

1) On being aggrieved by the fact of not providing any relief by IGRC Akola on grievance filed on 11/10/2018, the complainant M/s Gokul Ginining Factory Hiwarkhed approached this Forum under clause 6.4 of MERC CGRF (OMBUDSMAN) Regulation 2006 through their authorised representative Shri Bhavesh H. Somaiya for resolving the grievance.

2) Complainant's case in brief is that complainant was Industrial consumer of N.A M.S.E.D.C.L at Hiwarkhed and applied for permanent disconnection of electric supply on 23/05/2018 with request of refund of credit balance and security deposit with interest. According to complainant N.A M.S.E.D.C.L acknowledged the application on 23/05/2018 and permanently disconnected the electric supply on 02/06/2018. According to complainant it was obligatory on the part of N.A M.S.E.D.C.L to settle the account by issuing cheque for refund amount within 30 days as per clause 6.9 of SOP Regulation 2014. According to complainant the complaint was lodged with IGRC Akola on 11/10/2018 on failure of MSEDCL to settle the account. According to Complainant IGRC Akola were not serious about solving the grievance and could not provide any remedy to the complainant. According to Complainant Nodal Officer N.A M.S.E.D.C.L already fixed responsibility on S.D.O. MSEDCL Telhara vide letter dated 03/12/2018 filed on record. Complainant prays to refund the credit balance with interest at PLR of SBI and security deposit with applicable interest with SOP Compensation for delay and requested Forum to recover the loss from guilty officers of MSEDCL. Complainant annexed copy of application dated 23/05/2018, 02/06/2018, IGRC letter No. 3972 dated 16/10/2018, letter from DyEE/Telhara/1804 dated 06/11/2018 and letter EE/Akot/2861 dated 03/12/2018 alongwith the complaint.

3) Reply came to be filed belatedly by N.A M.S.E.D.C.L on 25/01/2019 by E- mail. According to N.A M.S.E.D.C.L electric supply to Industrial premises of complainant is permanently disconnected on 28/06/2018 and proposal to refund credit balance to the account of complainant Rs. 6,40,665/- and security deposit Rs. 44,200/- is received from Dy. Executive Engineer Telhara on 25/01/2019 and audited on the same day for refund of credit balance Rs. 640665/-, S.D.Rs. 44,200/- and interest on S.D Rs. 3,440/- and for provision of

funds from corporate office of MSEDCL in the month of JAN 2019. According to N.A M.S.E.D.C.L refund cheque will be issued on receipt of funds from corporate office of MSEDCL.

4) Shri Bhavesh H. Somaiya learned representative for complainant and Shri P. P. Kakde, Executive Engineer Akot, were present for the hearing held on 01/02/2019. Shri Bhavesh H. Somaiya reiterated the grievance on record and filed written note of argument and urged that as per SOP Regulation 2014 clause 6.9 account should have been closed within 45 days of application dated 25/05/2018 and thus N.A M.S.E.D.C.L violated the regulation and also did not comply the order passed by IGRC Akola to settle the account before 20th Dec 2018. Shri Somaiya further urged that N.A M.S.E.D.C.L is defending the grievance after receipt of proposal from their Dy. Executive Engineer Telhara on 25/01/2019 and fixed responsibility of payment of interest, compensation for delay on Dy. Executive Engineer Telhara vide his letter EE/Akot/2861 dated 03/12/2018 (Filed on record) and thus accepted the liability of SOP Compensation and interest on credit balance and requested Forum to allow SOP Compensation for delay and claimed interest as per PLR of SBI on credit balance and security deposit.

5) Shri P. P. Kakde Nodal Officer and Executive Engineer Akot urged that credit balance of Rs. 6,40,665/- in addition to security deposit Rs. 44,200/- is payable to complainant alongwith interest on S.D Rs. 3,440/- and fund requirement is submitted to corporate office in Jan 2019 and will be refunded on receipt of fund allocation.

6) Having heard the parties and considering material placed on record, Forum finds considerable force in submission of complainant that as per clause 6.9 of SOP Regulation 2014 N.A .M.S.E.D.C.L is liable to settle the account and pay the proceeds within 45 days of receipt of application by N.A .M.S.E.D.C.L. It is fact on record that application dated 23/05/2018 is acknowledged by Telhara Sub-division of MSEDCL on 23/05/2018 and electric supply permanently disconnected on 02/06/2018 as per acknowledgement filed on record having signed by Vinod W. Lanke and S. D. Nawalkar of MSEDCL Hiwarkhed centre. N.A .M.S.E.D.C.L did not file on record any evidence of

permanent disconnection on 28/06/2018 as claimed in their reply. The amount of credit balance Rs. 6,40,665/- and security deposit Rs. 44,200/- is not disputed. Shri P. P. Kakde, Executive Engineer during argument on 01/02/2019 remained silent and did not oppose the prayer of complainant for interest on credit balance as per PLR of SBI and SOP Compensation, so also in written reply dated 25/01/2019, no defence is submitted in this respect. Considering the facts brought on record Forum is of the view that N.A .M.S.E.D.C.L have delayed the closure of account beyond 45 days and thus violated SOP Regulation 2014 and should compensate the complainant at Rs. 100/- per week payable from 07/07/2018 till the date of issue of cheque. Forum have noted Rs. 6,40,665/- lying to the credit of complainant, which also should have been refunded on or before 06/07/2018 and excess amount of Rs. 6,40,665/- is used by N.A .M.S.E.D.C.L. and liable to pay interest at 12% per annum payable from 07/07/2018 till the date of issue of cheque as MSEDCL is charging 12% interest on arrears of energy bill from consumers. N.A .M.S.E.D.C.L have brought on record Rs. 3,440/- refundable towards interest on security deposit as per rate approved by MERC but interest calculation are upto the date of disconnection and hence Forum is of view that security deposit Rs. 44,200/- no more remains as security deposit after 45 days of disconnection and attracts the same rate of interest of 12% payable on excess amount . Forum is of the view that N.A .M.S.E.D.C.L should pay 12% interest on Rs. 44,200/- also from 07/07/2018 till the date of issue of cheque. Forum is of the view that payment of SOP Compensation and interest payment for delay is public revenue loss and should be recovered from guilty officers of MSEDCL after due enquiry as per action initiated by Executive Engineer Akot by letter dated 03 Dec. 2018 filed on record. Forum expresses displeasure towards the fact that Nodal Officer who appeared for N.A .M.S.E.D.C.L was not studied and was not aware of grievance on record and could not defend the complaint in true spirit.

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

ORDER

1. That the Complaint No. 65 of 2018 dated 31/12/2018 is hereby partly allowed.
2. That N.A .M.S.E.D.C.L is directed to refund security deposit Rs. 44,200/- with interest at applicable rate approved by MERC up to date of disconnection and interest at 12% per annum payable on Rs. 44,200/- from 07/07/2018 till the date of issue of cheque for refund to complainant but within 15 days of this order.
3. That N.A .M.S.E.D.C.L is directed to refund credit balance of Rs. 6,40,665/- with interest applicable at 12% per annum payable to complainant from 07/07/2018 till the date of issue of cheque within 15 days of this order.
4. That N.A .M.S.E.D.C.L is directed to compensate complainant by SOP Compensation at Rs. 100 per week for delay in closure of account payable from 07/07/2018 till the date of issue of cheque but within 15 days of issue of this order.
5. That N.A .M.S.E.D.C.L is directed to recover the revenue loss payable by way of interest and SOP compensation to complainant 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 and M. K. Gupta in Civil Appeal No. 6237 of 1990 issued on 5th Nov. 1993.
6. That N.A .M.S.E.D.C.L is directed to submit the compliance report to this Forum within one month of this order.

S/d/-
Member Secretary

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/45

Dt: 20.02.2019

To,
The Nodal Officers
Executive Engineer
MSEDCL O&M,
Akot Division,

The order passed on **20.02.2019** in the Complaint No. **65/2018** is enclosed herewith for further compliance and necessary action.

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

Copy s.w.r. to:-

- 1) Chief Engineer, MSEDCL, Akola Zone, Akola.
- 2) Superintending Engineer MSEDCL, O&M Circle, Akola.

Copy to :-

- 1) M/s Gokul Ginning Factory Hiwarkhed, C/o Shri. Ashish S.Chandarana Flat No-302, Satguru villa Apartment, Agrasen Nagar Gorakshan Road Akola.