

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

Phone: 6526484
Fax: 0253-2591031
E.Mail: cgrfnsk@rediffmail.com

Office of the
Consumer Grievance Redressal Forum
Kharbanda Park, 1st Floor,
Room N. 115-118
Dwarka, NASHIK 422011

No. / CGRF /Nashik/NUC/N.R.Dn./676/08/2018-19/
(BY R.P.A.D.)

Date:

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

Date of Decision :

To.

M/s. New Natraj Industries

Plot No. B-70, 71, M.I.D.C.

Malegaon Tq. Sinnar

Dist. Nashik 422103.

(Consumer No. 075949019590)

Complainant

1. Nodal Officer ,

Maharashtra State Electricity Distribution Com. Ltd.,

Urban Circle office Vidyut Bhavan ,

Nashik Road.

Distribution Company

2. Executive Engineer (R)

Maharashtra State Electricity Distribution Com. Ltd.

Vidyut Bhawan Nashik Road.

DECISION

M/s. New Natraj Industries , (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.49 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 two 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. 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 Nasik 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 SD on the said amount from the date of deposit to the date of refund.

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.
3. This Refund to be provided vide Crossed Cheque in the name of the Consumer i.e. "New Natraj Industries" as the said Consumer had been Permanently Disconnected.

Arguments from the Distribution Company.

The Distribution Company submitted a letter dated 21/06/2018 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, the amount AEC1,AEC-2,AEC-3 & AEC-4 collected in the month of Aug. 13 will be adjusted cons, no.75689025170 in current billing month & will be recovered the AEC for the consumption of Feb.14.
- As per IGRC decision Additional FAC refunded through credit (-) B 80 of Amt. will be adjusted against cons. No. 75689025170 in current billing month (As per consumer application received on 20/06/2018).
- As per IGRC decision FAC from Dec. 13 to Dec. 14 FAC credit (-) B 80 of amount will be adjusted against cons. No. 75689025170 in current billing month (As per consumer application received on 20/06/2018).

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:

MSEDCL has wrongly recovered over and above the MERC stipulated charges as under :-

1. AEC-1 – AEC-2 wrongly recovered in the billing month of August 2013.
2. AEC-3, AEC-4 wrongly recovered in the billing month of August & September 2013.
3. Additional FAC wrongly recovered in the billing month of August & Dec. 2013.
4. MSEDCL had collected excess FAC over and above the MERC post factor approval 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.
5. The consumer has applied to internal Grievance Redressal Cell on 22/12/2017. However IGRC did not issue order till they have approach the Consumer Grievance Redressal Forum.

6. During hearing the Dist. Co. Nodal Officer pointed out that as the consumer in question (Con.No. 075949019590) is a permanent disconnected consumer hence did not know to whom refund is to be given, but as per the consumer's application the Dist. Co. mentioned in their say that those refunds will be adjusted against con. No.075689025170 current months bill.

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 the excess amount collected for
 - a) AEC-1 and AEC-2 during the billing month of August 2013 month .
 - b) AEC-3, and AEC-4 during the billing month of August & September 2013.
 - c) Additional FAC during the billing month of August & Dec. 2013.
2. MSEDCL Shall recalculate the FAC collected from the billing months of Dec. 2013 to June 2015, and refund the Excess FAC collected over and above the rates approval by MERC.
3. MSEDCL shall refund all excess amount in above 1 and 2, alongwith interest equivalent to interest paid on security deposit from the date of payment to the date of refund.
4. The Dist. Co. Should calculate refunds as above and should refund in the bill No. Co.NO.075689025170 in next billing cycle only.
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 .

