

CONSUMER GRIEVANCE REDRESSAL FORUM,
AKOLA ZONE, AKOLA.

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

ORDER

Dt:- 01.07.2019

Complaint No :- 23of 2019 Dated 04.05.2019

In the matter of grievance pertaining to load enhancement and SOP
Compensation for delay.

Quorum

Dr.V.N.Bapat- Chairman

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

1. Shri. Prakash Rajkumar Hemnani :- Complainant
Partner M/S Shubh Karta Polymers
Consumer no. LTV-310219043910
MIDC Phase-4 Akola, c/o Shri Bhavesh H.
Somaiya, flat no.A-2/405 Rami Heritage
opposite to Old RTO office Murtizapur
Road Akola-444004.

.....Vrs.....

Executive Engineer, :- Respondent
MSEDCL, O. & M.
Urban Division Akola.

Appearances

1. Shri. Bhavesh H. Somaiya - Representative for Complainant
2. Shri. P. R. Dani - Executive Engineer, MSEDCL,
O. & M. Urban Division Akola.

1) On being aggrieved by the fact of not providing any remedy be IGRC Akola on grievance complaint dated 14/02/2019, complainant partner Shri Prakash Rajkumar Hemnani for M/S Shubh Karta Polymers MIDC Akola approached this Forum under section 6.4 of MERC CGRF and OMBUDSMAN Regulation 2006 for resolving the grievance.

2) Complainant's case in brief is that

- a. Complainant is industrial consumer of NA MSEDCL at MIDC Akola with existing sanctioned load of 67 HP.
- b. Complainant applied for load enhancement from 67 HP to 97 HP on 20/01/2019 to NA MSEDCL which is acknowledged by MSEDCL on 20/01/2019.
- c. According to complainant NA MSEDCL issued commercial circular no. 240 dated 02/05/2015, according to which NA MSEDCL were required to inspect the site within three days from 20/01/2019 and to issue demand note within 10 days.
- d. According to complainant as, NA MSEDCL failed to abide by their own circular and delayed inspection and issue of demand note the grievance complaint was lodged with IGRC Akola on 14/02/2019. According to complainant NA MSEDCL violated SOP Regulation 2014, GOM guidelines dated 08/01/2015, section 108 of EA 2003, MERC approved schedule of charges read with regulation 18 of supply code regulation 2005 and section 43 of EA 2003 by not releasing the additional load before 20/02/2019, which was otherwise mandatory on the part of NA MSEDCL.
- e. According to complainant the demand note issued on 19/03/2019 for payment of necessary charges for Rs. 27,277/- was paid online on 26/03/2019. Complainant annexed copy of application dated 20/01/2019, circular no. 240, copy of demand note and IGRC complaint along with complaint.

Complainant's prayer before Forum

- a. Direct MSEDCL to release additional load within 15 days.
- b. Direct MSEDCL to compensate complainant by SOP compensation at Rs. 100/- per week separately for inspection, demand note and release of additional load.
- c. Direct MSEDCL to conduct departmental inquiry for violation of commercial circular no. 240 dated 02/05/2015 and fix the responsibility on guilty officers/employees.

3) Reply came to be filed belatedly by NA MSEDCL on 21/05/2019. According to NA MSEDCL it is fact on record that complainant has applied for load enhancement from 67 HP to 97 HP on 20/01/2019. According to NA MSEDCL proposal for sanction of estimate was received from sub division 2 on 15/03/2019 which was sanctioned vide sanction no. EE/AKL/U/18-19/24 dated 18/03/2019. According to NA MSEDCL the work of erection of new 100 KVA transformer was required to be executed for enhancement of load. According to NA MSEDCL demand note for Rs. 27,277/- towards necessary charges was issued

to complainant on 19/03/2019. According to NA MSEDCL before execution of new work of 100 KVA transformer, the load was made available as M/S Dashmesh Industries MIDC Akola reduced the load from 107 HP to 27 HP and hence revised proposal for sanction of estimate was received from sub division 2 Akola vide AEE/USD-II/2701 dated 13/05/2019 which is sanctioned vide EE/AKL/18-19/29 dated 17/05/2019. According to NA MSEDCL on payment of security deposit and submission of test report by the complainant the enhanced load will be released. NA MSEDCL annexed copy of demand note, and sanctioned estimates along with the reply.

NA MSEDCL Prayer

As NA MSEDCL have taken all necessary steps to release the load the complainant's demand for SOP Compensation may please be disallowed by the Forum.

4) Shri. Ashish S. Chandarana learned representative for complainant and Shri. P. R. Dani, Nodal Officer and Executive Engineer Urban Akola were present for the hearing held on 14.06.2019. Shri. Ashish S. Chandarana filed on record, the reply before IGRC Akola by NA MSEDCL letter no. EE/Urban/Akola/2259 dated 10.04.2019 and brought to the notice of Forum that NA MSEDCL directed complainant to pay infrastructure cost of Rs. 3,16,329.00/- while in reply to CGRF filed vide EE/U/1782 dated 21.05.2019 NA MSEDCL did not pursue the demand of Rs. 3,16,329.00/- towards infrastructure cost and released the load which according to complainant is contradictory and urged Forum to take note of ill intentions on the part of NA MSEDCL. Shri. Ashish S. Chandarana further urged that the said demand for infrastructure cost for Rs. 3, 16,329.00/- was issued to complainant off-line while demand note for Rs. 27, 277.00/- dated 19.03.2019 was issued on-line which is paid by complainant on 26.03.2019. Shri. Ashish S. Chandarana specifically brought to the notice of Forum that complainant is not aware of whether IGRC Akola have issued the order in the complaint grievance. Shri Ashish S. Chandarana brought to the notice of Forum that NA MSEDCL have resolved the grievance partly and released the load on 01.06.2019 without the applicant paying offline demand of Rs. 3,16,329.00/- and requested Forum to direct MSEDCL to compensate complainant as per prayer by SOP Compensation for delay.

5) Shri. P. R. Dani, Executive Engineer MSEDCL requested Forum to dispose the grievance as NA MSEDCL have already released the load on

01.06.2019 and filed on record order issued by IGRC Akola vide SE/AKL/IGRC/1512 dated 12.04.2019 on direction by Forum but no satisfactory reason or justification is brought on record for not filling IGRC order on record with the reply dated 21.05.2019 or for concealing the fact from Forum till insisted by Forum on 14.06.2019.

6) Having heard the parties and after considering the material placed on record Forum is of the view that IGRC Akola vide there order no. 1512 dated 12.04.2019 have partly decided the complaint in favour of complainant in respect of awarding SOP Compensation for delay in inspection and issuing quotation at Rs. 100/- per week as per commercial circular no. 240 issued by corporate office of MSEDCL and Forum finds no reason to interfere with this part of IGRC order and of the view that IGRC order needs to be modified in respect of direction to MSEDCL to compensate complainant to pay SOP Compensation at Rs. 100/- per week after 15 days of payment of necessary charges for delay in releasing the connection. Forum is of the view that NA MSEDCL should conduct departmental enquiry into the transaction of issuing off-line demand note for Rs 3,16,329/- to the complainant and releasing load on 01.06.2019 without payment of Rs 3,16,329/- by complainant to find out ill intentions on the part of concern officers/employees of MSEDCL if any and take suitable action.

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

ORDER

1. The Complaint No. 23 of 2019 Dated 04/05/2019 is hereby partly allowed.
2. That the NA MSEDCL is directed to compensate complainant by SOP compensation at Rs 100/- per week from 11.04.2019 to 31.05.2019 for delay in releasing enhanced load beyond 15 days in addition to SOP compensation for delay in inspection and issue of quotation as per commercial circular no 240 of MSEDCL of Rs 100/- per week awarded by IGRC Akola vide order no 1512 dated 12.04.2019.
3. That NA MSEDCL is directed to take suitable action on guilty officers/employees of MSEDCL after due enquiry for issuing demand note for Rs. 3,16,329.00/- offline. .

4. That NA MSEDCL is directed to submit a compliance report to this Forum within 15 days 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/148

Dt:- 01.07.2019

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

The order passed on **01.07.2019** in the Complaint No. **23 of 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 :-

Shri. Prakash Rajkumar Hemnani, Partner M/S Shubh Karta Polymers, MIDC Phase 4 Akola, c/o Shri Bhavesh H. Somaiya, flat no.A-2/405 Rami Heritage opposite to Old RTO office Murtizapur Road Akola-444004.