

**CONSUMER GRIEVANCE REDRESSAL FORUM,**  
**AKOLA ZONE, AKOLA.**

*"Vidyut Bhavan" Ratanlal Plot ,Akola. Tel No 0724.2434475*

**ORDER**

**Dt:-09/01/2019**

**Complaint No: - 55/2018 Dated:-27/11/2018.**

**In the matter of grievance pertaining to refund of Infrastructure cost under Non DDF CCRF with 12% interest, restoration of supply by 100 KVA transformer, SOP compensation and waiver of demand charges.**

**Quorum**

**Dr.V.N.Bapat- Chairman**

**Shri.D.M.Deshpande, Member (CPO)**

1. Shri. Prakash Tryambak Bhusari :- Complainant  
L.S No-46 BHOSARI  
Connection No-LT-V-BII-310371532900  
% shri Ashish S. Chandarana  
Agrasen Nagar, satguru villa apartment  
Flat no. 302, Sahkar Nagar,  
Gorakshan Road, Akola 444004.

....Vrs.....

Executive Engineer , :- Respondent  
MSEDCL, O&M Akola Rural  
Division, Goraskshan road Akola.

**Appearances**

1. Shri. Ashish S. Chandarana - Representative for Complainant  
2. Shri. S.P.Kenekar - Dy. Executive Engineer,

1) On being aggrieved by the decision of IGRC Akola issued vide IGRC/Akl/4487 dated 14/11/2018 complainant Shri Prakash Tryambak Bhusari Akola approached this Forum under the clause 6.4 of MERC CGRF Regulation 2006 for resolving the grievance.

2) Complainant's case in brief is that complainant is L.T. Industrial consumer of N.A .M.S.E.D.C.L having connected load of 107 H.P from 11/05/2018. According to complainant infrastructure cost Rs 3,23,206/- Under Non DDF CCRF refundable scheme is borne by complainant and invoice copies with documents were taken in possession by Dy. Executive Engineer Akola Rural before release of connection as per agreement. According to complainant, cost of infrastructure spent under Non DDF scheme should have been refunded as per agreement by way of adjustment in energy bills from 11/06/2018 which has not been done by N.A .M.S.E.D.C.L up till now. According to complainant N.A .M.S.E.D.C.L have not pointed out any deviation or No correspondence regarding the matter has been exchanged up to the release of connection by N.A .M.S.E.D.C.L. According to complainant they are entitled for refund of infrastructure cost with 12% interest per annum as per MERC order in case No 23 of 2004. According to complainant the transformer from where supply was fed, failed on 17/05/2018 and was replaced by N.A .M.S.E.D.C.L on 18/09/2018 after approaching IGRC Akola on 17/09/2018. According to complainant Nodal Officer N.A .M.S.E.D.C.L had authorised by letter dated 13/04/2017 to S.D.O. M.S.E.D.C.L. Akola (Rural) for collection of documents, testing report and inspection at site before release of connection and hence N.A .M.S.E.D.C.L plea of Non-submission of bills and documents before IGRC Akola has no relevance. According to complainant N.A .M.S.E.D.C.L installed 63 KVA capacity transformer on 18/09/2018 when contract demand as per record is 100 KVA which does not amount to replacement of transformer and restoration of supply and hence claimed SOP compensation at Rs. 50 per hrs from date of connection (11/05/2018) till replaced by 100 KVA transformer. Complainant prays in addition to prayer for SOP compensation, the restoration of supply by 100 KVA transformer, refund of infrastructure cost Rs. 3,23,206/- along with interest at 12% per annum from 11/05/2018 till refunded by cheque and waiver of demand charges collected through bills from 11/05/2018 till installation of 100 KVA transformer and cost Rs. 15000/-. Complainant annexed DyEE/AKL/Letter/1453 dated 22/10/2018, IGRC order dated 14/11/2018, energy bill for sept. 2018,

EE/AKL/1773 dated 13/04/2017, copy of agreement dated 13/04/2017, and copy of sanctioned estimate along with the complainant.

3) Reply came to be filed belatedly by N.A .M.S.E.D.C.L on 17/12/2018 with justification for delay. According to N.A .M.S.E.D.C.L the complaint comes under the jurisdiction of Dy. Executive Engineer Rural Akola and reply is filed as per submission by Dy. Executive Engineer Rural Akola vide letter no. 4820 dated 14/12/2018. According to N.A .M.S.E.D.C.L 63 KVA transformer is replaced by 100 KVA and supply restored on 29/11/2018. According to N.A .M.S.E.D.C.L load of 107 H.P. was sanctioned vide EE/AKL/Non DDF CCRF/16-17/54 dated 04/03/2017 and industrial connection was released on 11/05/2018. According to N.A .M.S.E.D.C.L necessary bills and documents were not taken in procession at the time of release of connection as intimated by AE/R1/4820 dated 14/12/2018 causing delay in refund of Non DDF CCRF cost through bills. According to N.A .M.S.E.D.C.L documents and bills are sought from contractor for finalising W.C.R. and on receipt of same proposal will be initiated. According to N.A .M.S.E.D.C.L refund of demand charges will be adjusted after confirming the period for which proper electric supply is made available to complainant.

4) Shri. Ashish S. Chandarana learned representative for complainant and Shri. S.P.Kenekar Dy. Executive Engineer MSEDCL were present for the hearing held on 31/12/2018. Shri. Ashish S. Chandarana reiterated the grievance on record and urged that it is not fact as mentioned by N.A .M.S.E.D.C.L in reply that Assistant Engineer Rural had any correspondence with contractor or complaint for non-submission of any of the documents related to infrastructure work. Shri Ashish S.. Chandarana brought to the notice of Forum the letter addressed to Dy. Executive Engineer Rural Akola by Executive Engineer Rural Akola issued vide EE/AKL/R/1773 dated 13/04/2017 wherein Dy. Executive Engineer Rural Akola was directed to inspect and take into possession all related documents, and invoice before release of connection and urged that false reasoning is being given before Forum for delay and requested Forum to disallow the defence taken by N.A .M.S.E.D.C.L. Shri. Ashish S. Chandarana learned representative for complainant brought to the notice of Forum the various clauses of agreement dated 13/04/2017 between contractor and complainant witnessed by N.A .M.S.E.D.C.L regarding approval of G.T.P for

purchase of material from approved vendor and its inspection at site and approval by N.A .M.S.E.D.C.L before release of connection in support of his stand that all documents and invoice are taken in possession by Dy. Executive Engineer at the time of inspection. Shri. Ashish S. Chandarana urged that N.A .M.S.E.D.C.L have not disputed about failure of transformer on 17/05/2018 and its replacement on 18/09/2018 by 63 KVA and restoration of supply by replacing 63 KVA by 100 KVA on 27/11/2018 and hence requested Forum to allow SOP compensation at Rs 50 per Hrs from 17/05/2018 till 27/11/2018 as per SOP regulation 2014. Shri. Ashish S. Chandarana brought to the notice of Forum that N.A .M.S.E.D.C.L have not disputed for refund of demand charges and requested Forum to direct N.A .M.S.E.D.C.L to refund demand charges from 17/05/2018 to 27/11/2018. Shri. Ashish S. Chandarana brought to the notice of Forum that N.A .M.S.E.D.C.L is liable to pay interest at 12% as per principle adopted by MERC in case No 23 of 2004 on refund amount of infrastructure cost Rs 3,23,206/- and refund of 'demand charges' and requested Forum to allow 12% interest on refund amount.

5) Shri.S.P.Kenekar Dy. Executive Engineer and learned representative for N.A .M.S.E.D.C.L admitted before Forum the fact of release of connection on 11/05/2018 as per estimate and agreement dated 13/04/2017, failure of 100 KVA transformer on 17/05/2018, its replacement on 18/09/2018 by 63 KVA transformer and replacement and restoration of supply by proper capacity of 100 KVA transformer on 29/11/2018. Shri Kenekar Dy. Executive Engineer admitted the delay in refunding Non-DDF CCRF amount and blamed Assistant Engineer Rural responsible and shown his willingness to file on record work completion report if directed by Forum. Shri Kenekar learned Dy. Executive Engineer MSEDCL have not disputed the refund of 'demand charges'.

6) Forum on conclusion of hearing on 31/12/2018 directed N.A .M.S.E.D.C.L to file on record on or before 05/01/2019, the joint work completion report for proper assessment of infrastructure cost incurred by complainant and its refund by N.A .M.S.E.D.C.L . N.A .M.S.E.D.C.L did not file on record joint W.C.R.

7) Having heard the parties and after considering material placed on record Forum finds considerable force in the grievance of complainant. It is not disputed by N.A .M.S.E.D.C.L that infrastructure cost amounting Rs 3,23,206/- is incurred by complainant under Non-DDF CCRF scheme and complete cost must have been refunded through energy bill from 11/06/2018 as per agreement filed on record. There is no reason for Forum to disbelieve the contents of letter EE/AKL/R/1773 dated 13/04/2017 filed on record according to which Dy. Executive Engineer Rural was authorised for inspection and taking in possession invoice and related documents. Forum in absence of anything adverse brought on record by N.A .M.S.E.D.C.L, is of the view that concerned Dy. Executive Engineer who was authorised, has received all the related documents and invoice and inspected the material and released the connection. The story put forth by N.A .M.S.E.D.C.L that Assistant Engineer Rural 1 has misused the powers and released the connection without taking invoice and documents in possession is false and misleading as no documents are filed on record to corroborate the fact. N.A .M.S.E.D.C.L have not filed on record any correspondence with complainant before release of connection regarding non-submission of documents and invoice. N.A .M.S.E.D.C.L despite admission before Forum on 31/12/2018 to submit on record the joint W.C.R before 05/01/2019 have not filed on record the joint W.C.R and disobeyed the directives of Forum. With these observation Forum is of the view that N.A .M.S.E.D.C.L should refund infrastructure cost as per estimate amounting Rs 3,23,206/- with interest of 12% and entire refund amount be credited to the account of complainant in the ensuing energy bill and adjust the amount in forthcoming bill. Forum have adopted the principle of MERC in case No 23 of 2004 in awarding 12% interest as N.A .M.S.E.D.C.L is charging 12% interest on arrears of energy bill without time escalation. Forum is of the view that the grievance of SOP compensation and refund of demand charges has not been disputed by N.A .M.S.E.D.C.L and admitted the fact of Zero demand recorded during 17/05/2018 to 29/11/2018 as complainant could not avail 100 KVA C.D. from 63 KVA transformer. Forum for the purpose of refund of demand charges and SOP compensation considered date of the replacement of 100 KVA transformer as 27/11/2018 as per submission of complainant of record. As per SOP regulation 2014 the complainant is entitled for compensation of Rs 50 per Hour after 48 Hrs of cause of action ie from 19/05/2018 till 27/11/2018, so also the demand charges for the period 19/05/2018 to 27/11/2018 are refundable with 12% interest, as per MERC order No 23 of 2004. Forum is of the view that parties should bear

their own cost. Forum is of the view that N.A .M.S.E.D.C.L have committed several irregularities such as replacing 100 KVA transformer by 63 KVA after four month of failure on 18/09/2018 when connected load of complainant is 80 Kw and contract demand as 100 KVA. Forum could not understand the attitude and mindset of concerned authorities of MSEDCL who are qualified engineers and well aware of the fact that demand of 100 KVA can not be met through 63 KVA transformer. Forum is of the view that this act on the part of MSEDCL is either deliberate attempt to harass the complainant or to show apparently on record that supply is restored on 18/09/2018 which has caused loss of revenue to MSEDCL by way of SOP compensation, interest and refund of demand charges and N.A .M.S.E.D.C.L should recover the public revenue loss from guilty officers of MSEDCL after due enquiry as per principle laid down by Apex court in the matter between M/S Lucknow development authority Vs M.K Gupta is SCC 1993.

With these observations, Forum proceeds to pass following unanimous order.

### **ORDER**

1. That the Complaint No. 55 of 2018 dated 27/11/2018 is hereby partly allowed.
2. That the N.A .M.S.E.D.C.L is directed to refund Rs 3,23,206/- as per estimated cost towards infrastructure cost under Non-DDF CCRF scheme with 12% interest from 11/06/2018 till adjusted in forthcoming energy bill payable by complainant.
3. That the N.A .M.S.E.D.C.L is directed to compensate complainant by SOP compensation for delay in restoration of supply by proper capacity of 100 KVA transformer for the period 19/05/2018 to 26/11/2018 at Rs 1200 per day for 192 days amounting Rs 2,30,400/- and adjust the amount in forthcoming energy bill payable by the complainant.
4. That the N.A .M.S.E.D.C.L is directed to refund demand charges recovered through energy bill from 19/05/2018 to 26/11/2018 with 12% interest and adjust the amount in forthcoming bill payable by the complainant.

5. That the N.A .M.S.E.D.C.L is directed to recover the loss of revenue payable by way of interest, SOP compensation and demand charges from guilty officers of the N.A .M.S.E.D.C.L after due enquiry as per principle laid down by Apex court in the matter between M/S Lucknow development authority Vs M.K Gupta in Civil Appeal No 6237 of 1990 issued on 5th Nov 1993.
6. Parties to bear their own cost.
7. That the N.A .M.S.E.D.C.L is directed to submit compliance report to the Forum within one month of this order.

S/d/-  
Member (CPO)

S/d/-  
Chairman

Contact details of Electricity Ombudsman appointed by MERC  
(CGRF&EO) Regulations 2006 under Regulation 10:

THE ELECTRICITY OMBUDSMAN,  
Office of Electricity Ombudsman (Nagpur)  
Plot No.12, Shrikrupa, Vijaynagar,  
Chhaoni, Nagpur-440 013. Phone:- 0712-2596670

No. CGRF/AKZ/Akola/14

Dt:09/01/2019

To,  
The Nodal Officers  
Executive Engineer  
MSEDCL O&M,  
Rural Division, Akola.

The order passed on **09/01/2019** in the Complaint No. **55/2018** is enclosed herewith for further compliance and necessary action.

Secretary,  
Consumer Grievance Redressal Forum,  
MSEDCL, Akola Zone, Akola.

Copy to :- 1) Superintending Engineer MSEDCL, O&M Circle, Akola.  
2) Shri. Prakash Tryambak Bhusari, L.S No-46 BHUSARI  
% shri Ashish S. Chandarana Agrasen Nagar, satguru villa  
apartment Flat No. 302, Sahkar Nagar, Gorakshan Road,  
Akola 444004.



