon. MERC, the methodology of levying FAC cannot be changed or altered, unilaterally by MSEDCL.

In fact as per Section 62 (6) of the Electricity Act 2003,

"If any Licensee or Generating Company recovers a price or a charge exceeding the tariff determined under this section, the excess amount shall be recoverable by the person, who has paid such price or charge along with interest, equivalent to Bank rate without prejudice to any other liability, incurred by the Licensee".

Hon. MERC, has accorded post facto approval to MSEDCL for charging FAC from consumers, for the respective billing months vide their letters:

- (1) MERC/FAC/20142015/00774 date 28/07/2014 - Nov & Dec 12
- (2) MERC/FAC/20142015/00775 date 28/07/2014- Jan, Feb & March 13
- (3) MERC/FAC/2013-14/1270 Dated 4.12.2014 - July, Aug, Sept 13
- (4) No. 01469 dated 11/02/2016 (for billing months of Oct 2013 to Mar 2014),
- (5) No. 01481 dated 16/02/2016 (for April 2014 to September 2014) and
- (6) No. 00265 dated 03/06/ 2016 (for Oct 2014 to March 2015)
- (7) MERC/FAC/20162017/265 date 03/06/2016

Since the FAC charges levied by MSEDCL, during Nov 2012 to Dec 2015 are different than those approved as per Hon. MERC's post-facto approval; MSEDCL needs to rework the FAC charged (billed) to us & refund the excess amount recovered from us; with interest of 9% per year, as indicated in Section 62 (6) of the Electricity Act 2003.

According to our computations we have paid the excess amount as indicated in the Table below:

Billing Month	FAC levied MSEDCL	FAC MERC	Diff In Paise	Units	Amount In Rs
Nov-12	70.1	59.21	10.89	16260730	1770793.497
Dec-12	75.84	59.21	16.63	17637194	2933065.362
Jan-13	49.99	21.71	28.28	20646000	5838688.8
Feb-13	57.74	-9.71	67.45	17823600	12022018.2
Mar-13	43.65	-0.22	43.87	19114112	8385360.934
Apr-13	21.71	0	21.71	18874565	4097668.062
May-13	-9.71	0	-9.71	19289268	-
Jun-13	-0.22	0	-0.22	18857182	1872987.923
					-41485.8004

Jul-13	-6.14	-6.14	0	19003946	0
Aug-13	3.29	3.29	0	18669378	0
Sep-13	-14.66	-14.66	0	17557780	0
Oct-13	-7.72	-7.72	0	17121623	0
Nov-13	-6.24	-6.24	0	17990446	0
Dec.13	-6.24	-22.46	16.22	18970864	3077074.141
Jan-14	0	0	0	20050472	0
Feb.14	4.28	0	4.28	18223744	779976.2432
Mar.14	16.41	4.28	12.13	18543388	2249312.964
Apr-14	3.36	16.41	-13.05	18782775	- 2451152.138
May.14	13.62	3.36	10.26	1891687	194087.0862
Jun-14	34.92	13.62	21.3	19440443	4140814.359
Jul-14	11.18	34.92	-23.74	20359391	- 4833319.423
Aug-14	11.18	11.18	0	19324222	0
Sept.14	55.05	32.93	22.12	17518531	3875099.057
Oct-14	20.19	55.05	-34.86	16339097	- 5695809.214
Nov.14	42.59	20.19	22.4	16923190	3790794.56
Dec.14	81.38	42.59	38.79	19180868	7440258.697
Jan-15	24.89	81.38	-56.49	19133095	- 10808285.37
Feb-15	8.75	24.89	-16.14	16669629	- 2690478.121
Mar-15	126.6	8.75	117.85	18452268	21745997.84
			Total FAC	Refund	53947491.82

Aggrieved by the actions of MSEDCL, we approached Internal Grievance Redressal Cell, Nashik Urban Circle, Nashik and filed a complaint, on 20th Jan 2018, requesting for giving justice to us, in the matter of MSEDCL's unlawful FAC charging and refunding the excess amount charged to us along with interest.

IGRC Nashik Urban Circle, order still not received while as hearing was done on 7th March 2018. The IGRC application is attached as Annexure: 1.

We have following additional points for consideration of Hon. Consumer Grievance Redressal Forum Nashik. We sincerely request Hon. CGRF Nashik, to kindly refer to the Orders issued by them, vide their letters:

- (1) No. 175 dated 13/10/2017 (Copy enclosed as Annexure 3) in the matter of Representation by M/s Swastik Pulp & Paper Pvt Ltd . In the said Order, Hon. CGRF Nashik has held as under:

"The Distribution Company should refund in the ensuing Bill after the date of this Order, whatever excess FAC charged over & above the MERC approved rates, in the Bills of the months from December 2013 to December 2014, with interest at Bank rate of Reserve Bank of India till the date of refund",

- (2) No. 61 dated 14/03/2017 (Copy enclosed as Annexure 4) in the Representation in the matter of M/s CEAT Limited Satpur Nashik. In the said Order, Hon. CGRF Nashik has held as under:

"1. The Distribution Company should refund, whatever excess FAC charged over & above the MERC approved rates, in the Bills of the months from December 2013 to December 2014.

2. All these refunds should be adjusted in the ensuing Bill, after the date of this Order, and the amount should be refunded along with the interest, till the date of refund, as per the provisions of Section 62 (6) of the Electricity Act 2003."

Hence, we sincerely urge Hon. CGRF, Nashik, to kindly direct the concerned, to refund the excess FAC levied on us from November 2012 to March 2015, along with interest at 9%, .

(B) Grievance related to Excess AEC & Additional FAC:

Hon. MERC in the matter of Suo-motu determination of supplemental charges of MSEDCL; to give effect of other Orders, vide their Order dated 5th Sept 2013; has ruled as under:

"Commission's Ruling:

22. In view of the above, the Commission directs MSEDCL to recover two additional charges from its consumers, in the form of additional energy charge:

a. To recover the accumulated under-recovery of Rs. 2037.78 Crore accrued till the month of August 2013, which shall be levied by MSEDCL for a period of six (6) months with effect from the month of September 2013 till the month of February 2014. Category wise Additional Energy Charge (AEC-1) to be levied to all consumer categories in the proportion to the approved Average Billing Rate of respective consumer categories, under intimation to the Commission.

b. To recover monthly fixed expense of Rs. 235.39 Crore. This shall be levied by MSEDCL from the month of September 2013 to its consumers on a monthly basis till further determination of MSEDCL tariff by this Commission. Category wise Additional Energy Charge (AEC-2) to be levied to all consumer categories in the proportion to the approved Average Billing Rate of respective consumer categories, under intimation to the Commission.

c. Further, the Commission hereby rules that from this Order onwards MSEDCL will recover the variation in energy charge component of the amount billed by MSPGCL to MSEDCL as approved by the Commission from the consumers through the FAC mechanism. Similarly, the Commission allows MSEDCL to recover the variation in fixed charge component of the amount billed by MSPGCL and amount billed by MSETCL to MSEDCL as approved by the Commission from the consumers in proportion to the approved Average Billing Rate of respective consumer categories, under intimation to the Commission".

It is clearly mentioned in Hon. MERC's Order that the two additional charges i.e.

- (1) AEC 1 & AEC2 should be charged from September 2013, (Prospective) for 6 months up to Feb 2014 and AEC 3 & AEC 4 should be charged from Oct 2013 to March 2014.
- (2) Additional FAC should be charged from September 2013 to November 2013.

However, MSEDCL has erroneously charged us the AEC 1 & AEC 2 for the month of Aug 2013, AEC 3 & 4 for the month of August 2013 & September 2013 and additional FAC for the months of August 2013 and Dec 2013. We have made an excess payment of Rs. 36188592.59/- to MSEDCL towards these heads in August 2013 to Dec 2013 Bills. In order that our supply should not be disconnected, we paid these charges (which according us are erroneous) along with our August 2013 Bills.

Aggrieved by the actions of MSEDCL, we approached Internal Grievance Redressal Cell, Nashik Urban Circle and filed a complaint on 20th Jan 2017, requesting for giving justice to us, in the matter of MSEDCL's unlawful AEC and Additional FAC charging and refunding the excess amount charged to us along with 9% interest.

IGRC Nashik Urban Circle, order is still awaited while as hearing was conducted on 7th March 2018. The IGRC application dated 17th Jan 2018 is enclosed herewith as Annexure: 1

We sincerely request Hon. CGRF Nashik, to direct the concerned to take urgent necessary action in the matter of refund of excessive charges levied on us. In fact as per Section 62 (6) of the Electricity Act 2003,

"If any Licensee or Generating Company recovers a price or a charge exceeding the tariff determined under this section, the excess amount shall be recoverable by the person, who has paid such price or charge along with interest, equivalent to Bank rate without prejudice to any other liability, incurred by the Licensee".

As Hon. MERC, has accorded approval to MSEDCL for charging AEC from consumers, from the billing months of Sept 2013 to Feb 2014 and additional FAC from September 2013 to November 2013. As per the Order dated 5th Sept 2013, levying these charges in August 2013 and Dec 2013 is incorrect.

Since the AEC and Additional FAC charges have been levied by MSEDCL for the months of August 2013 and Dec 2013, which is in contradiction with Hon. MERC's Order, MSEDCL Nashik Urban Circle needs to refund us the AEC and Additional FAC charged in our August 2013 and Dec 2013 energy Bills, along with interest of 9% per year, with reference to the Section 62 (6) of the Electricity Act 2003.

We have following additional point for consideration of Hon. Consumer Grievance Redressal Forum, Nashik. We sincerely request Hon. CGRF Nashik, to kindly refer to the Order issued by them, vide their letter No. 175 dated 13/10/2017 (Copy enclosed as Annexure 3) in the matter of Representation by M/s Swastik Pulp & Paper Pvt Ltd Nasik. In the said Order, Hon. CGRF Nasik has held as under:

"The Distribution Company should refund to the complainants the amount of AEC recovered in the month of August 2013, and additional FAC should be billed for September 2013 up to November 2013 and excess recovered by billing it for August 2013 should be refunded along with interest up to the date of refund as per provisions of Section 62(6) of the Electricity Act 2003"

We sincerely request Hon. CGRF Nashik to kindly consider the urgency in both these matters (under (A) and (B) above) and admit our application. We will be highly obliged, in case an early hearing in this matter is scheduled and we are given justice at the earliest. We also request that MSEDCL Nasik Urban Circle may be accordingly directed and we may be given the refund of excess amounts recovered from us in both matters, along with 9% interest at the earliest.

5.0 Our Prayers:

- (1) We sincerely pray Hon. CGRF Nashik, to kindly admit our application. Considering the financial impact on us, we sincerely request Hon. CGRF Nashik, for an early hearing in this matter.
- (2) Referring to the above mentioned the Judgment/ Order, issued by Hon. CGRF Nasik, we sincerely pray the Hon. CGRF Nashik, to kindly direct the MSEDCL officials to refund us the excess amount of FAC levied on us during (the period from Nov 2012 to March 2015). The difference due to the FAC rates charged to us & Hon. MERC approved FAC rates may please be refunded to us at the earliest along with the interest at 9% per year.
- (3) We sincerely pray the Hon. CGRF Nashik, to kindly direct the MSEDCL officials to refund us the excess amount of AEC 1 & AEC2 in the month of August, AEC 3 & AEC 4 in the month of Aug & Sept 13 and Additional FAC levied on us in August 2013, September 2013 and Dec 2013 Energy Bills, at the earliest along with interest at 9% per year.

- (4) Hon. CGRF Nashik be pleased, to order interim & ad-interim reliefs in terms of the above prayers

Arguments from the Distribution Company:

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

- AEC charges, Additional FAC levied by MSEDCL to M/s. Jindal Polyfilms Ltd. Were charged as per MERC order dtd. 04/09/2013 in case No. 44 of 2013, MERC order dtd. 26/07/2015 in Case No. 95 of 2013.
- As per instructions from CE commercial Ref. PR-3/Tariff/AEC/25310 dtd. 13/10/17, AEC-1, AEC-2, AEC-3 & AEC-4 is refund of Aug. 13 & recovered of Feb.14 as per MERC order 78 of 2016 through IT billing system to all consumer in Oct.2017.
- Additional FAC of Aug. 13 & Dec. 13 is not refunded, also AEC-3 + AEC-4 of Sept. 13 not refunded because there is no any circular, Amendment or letter from H.O. regarding the same.
- FAC charged are as per General Commercial Circular No. 189 to 193, FAC issued by H.O. from time to time, billing is done in same manner to all MSEDCL consumers as per circular.

Hence, it is requested to reject the consumer's application.

Action by IGRC :

The complainant submitted grievances to the IGRC , Urban Circle Nashik on 07/02/2018 . However IGRC did not take any decision as yet.

Observations by the Forum:

Regarding Refund of AEC and Additional FAC

1. After the issuance of tariff order for MSEDCL on 16th August 2012, the MERC has passed orders in relation to the matters of tariff of MSPGCL and intra-state transmission system. The MERC directed vide Order Dt. 05/09/2013 in case No. 95 of 2013, MSEDCL to recover Additional Charges -a) AEC-I Rs. 2037.78 Crs. in 6 equal instalments & b) AEC -2 Rs. 235.39 Crs. On monthly basis till issue of MYT Tariff Order from the consumers, in the form of Additional Energy Charges .
2. MERC had approved the Capital Cost and determined the tariff for Paras Unit# 4 and Parli Unit# 7 for FY 2010-11 .MERC vide order dated 03/09/2013 in Case No. 28 of 2013, has also allowed MSPGCL to recover the total amount of Rs. 628.90 Crs (including carrying cost) on account of impact of Hon'ble ATE Judgment in Appeal No. 47 of 2012 from MSEDCL in 6 equal monthly instalments. The Fixed Charges is to be recovered through AEC 3. MERC has determined the Capital Cost and Tariff of Khaperkheda Unit # 5 for FY 2012-13 vide its order dated 4th September 2013 in Case no. 44 of 2013. The Fixed Charges are to be recovered through AEC 4.
3. All the above Additional Energy Charges (Le AEC 1 to 4) were included and combined under the single head i.e. AEC which is indicated on the energy bill.
4. MERC in the order dated 04/09/2013 in Case No 44 of 2013 has also allowed MSEDCL to recover the Additional Fuel Adjustment Cost (FAC) . The relevant paras are as under:
4.4.34 The Commission observes that MSPGCL has capitalised the amount of fuel costs less revenue, on account of infirm generation of power. However, as fuel cost is a revenue expense, whether incurred during infirm generation or firm generation, the Commission is of the view that the same needs to be recovered directly for the power supplied during the period instead of capitalising it as a part of Capital Cost. As these expenses have been incurred prior to the COD, the Commission has considered the same as a part of capital cost

for the purpose of computation of IDC. However, the Commission has not considered fuel expenses as part of Capital Cost for computing the tariff and the Commission hereby allows MSPGCL to recover the under-recovered fuel cost, i.e., Rs. 28.05 Crore for infirm power supplied to MSEDCL in three monthly instalments after the issue of this Order and MSEDCL can recover this amount through Fuel Adjustment Cost (FAC) mechanism.

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Summary of Findings:

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xix) As the variation in cost of generation is ultimately to be passed on to consumers, the Commission hereby allows MSEDCL to recover the variation in energy charge component of the amount billed by MSPGCL to MSEDCL as approved by the Commission from the consumers through the FAC mechanism. Similarly, the Commission allows MSEDCL to recover the variation in fixed charge component of the amount billed by MSPGCL to MSEDCL as approved by the Commission from the consumers in proportion to Average Billing Rate of respective consumer categories, under intimation to the Commission.

5 Accordingly the Distribution Company issued Commercial Circular No. 209 dated 07/9/2013 and raised demand for the **AEC** and **Additional FAC** from the Electricity Bill of month of August, 2013.

6 However, the MERC order dated 05/09/2013 in case No. 95 of 2013 was challenged with the Appellate Tribunal of Electricity (ATE). The ATE by order dated 22.8.2014 directed as under:

"We, therefore, set aside the Impugned Order and remand the matter to the State Commission to give opportunity to the parties concerned as per the provisions of Section 64 of the Electricity Act and hear the matter in a transparent manner and pass the final order uninfluenced by its earlier findings, as expeditiously as possible. We want to make it clear that we are not giving any opinion on the merits."

7 The matter was remanded to MERC for decision once again. Accordingly the MERC has followed the procedure as laid down in Section 64 of the Electricity Act and recorded following observations as per order dated 26th June 2015 :

".....the issue of over-recovery in terms of difference in time period of recovery considered by MSEDCL and that approved by the Commission had come up before the Commission in 19 identical Petitions filed by various consumers. In these Petitions, it was submitted that, on the basis of the Order in Case No. 95 of 2013, MSEDCL should have started levying AEC only from the month of September, 2013. However, MSEDCL started recovery from August, 2013 itself, thereby violating the Commission's directives under that Order. During the proceedings of those Cases, MSEDCL submitted that it had rectified the error in levy of AEC, and refunded the amount erroneously charged to consumers during August, 2013 in the billing month of February, 2014. That has been reflected in the Commission's Orders dated 27 March, 2014 on those Petitions. However, during the present proceedings, Shri Sanjay Gupta, Ashok Hotel, Nagpur has raised the matter of refund of the excess amount recovered by MSEDCL due to early billing. Therefore, the Commission directs MSEDCL to review the refunds made by it so far on account of wrongful premature billing, and to make any remaining refunds due to consumers in the next billing cycle."

The Hon'ble Commission has finally directed the Distribution Company as under:

17. However, MSEDCL shall review the refunds made by it so far on account of wrongful premature billing, and make any remaining refunds due to consumers in the next billing cycle.

In present case the Dist. Co. refunded wrongful premature recovery for the of Aug. 13, but recovered the same for the month of Feb. 14, but it seems the GOM has also given subsidy on account of AEC to MSEDCL which can be seen from the footnote printed on energy bill for the month of Feb. 14, so forum is of the opinion that if subsidy on A/c. of AEC for the month

of Feb.14 received from GOM. Which has to be confirmed from H.O. & it so whatever AEC charged for Feb. 14 is to be refunded with interest.

- 8 The Commission has allowed AEC recovery from the month of September,2013 but as represented by the complainant the recovery was made from the month of August ,2013 . Similarly Commission has allowed recovery of Additional FAC from the month of September,2013 for the period of three months . But MSEDCL has billed Additional FAC to the complainant for five months from August ,2013 up to December, 2013 instead of three months from September ,2013 up to November, 2013 .
- 9 M/s Paul Strips and Tubes Pvt. Ltd has filed a petition for non-compliance of Commission's Order dated 26 June, 2015 regarding levy of Additional Energy Charge (AEC). In the Daily order dated 15/11/2016, the Hon'ble Commission has directed MSEDCL to take a review of the refunds made by it on account of premature billing of AEC and to make any remaining refund to consumers in the next billing cycle. In the said order , the Commission directed MSEDCL to submit details as follows:
 - i. Total number of consumers from whom AEC is recovered for August, 2013 and the relevant period in September, 2013.
 - ii. Out of (i) above how many of them have been refunded the amount that was prematurely recovered.
 - iii. Reasons for not refunding to balance consumers, if any.
10. As per recent decision passed by Hon'ble Commission on the petition filed by M/S Paul Strips and Tubes (P) Ltd (case no 78 of 2016) as mentioned in observation by the Forum Which states that If MSEDCL has recovered AEC in 6 installments on the electricity consumption of August 2013 to January 2014, it needs to refund the AEC collected on the August 2013 consumption and recover the AEC for the consumption of February 2014 .
- 11 The MERC orders are clear and the complainant is entitled to the refund of the amount of AEC recovered in August 2013 (**which was a wrongful premature billing**) along with the interest on the said amount as per the provisions of Section 62 (6) of the Electricity Act, 2003. Similarly the Additional FAC should be billed for September ,2013 up to November, 2013 and excess recovered for August ,2013 up to December, 2013 should be refunded with the interest on the said amount as per the provisions of Section 62 (6) of the Electricity Act, 2003.
12. Similarly the Commission allowed to recover AEC III & AEC IV in six equal monthly installment starting from Oct. 13 (Case No. 19 of 2017, Case No. 187 dt. 14/11/17) and ordered to refund . AEC III & IV recovered in the month of Sept. 13. So the forum orders to confirm whether AEC III & IV is recovered in Six equal monthly installments starting from Oct. 13 & if so refunded the AEC III & IV recovered in the month of Sept. 13 with interest, which was made earlier to Commission order.
13. In respect to Additional FAC, it was to be recovered in three month from Sept 13 to Nov. 13, but it is observed that Dist. Co. has recovered the same in five months starting from Aug. 13 to Dec. 13, so the extra amount recovered in Aug. 13 & Dec. 13 is to be refunded with interest (Case No. 19/2017 & case No. 175 dt. 14/11/17).
14. In regard to recovery of FAC (shortfall of Fuel Adjustment Cost) the Commission passed to refund the excess FAC recovered from Dec. 13 to Dec. 14 with an interest.

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. The Distribution Company should refund after confirmation whether the subsidy on A/c. AEC is in receipt for the month Feb. 14 if yes the Dist. Co. should refund the same if charged for the month of Feb 14 with interest as applicable.
2. The Dist. Co. should refund AEC III & IV if recovered for the month Sept. 13 with an interest as applicable.
3. The Dist. Co. should refund Add. FAC recovered for the months Aug. 13 and Dec. 13 with interest as applicable.
4. The Dist. Co. should refund excess FAC recovered during Dec. 13 to Dec. 14 with interest as applicable.
5. 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.
6. 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.
7. 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 .

