

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

*"Vidyut Bhavan" Ratanlal Plot ,Akola. Tel No 0724.2434475*

**ORDER**

**Dt:- 07.08.2019**

**Complaint No :- 31 of 2019 Dated 10.06.2019**

**In the matter of grievance pertaining to refund of infrastructure cost recovered under Non-DDF Scheme.**

**Quorum**

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

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

1. Shri. Piyush Suryakant Bhayani :- Complainant  
Consumer No. LTV-298550001712  
At Takli - Shegaon.  
c/o Shri Bhavesh H. Somaiya,  
Flat no. A2/405 Rami Heritage,  
Opposite to old RTO Office,  
Murtizapur Road Akola.

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

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

**Appearances**

1. Shri. Bhavesh H. Somaiya - Representative for Complainant  
2. Shri. B. U. Jaybhay - Executive Engineer MSEDCL,  
Khamgaon.

1) On being aggrieved by the fact of non redressal of grievance dated 20/07/2018 by MSEDCL the complainant approached this Forum under regulation 6.2 (Proviso) of MERC CGRF and OMBUDSMAN Regulation 2006, (according to which intimation dated 20/07/2018 to Dy. Executive Engineer Shegaon shall be deemed to be intimation to IGR cell unless such official forthwith direct the consumer to IGR cell) For resolving the grievance.

2) Complainant's case in brief is that complainant is Industrial consumer of MSEDCL from 07/02/2015 at Shegaon. According to complainant at the time of releasing connection infrastructure is erected by complainant at his own cost as per estimate Rs. 2,80,126/- sanctioned under Non DDF CCRF refundable scheme by NA MSEDCL. According to complainant Rs. 68,100/- towards security deposit and service connection charges is also paid along with testing charges Rs. 3000/-. According to complainant recovery of service connection charges and transformer testing charges is unlawful. According to complainant defective estimate is sanctioned by NA MSEDCL as contingency such as labour, transportation T and P and centages are not considered while sanctioning estimate for 11 KV line and LT line. According to complainant, even the audit section of the MSEDCL did not rectify the defect and allowed to sanction defective estimate. According to complainant the recovery of infrastructure cost and testing charges Rs. 3000/- is unlawful as per MERC case no. 19 of 2012. According to complainant NA MSEDCL did not refund the infrastructure cost from second billing cycle ie from 08/03/2015. According to complainant estimate needs to be revised by adding contingencies for Rs. 3,77,335.89/- and revised estimated cost of infrastructure should be refunded with 12% interest from 08/03/2015.

### **Complainant's Prayer**

1. Direct NA MSEDCL to Refund Rs. 3,77,335.89 towards infrastructure cost with 12% interest from 07/02/2015 till the date of refund.
2. Direct NA MSEDCL to refund excess recovered transformer testing charges and service connection charges with 12% interest.
3. Direct NA MSEDCL to pay cost Rs. 10,000/-.

3) NA MSEDCL did not file any reply on record.

4) Shri. Bhavesh H. Somaiya learned representative for complainant and Shri. B. U. Jaybhay, Executive Engineer Khamgaon were present for the hearing held on 12/07/2019. Shri. Bhavesh H. Somaiya learned representative for complainant reiterated the complaint on record and brought to the notice of Forum that NA MSEDCL on 11/07/2019 submitted the reply to complainant intimating the delay on the part of complainant because of non-submission of original bills and documents and directed to file original documents, and also intimated WCR amount of Rs. 2,24,132/- admitted by MSEDCL towards refund of infrastructure cost. Shri. Bhavesh H. Somaiya urged

that NA MSEDCL is misleading the Forum and filed on record the acknowledgement of NA MSEDCL dated 06/02/2015 for having received the original documents with invoices submitted by contractor M/S Sheetal Electricals to MSEDCL Shegaon, and requested Forum to allow the complaint with 12% interest directing NA MSEDCL to revise WCR as per invoices.

5) Shri. B. U. Jaybhay, Executive Engineer MSEDCL Khamgaon urged before Forum to allow to revise WCR as per invoices acknowledged by MSEDCL and agreed to refund the cost as per revised WCR.

6) On concluding the hearing Forum directed NA MSEDCL to file on record revised WCR as per invoices and signed by complainant before 17/07/2019.

7) NA MSEDCL filed on record revised WCR amounting Rs 2,54,511.10/- signed by complainant for having accepted the actual cost of infrastructure incurred as per invoices, on 17/07/2019.

8) Having heard the parties and after considering the material placed on record, Forum is of the view that refund of infrastructure cost under Non-DDF CCRF scheme is not disputed by NA MSEDCL and it is fact on record that complainant had submitted necessary invoices required for finalization of work completion report before release of connection on 06/02/2015. Forum is of the view that NA MSEDCL have delayed refund which as per mutual agreement should have been refunded through bills from March 2015 and hence liable to pay interest on the amount of refund from March 2015 till refunded. Forum finds substance in the plea of complainant to allow the interest at 12% per annum as NA MSEDCL is charging interest of 12% on arrears of energy bill without time escalation. Forum is of the view that NA MSEDCL should be directed to refund infrastructure cost Rs. 2,54,511.10/- as per WCR with 12% interest. Forum finds substance in the plea of complainant to refund the transformer testing charges Rs. 3000/- and service connection charges Rs. 8000/- as is in contravention of the schedule of charges approved by MERC. Forum is of the view that when service connection along with infrastructure is executed by complainant, NA MSEDCL should recover only 1.3% of normative charges as per schedule of charges approved by MERC towards service connection.

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

### **ORDER**

1. That the Complaint No. 31 of 2019 Dated 10/06/2019 is hereby partly allowed.
2. That the NA MSEDCL is directed to refund Rs. 2,54,511.10/- towards infrastructure cost with interest of 12% payable from March 2015 till adjusted in the ensuing bill payable by the complainant in one go to be adjusted in ensuing bill.
3. That the NA MSEDCL is directed to refund illegally recovered transformer testing charges Rs. 3000/- along with service connection charges Rs 7896/- with interest of 12% per annum payable from 18/01/2015 till refunded in ensuing bill, and adjust the amount in ensuing bill payable by complainant.
4. Parties to bear their own cost.
5. 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/172

Dt:- 07.08.2019

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

The order passed on **07.08.2019** in the Complaint No. **31 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 Buldana.

**Copy to :-**

Shri. Piyush Suryakant Bhayani , c/o Shri Bhavesh H. Somaiya, Flat no. A2/405  
Rami Heritage Opposite to old RTO Office Murtizapur Road Akola 444004.