

1) On being aggrieved by the fact of not providing any remedy by IGRC Akola on complaint dated 01.11.2018 the complainant M/S Shital Industries Akola approached this Forum through Shri. Ashish S. Chandarana, authorised representative under section 6.4 of MERC (CGRF OMBUDSMAN) Regulation 2006 for resolving the grievance.

2) The Complainant's case in brief is that M/S Shital Industries Akola was industrial consumer of N.A. M.S.E.D.C.L having released electric supply on 21.02.2006. According to complainant N.A. M.S.E.D.C.L burdened complainant with infrastructure cost under ORC scheme executed by complainant before release of connection and also recovered other charges such as service connection charge and testing charges amounting to Rs. 2,56,135.58/- . According to complainant after approaching IGRC Akola on 01.11.2018 N.A. M.S.E.D.C.L intimated by letter dated 11.12.2018 that proposal to refund infrastructure cost with other charges amounting Rs. 2,41,159.73/- is submitted to Executive Engineer Urban and will be refunded by MSEDCL with 6% interest. According to complainant the amount of refund under ORC Rs. 2,41,159.73/- is not disputed but complaint is filed before CGRF Akola to allow 12% interest instead of 6% agreed by MSEDCL. Complainant referred APTEL Appeal No. 47 of 2011, MERC case no. 23 of 2004 and section 62 (6) of E.A. 2003 and prays before CGRF to allow 12% interest on refund amount from the date of connection 21.02.2006 till date of cheque of refund amount. Complainant annexed copy of IGRC Akola letter 4467 dated 13.11.2018, N.A. M.S.E.D.C.L reply dated 11.12.2018, and copy of letter AEE/MSEDCL/4919 dated 30.11.2018 with copy of work completion report.

3) Reply came to be filed belatedly by N.A .M.S.E.D.C.L on 11/02/2019. According to N.A .M.S.E.D.C.L, on receipt of application for new Industrial connection of 98 H.P., the estimate was sanctioned in ORC scheme vide SE/AKL/ORC/15% supervision/59 dated 06/12/2005 and on payment of charges Rs. 1,41,239/- towards SLC, ORC, meter cost, transformer and C.T. testing charges, and excess service connection charges and execution of work by complainant, the connection was released on 21/02/2006. According to N.A .M.S.E.D.C.L. amount of Rs. 2,41,159.73/- is approved for refund towards ORC charges and after recovery and will be adjusted in the next bill. According to N.A. M.S.E.D.C.L Rs. 1,86,010.08/- is approved for refund towards interest on Rs. 2,41,159.73/- at the

rate 6% per annum as per guidelines issued by corporate office of MSEDCL and requested Forum to disallow the claim of 12% interest. According to N.A. M.S.E.D.C.L Rs. 2,41,159.73/- towards ORC and Rs. 1,86,010.80/- towards interest is adjusted in the energy bill for JAN 2019. N.A. M.S.E.D.C.L annexed copy of bill revision B-80 dated 11/02/2019 alongwith reply.

4) Shri Ashish S. Chandarana learned Representative for Complainant and Shri G. V. Mahajan, Additional Executive Engineer, MSEDCL were present for the hearing held on 20/02/2019. Shri Ashish S. Chandarana learned Representative for the Complainant urged that dispute regarding refund of ORC charges has been settled by N.A. M.S.E.D.C.L. with assurance to refund the amount in next month and the grievance is limited to allowing 12% interest instead of 6% accepted by N.A. M.S.E.D.C.L. Shri Ashish S. Chandarana has filed on record the case no. 23 of 2004 wherein MERC have allowed 12% interest and urged Forum to allow the interest on ORC refund at 12% per annum from date of connection till date of issue of cheque as the electric supply to this unit has been permanently disconnected in December 2018.

5) Shri G. V. Mahajan, Additional Executive Engineer, MSEDCL brought to the notice of Forum that ORC refund amount Rs. 2,41,159.70/- alongwith interest at 6% amounting to Rs. 1,86,010.80/- have been approved for refund and on getting funds it will be refunded in next month. Shri G. V. Mahajan, Additional Executive Engineer, MSEDCL have accepted the fact filed on record as per case no. 23 of 2004 that MSEDCL is charging 12% interest on arrears of energy bill but 6% interest is allowed to complainant on ORC refund amount as per the directives of corporate office.

6) Having heard the parties and on considering the materials placed on record Forum is of the view that the grievance is limited to the dispute of allowing 12% interest as claimed by complainant or 6% as allowed by MSEDCL. Forum finds considerable force in submission of complainant that MERC have adopted in case no. 23 of 2004, of allowing 12% interest on excess amount based on the principle that MSEDCL is charging 12% interest on arrears of energy bills of consumers which should be applicable to ORC refund amount. Shri G. V. Mahajan, Additional Executive Engineer could not brought on record any logic for allowing 6% interest when the excess amount is utilized by them, and

hence Forum is inclined to allow 12% interest on ORC refund amount and of the view that N.A .M.S.E.D.C.L should refund ORC amount Rs. 2,41,159.70/- at 12% interest from date of connection till paid by cheque to complainant.

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

ORDER

1. That the Complaint No. 03/2019 Dated 10/01/2019 is hereby partly allowed.
2. That N.A .M.S.E.D.C.L is directed to refund ORC amount of Rs. 2,41,159.70/- with interest of 12% calculated from the date of connection till the date of issue of cheque and should be refunded within one month of this order.
3. That N.A .M.S.E.D.C.L is directed to submit 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/56

Dt:- 01.03.2019

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

The order passed on **01.03.2019** in the Complaint No. **03/2019** 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 :-

- 2) M/S Shital Industries Akola % Shri Ashish S. Chandarana Agrasen Nagar, satguru villa apartment Flat no. 302, Sahkar Nagar, Gorakshan Road, Akola 444004.