



1) On being aggrieved by the decision of IGRC Akola issued vide SE/IGRC/AKL/4109 dated 22/10/2018, the complainant approached CGRF Akola under clause 6.4 of MERC CGRF and OMBUDSMAN Regulation 2006 for resolving the grievance.

2) Complainant's case in brief is that M/s Laxmi Industries Telhara is H.T Consumer of NA MSEDCL from 03/12/2014. According to complainant H.T metering cubicle was procured and purchased by the firm on permission and direction of Superintending Engineer Akola with assurance to reimburse the cost as per invoice through energy bills. According to complainant even after submission of invoice copy for Rs 108000/- towards cost of HT cubicle purchased from Ashok Electricals dated 24/06/2015, the refund of cost with other charges has not been adjusted in the energy bill. According to complainant NA MSEDCL letter dated 15/02/2016 asking complainant to submit original bills was never received to complainant. According to complainant on direction of IGRC Akola on 24/08/2018 the complainant submitted notarized indemnity bond along with the photocopy of invoice bill but SDO Telhara is reluctant to cooperate and refund is not adjusted up till now. Complainant referred letter dated 26/03/2019 wherein harassment to consumers on the part of MSEDCL authority has been accepted by Superintending Engineer Akola.

### **Complainants Prayer**

1. Direct MSEDCL to refund cost of cubicle with 9.5% contingencies and 10% labour amounting to Rs 1,26,720/-
2. Direct MSEDCL to pay interest at 9.65% on Rs 1,26,720/- which is allowed by MSEDCL on security deposit of consumers from 03/12/2014 till adjusted in the bill.

Complainant Annexed copy of IGRC order dated 22/10/2014, Superintending Engineer Akola letter no 4332 dated 17/09/2014, photocopy of invoice dated 01/12/2014, letter dated 24/06/2015, Notarized affidavit dated 08/02/2019, Superintending Engineer Akola letter no 1268 dated 26/03/2019 and rate of interest circular no. 271 dated 16/04/2019 along with the complaint.

3) Reply came to be filed by NA MSEDCL on 30/05/2019. According to NA MSEDCL Executive Engineer Akot division have submitted the WCR to this office vide EE/Akot/1007 dated 25/04/2019 and refund amount of cubicle material will be adjusted in the upcoming bill.

4) Shri. Ashish S. Chandarana learned representative for complainant and Shri. A. M. Pinge, Dy. Executive Engineer MSEDCL were present for the hearing held on 26/06/2019. Shri. Ashish S. Chandarana reiterated the grievance complaint on record and brought to the notice of Forum that in the reply made available to complainant at the time of hearing on 26/06/2019 the NA MSEDCL is silent on the amount of the refund and interest and urged upon Forum to direct MSEDCL to refund the cost of metering cubicle as per invoice with labour 10%, transportation 5% , centages 3% and T & P 1.5% and interest of 9.65% on total refund amount from the date of connection till refunded as given by the NA mentioned in their submission on record by in complaint no. 25 of 2018 dated 31/08/2018 decided by this Forum. Shri. Ashish S. Chandarana representative also referred case no. 08 of 2018 dated 04/05/2018 decided by this Forum wherein NA MSEDCL at their own refunded the HT metering cubicle cost as per invoice with 19.5% contingencies and interest.

5) Shri. A. M. Pinge, Dy. Executive Engineer MSEDCL filed on record at the time of hearing WCR submitted by Dy. Executive Engineer Telhara to Executive Engineer Akot dated 12/04/2019 for Rs. 1,05,600/- and approved by Executive Engineer Akot for Rs. 90,420/-. Shri. A. M. Pinge, Dy. Executive Engineer and learned representative for MSEDCL brought to the notice of Forum that WCR amount is finalized as per schedule of charges approved by MERC with 10% labor and further brought on record letter no 2537 dated 11/06/2019 addressed to complainant informing technical difficulties in refunding the WCR amount and urged that the amount will be adjusted in ensuing bill payable by complainant.

6) Having heard the parties and after considering the material placed on record Forum is of the view that there is no dispute about refund of metering cubicle cost. Forum finds no substance in the plea of NA MSEDCL that WCR amount towards the cost of metering cubicle is payable as per MERC approved schedule of charges which is misquoted as MERC in case no. 19 of 2012 with case for schedule of charges have not provided for recovery of cost of metering cubicle as it is made mandatory for the licensee to provide meters with exception in case of burnt meter and when consumer opts to purchase from MSEDCL. Forum have referred the complaint no 25 of 2018 dated 31/08/2018 brought on record by the complainant and decided by this Forum wherein NA MSEDCL accepted the cost of refund Rs. 1,08,800/- as per invoice with 15% labour and 5% transportation with interest at the rate that is payable on security deposit

to consumers by MSEDCL. Forum have also gone through the complaint no. 8 of 2018 dated 04/05/2018 filed on record by complainant and decided by this Forum and noted the submission by NA MSEDCL in the complaint about refund of Rs. 1,50,741/- towards cost of metering cubicle with labour and contingencies with interest and of the view that NA MSEDCL should be directed to refund the cost of metering cubicle as per invoice in addition to 10% labour and 9.5% contingencies on invoice value before tax and should pay interest on total refund amount Rs 1,26,720/- from the date of connection till refunded in ensuing bill at the rate of 9.65% per annum admitted by MSEDCL in earlier cases.

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

### **ORDER**

1. That the Complaint No. 26 of 2019 Dated 15/05/2019 is hereby partly allowed.
2. That the NA MSEDCL is directed to refund Rs. 1,26,720/- towards the cost of metering cubicle including 10% labour and 9.5% contingencies along with 9.65% interest payable on refund amount from the date of connection till refunded in ensuing bill payable by the complainant.
3. No order as to the cost.
4. That the NA MSEDCL is directed to submit a compliance report to this 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/151

Dt:- 08.07.2019

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

The order passed on **08/07/2019** in the Complaint No. **26 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.

**Copy to :-**

M/S LAXMI INDUSTRIES Tehsil Road TELHARA c/o Shri Ashish S. Chandarana, flat no. 302, Satguru Villa Apartment, Sahakar Nagar, Gorakshan Road, Akola-444004.