

CONSUMER GRIEVANCE REDRESSAL FORUM,
AKOLA ZONE, AKOLA.

“Vidyut Bhavan” Ratanlal Plot, Akola. Tel No 0724.2434475

ORDER

Dt:- 23.05.2019

Complaint No :- 15/2019 Dated 25.03.2019

In the matter of grievance pertaining to load factor incentive and prompt payment discount.

Quorum

Dr.V.N.Bapat - Chairman

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

Shri. R.A.Ramteke, Member – Secretary

1. M/S J. J. Fine Spun pvt. Ltd. :- Complainant
Gut No. 2/1 Wani Rambhapur
Consumer no. HT-IA
310629026910
% Shri Bhavesh H. Somaiya
flat no. A2-405, Rami heritage
Society opposite old RTO Office
Murtizapur road Akola-444004.

.....Vrs.....

Superintending Engineer, :- Respondent
MSEDCL, O. & M.
Circle Akola.

Appearances

1. Bhavesh H. Somaiya - Representative for Complainant
2. A. R. Khobragade - Executive Engineer (Adm)
MSEDCL, Akola Circle.

1) Complainant M/s J.J. Fine spun pvt. Ltd Wani-Rambhapur filed grievance under section 6.2 of MERC CGRF and OMBUDSMAN Regulation 2006 as grievance complaint dated 21.09.2018 addressed to Superintending Engineer deemed to be a complaint before IGRC Akola, which has not been resolved by Superintending Engineer MSEDCL or IGRC Akola within a period of two months.

The Complainant submits his grievance as under

1. Despite of being entitled to availing **Load Factor Incentive**, the applicant has been unlawfully denied this incentive for the month of August 2018 through the payment of the energy bill issued to him on 1.9.2018.
2. There is a mention of payment amounts on the said bill as under

If paid upto 17.09.2018	Rs. 5122040/-
If paid upto 07.09.2018	Rs. 4722580/-
If paid after 17.09.2018	Rs. 5198250/-
3. The applicant claims to have paid total amount of Rs. 4722580/- (availing the load factor incentive of Rs. 404450.85) in two instalments, first one on 04.09.2018 through RTGS and the second one through NEFT on 07.09.2018, the due date of the payment.
4. NA MSEDCL served a notice of disconnection under section 56 of EA 2003 for amount of Rs. 404450.85 by virtue of non grant of the load factor incentive due to late credit of the bill payment by the applicant in the account of NA MSEDCL (10.09.2018). The notice was responded to formally along with proof of August bill payment through bank. However the NA issued the next September 2018 bill showing Principal Arrears as Rs.404450.85 on the pretext of non-grant of Load Factor Incentive to the applicant for the month of Aug 2018. 5. The stand taken by NA is in contravention of the guidelines issued by the Ditector, Finance vide their letter dated 07.02.2012. Copy thereof is placed on record.

Applicant Prays as under

1. Direct MSEDCL to refund Rs. 4,04,450/- along with interest and DPC charged thereon along with interest @ 12% p.a.
2. Any other relief which Hon. CGRF may deem fit.

Non-Applicant Submits their reply as under

1. NA agrees to the details of online payments as claimed by the Applicant.
2. Upon enquiry for availing Load Factor Incentive of Rs. 404450/-, NA forwarded the issue for advice to MSEDCL Helpdesk on 25.09.2018.
3. As per advice received from MSEDCL Helpdesk, the payment that is received in the MSEDCL account on or before due date will only be considered for applicable incentives etc. As such MSEDCL account has received the final instalment of payment on 10.09.2018. Hence the incentives etc. are not payable to the Applicant.

Prayer by NA

1. As payment against the bill was received in MSEDCL account after due date, the grievance application by the Applicant be dismissed.

The Forum opines as under

After considering facts and records placed before the forum, the Forum opines as under.

1. The Forum feels that as per the Mahavitaran circular No. Dir(F)/MSEDCL/03437 dated 7 Feb 2012, the RTGS/NEFT bill payment made by the consumer in the present case is **well within the due date** as that is made by the consumer to the bank **on or before due date i.e. 07.09.2018** and credited to NA's account at a later date i.e. 10.09.2018.
2. The Forum also feels that in the light of the aforesaid circular mentioned at 1 above, NA was supposed to decide this matter at the SE level of the respective circle, who has been authorized to do so according to the guidelines given vide this same circular. There was no need to send the grievance for advice to any higher office.
3. The Applicant claimed to have paid Rs. 4,04,450/- which was charged in the bill of September 2018 as principal arrears and the same claim was not denied by NA. The Forum thus understands that this amount on account of Load Factor Incentive has been unduly recovered from the applicant.
4. Thus the load factor incentive for the month of August i.e. Rs. 4,04,450/- needs to be refunded along with due interest to the applicant. Also the DPC if any charged should also be refunded along with due interest.

After examining facts and records brought before the forum, the Forum passes the following unanimous order

ORDER

1. That the Grievance Application in case no. 15 of 2019 is allowed partly.
2. That MSEDCL is directed to refund Rs. 4,04,450/- recovered from the applicant on account of denying the Load Factor incentive along with interest @12% p.a. from the date of payment of this excess amount till the date on which the refund is effected through ensuing energy bill.
3. That MSEDCL is directed to refund the amount recovered from the applicant on account of DPC along with interest @12% p.a. from the date of payment of this excess amount till the date on which the refund is effected through ensuing energy bill.
4. MSEDCL is directed to submit compliance report of this order within one month of the issue 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/116

Dt:- 23.05.2019

To,
The Nodal Officer
Superintending Engineer,
MSEDCL, O. & M.
Circle Akola.

The order passed on **23.05.2019** in the Complaint No. **15/2019** 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.

Copy to :-

1) M/S J. J. Fine spun pvt Ltd Gut No. 2/1 Wani Rambhapur % Shri Bhavesh H. Somaiya, flat no. A2-405, Rami heritage Society opposite old RTO Office, Murtizapur road, Akola-444004.