

**CONSUMER GRIEVANCE REDRESSAL FORUM
AMRAVATI ZONE, AMRAVATI
'Vidyut Bhavan', Shivaji Nagar, Amravati: 444603, Tel. No. 0721 2551158**

Dt: 07-09-2019

ORDER

Case No. 07/2019 dated 20.06.19

In the matter of grievance pertaining to refund of infrastructure cost

Quorum

Dr. Vishram Nilkanth Bapat (Chairman)
B.D.Augad, Member Secretary
Sau. Sushama Joshi, Member (CPO)

Complainant

Dr. Tapan Pralhadrao Rawat
c/o Bhavesh Harendra Somaiya A2-405, Rami Heritage Society Opp To old
RTO office, Murtizapur Road, Akola - 444004.
Consumer No:352921406588

Versus

Respondent

The Executive Engineer ,
MSEDCL, O&M Division,
Achalpur

Appearances:-

Complainant Representative :- Shri.Bhavesh Harendrabhai Somaiya

Respondent Representative :- Shri. V.K.Lavhale, Deputy Executive

Consumer Details

| Name | MSEDCL Office | Consumer No. | Category | Date of Connection |
|---------------------|---------------|--------------|----------|--------------------|
| Tapan Pralhad Rawat | EE, Achalpur | 352921406588 | LT- CLF | 19-10-2015 |

IGRC Proceedings

| Application Date | Hearing Date | Order Date |
|------------------|------------------------------|------------|
| 05.04.2019 | Not mentioned in IGRC order. | 03-06-2019 |

CGRF Proceedings :

| Application Date | Date of Serving Notice by CGRF | Due Date of Reply | Applicable Clause MERC Regulation 2006 (CGRF & Ombudsman) |
|------------------------|--------------------------------|-------------------|---|
| 20-06-2019 | 27-06-2019 | 15-07-2019 | 6.4 |
| Date of Reply by NA | 11-07-2019 | | |
| Date of Hearing Notice | 19-8-2019 | Date of Hearing | 26-8-2019 |

Gist of Grievance :

| S.N. | Date | Description | Violation, if any |
|------|------------|--|-------------------------------|
| 1 | 20-08-2015 | Upon Application for new LT connection for 44 KVA contract demand and Conn. Load of 35 KW, EE, Achalpur framed estimate under Non-DDF CC&RF with consumer consent. | -- |
| 2 | 15-09-2015 | Said estimate sanction by EE Achalpur vide ref. EE/ACH/T/NDDF CC&RF/2015-16/22 DATED 15/09/2015 | -- |
| 3 | 16-09-2015 | Applicant paid the charges Rs. 38304/- towards SC charges, SD, Capacitor testing charges, Dist T/F testing charges etc. | Approved Schedule of Charges. |
| 4 | 03-06-2019 | IGRC ordered to refund charges as per MSEDCL rules. | -- |

Prayer by Applicant:

| S.N. | Description |
|------|--|
| 1 | Direct MSEDCL to refund the cost of infrastructure Rs. 267898.00 along with interest at the rate which it uses to recover from consumers in the event of the delay in payment of energy bills. |
| 2 | Any other relief in favour of applicant consumer including the cost of Rs. 10,000. |

Gist of Reply filed by N.A.MSEDCL:

| S.N. | Date | Description | Violation, if any |
|------|------------|---|---|
| 1 | 11-07-2019 | Refund of charges for Rs. 193009/- will be credited through energy bills in next billing cycles in the Aug 2019 | The WCR made is not as per standard procedure laid down by MSEDCL as it does not incorporate all the admissible centages. |

Prayer by NA before the Forum:

| S.N. | Description |
|------|-------------|
| 1 | NIL. |

Gist of Applicant's Rejoinder during Hearing:

| S.N. | Date | Description | Violation, if any |
|------|------------|-------------------------------------|-------------------|
| 1 | 26-08-2019 | Ready for preparation of joint WCR. | -- |

Gist of NA's response during Hearing

| S.N. | Date | Description | Violation, if any |
|------|------------|---|-------------------|
| 1 | 26-08.2019 | NA agrees for preparation of joint WCR and to submit the same by 29.8.19. | |
| 2 | 28.08.2019 | Joint WCR amounting to Rs. 237752.58/- submitted. | |

Opinion of the Forum :

Examining all the records placed before the Forum and the facts brought before it during the hearing, the Forum observes as under

- a. It is very clear that initial application for LT CLF connection was sanctioned under Non-DDF CC & RF with duly executed consent by the applicant and the estimate for the infrastructure (Amounting to Rs. 222808/- was framed on 15-09-2015).
- b. Applicant paid the charges Rs. 38304/- towards S.D., S.L.C. Rs. 104/- Transformer and capacitor testing charges Rs. 3100/- Processing fees Rs. 100/-.
- c. Forum agrees to the plea of the applicant that as per the approved schedule of charges, NA is not entitled to recover testing charges for transformer and capacitor from the consumer.
- d. In the end the Forum would like to comment on the refund of interest claimed by the applicant as host of case laws have established that interest is due to be paid by NA on the refundable amount it holds with it. However the interest rate to be used in this case shall be governed by the MERC Practice Directions dated 22-7-2019 that is the bank rate as declared by RBI prevailing during the relevant period.
- e. The Forum noted that during hearing before it, NA has also agreed for all the refund claims along with interest thereon.

Clarification for the delay in issuing the order:

The grievance in case no. 07/2019 was received on 20-06-2019 and was supposed to be duly resolved on or before 19-08-2019 as per MERC (CGRF & Ombudsman) Regulations 2006. However it is regrettably expressed that the case file in this matter was inadvertently skipped from the further process by the secretariat of this office. The file was found out on 19-08-2019 and further put in to process on the same day.

ORDER

With the above observations, the Forum unanimously passes the following order.

1. The complaint in case no. 07/2019 is partly allowed.
2. MSEDCL is directed to refund the cost of infrastructure Rs. 237753/- along with interest at Bank rate as declared by RBI prevailing during the period concerned from the date of connection till it is paid through ensuing bill of the applicant.
3. MSEDCL is directed to refund transformer testing charge Rs.3000/- and Capacitor testing charge of Rs. 100/- along with interest at the bank rate from the date of connection till it is paid through ensuing bill of the applicant.
4. No order as to any other relief cost.
5. MSEDCL is directed to submit compliance report of this order to this office within one month of the order.

Sd/-
(B.D.Augad)
Member Secretary

Sd/-
(Smt.S.P.Joshi)
Member (CPO)

Sd/-
(Dr.V.N.Bapat)
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, Shrikripa, Vijai Nagar, Chhaoni,
Nagpur- 440013.

NO. EE / CGRF/AMZ/ Amravati/ No./ 40

Dt. 07.09.19

To,
The Nodal Officer /
The Executive Engineer,
MSEDCL, O&M Achalpur Division,

The order passed on in the Complaint No. 07/2019 is enclosed herewith for further compliance and necessary action.

Secretary
Consumer Grievance Redressal Forum,
MSEDCL, Amravati Zone, Amravati.

Copy f.w.c.to:-

The Chief Engineer, MSEDCL, Amravati Zone, Amravati.

Copy to :-

- 1) The Executive Engineer (Adm), O&M Circle, Amravati
- 2) Dr. Tapan Pralhadrao Rawat, c/o Bhavesh Harendra Somaiya A2-405, Rami Heritage Society Opp To old RTO office, Murtizapur Road, Akola - 444004