

**CONSUMER GRIEVANCE REDRESSAL FORUM,**  
**AKOLA ZONE, AKOLA.**

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

**ORDER**

**Dt:- 07.08.2019**

**Complaint No :- 30 of 2019 Dated 10.06.2019**

**In the matter of grievance pertaining to change of tariff from commercial to Residential and SOP Compensation for delay.**

**Quorum**

**Dr.V.N.Bapat- Chairman**

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

1. Shri. Mahendrasingh Gajrajsingh Chauhan :- Complainant  
Consumer No. LTII - 318730301685  
At Lendipura Akot.  
c/o Shri Bhavesh H. Somaiya,  
Flat no. A2/405 Rami Heritage,  
Opposite to old RTO Office,  
Murtizapur Road Akola.

**.....Vrs.....**

Executive Engineer,  
MSEDCL, O. & M.  
Division Akot.

:- Respondent

**Appearances**

1. Shri. Bhavesh H. Somaiya - Representative for Complainant
2. Shri. A. D. Uikey - Executive Engineer Akot  
MSEDCL.

1) On being aggrieved by the decision of IGRC Akola issued vide SE/IGRC/Akola/2128 dated 17/05/2019 the complainant approached this Forum through their authorised representative under regulation 6.4 of MERC CGRF and OMBUDSMAN Regulation 2006 for resolving the grievance.

2) Complainant's case in brief is that complainant is commercial consumer of NA MSEDCL from 12/11/2005 using electricity for the purpose of residence as well as doing commercial activity of 'Flour mill' from residence. According to complainant commercial tariff is made applicable by NA MSEDCL as per approved tariff order of MERC and complainant has paid higher commercial tariff even for domestic purpose. According to complainant commercial activity of Flour mill is stopped by complainant from 03/08/2017 and applied for change of tariff from commercial to Residential as per supply code regulation 2005 read with SOP regulation 2014 with effect from 03/08/2017. According to complainant NA MSEDCL submitted before IGRC Akola that said application for inspection was sent to section incharge on 18/08/2017 and inspection report is received on 15/04/2019 after taking the matter with IGRC Akola. According to complainant even after IGRC order the grievance is unattended in respect of change of tariff and grievance of SOP Compensation has not been addressed by IGRC.

### **Complainant's Prayer**

1. Direct MSEDCL to pay interest at bank rate as per section 62(6) of EA 2003 on excess tariff collected from 03/09/2017 till adjusted in energy bill.
2. Direct MSEDCL to compensate complainant by SOP compensation at Rs. 100/- per week from Sept 2017 till effected in the energy bill for delay.
3. Direct MSEDCL to pay cost Rs. 2000/-.

3) NA MSEDCL did not file any reply in the matter.

4) Shri. Bhavesh H. Somaiya learned representative for complainant and Shri. A. D. Uikey, Executive Engineer were present for the hearing held on 12/07/2019. Shri. Bhavesh H. Somaiya learned representative for complainant reiterated the grievance on record and brought to the notice of Forum the submission of NA MSEDCL before IGRC Akola that on receipt of application for change of tariff on 03/08/2017 the same was forwarded to Assistant Engineer Akot on 18/08/2017 for inspection and SIR report was submitted to Nodal officer on 15/04/2019 by concern Assistant Engineer Akot and

despite IGRC order dated 17/05/2019 the grievance is not resolved. Shri. Bhavesh H. Somaiya further urged that the grievance of payment of interest as per section 62(6) of EA 2003 and SOP compensation for delay has not been addressed by IGRC Akola and requested Forum to resolve the grievance completely.

5) Shri. A. D. Uikey, Executive Engineer MSEDCL Akot by written letter no. EE/Akot/1638 dated 12/07/2019 submitted before Forum to resolve the grievance of change of tariff from Aug 2017 to Aug 2019 from commercial to residential and admitted to refund the difference of payment in next bill with interest.

6) Having heard the parties and after considering material placed on record Forum is of the view that though NA MSEDCL agreed to resolve the grievance of change of tariff from Aug 2017 and adjust the difference in amount in the next bill the complainant needs to be compensated for the delay in change of tariff to residential beyond second billing cycle as per provisions of SOP regulation 2014 at Rs. 100/- per week or part thereof from Sep 2017 till effected in the next bill, along with interest on the amount of difference so calculated at the rate of 12% per annum, the rate chargeable on arrears of energy bill by MSEDCL as excess tariff is recovered by MSEDCL which is refundable with interest as per section 62(6) of EA 2003.

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

### **ORDER**

1. That the Complaint No. 30 of 2019 Dated 10/06/2019 is hereby partly allowed.
2. That the NA MSEDCL is directed to change the tariff of complainant from commercial to residential from Aug 2017 with immediate effect in the energy bill and difference of amount due to change of tariff after revision be adjusted in the next bill with 12% interest on difference amount payable from Sep 2017 till adjusted in the next bill.
3. That the NA MSEDCL is directed to compensate complainant by SOP compensation at Rs. 100/- per week or part thereof from Sep 2017 till adjusted in the next bill.
4. That the NA MSEDCL is directed to recover the revenue loss payable by way of interest and SOP Compensation from guilty officers/employees of NA MSEDCL after due enquiry as per principle laid down by the Apex Court in

the matter between M/S Lucknow Development Authority and M. K. Gupta in Civil Appeal no. 6237 of 1990 issued on 05th Nov 1993.

5. Parties to bear their own cost.
6. 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/171

Dt:- 07.08.2019

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

The order passed on **07.08.2019** in the Complaint No. **30 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. Mahendrasingh Gajrajsingh Chauhan, At Lendipura Akot, C/o Bhavesh H. Somaiya, Flat no. A2/405 Rami Heritage Opposite to old RTO Office, Murtizapur Road Akola.