

CONSUMER GRIEVANCE REDRESSAL FORUM,
AKOLA ZONE, AKOLA.

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

O R D E R

Dt:- 29.08.2019

Complaint No :- 35 of 2019 Dated 08.07.2019

In the matter of grievance pertaining to refund of infrastructure cost recovered against ORC Scheme with interest.

Quorum

Dr.V.N.Bapat- Chairman

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

1. M/S Bhala Food Product :- Complainant
Sau. Sharda Prabhudayal Bhala
Plot no. J-79 Ph-III MIDC Akola
Consumer no. LT-310219044490
C/o Shri. Bhavesh H. Somaiya,
Flat no. A-2/405 Rami Heritage
Opposite 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
Urban Division Akola.

1) On being aggrieved by the decision of IGRC Akola issued vide SE/AKL/2254 dated 24/06/2019 the complainant M/S Bhala Food Product Akola approached this Forum under Regulation 6.4 of MERC CGRF and OMBUDSMAN Regulation 2006 for resolving the grievance.

2) The complainant's case in brief is that complainant is industrial consumer of NA MSEDCL from 22/11/2007. According to complainant infrastructure cost of Rs. 44,860/- as per sanctioned estimate under ORC and capacitor testing charges Rs. 600/- were borne by complainant while releasing the electrical connection. According to complainant NA MSEDCL burdened complainant with unlawful expenditure under ORC scheme in violation of MERC approved schedule of charges vide case no. 70 of 2005 and MSEDCL own circular no. 43 dated 27/06/2006. According to complainant estimate was sanctioned without loading 5% transportation, 5% VAT, 3% contingencies and 1.5% T & P, which according to complainant amounts to Rs. 50,773.39/-. According to complainant said estimated amount Rs. 50,773.39/- along with testing charges Rs. 600/- were spent by complainant. According to complainant the refund under ORC approved by MERC was subjudice before Hon'ble Apex Court and on 10/11/2016 the appeal before Apex Court filed by NA MSEDCL was dismissed and MERC vide case no. 93 of 2008 dated 01/09/2010 directed MSEDCL to refund the ORC charges with interest. Complainant requested to refund estimated amount with centages along with capacitor testing charges Rs. 600/- and Rs. 290/- recovered towards 1.3% supervision charges at 12% interest. According to complainant IGRC order is not clear and MSEDCL agreed to refund with only 6% interest and hence grievance is filed before CGRF Akola with request to refund the ORC amount with interest of 12% compounded annually. Complainant annexed IGRC order dated 24/05/2019, firm quotation under ORC dated 25/01/2008, paid receipt of Rs. 68,090/- dated 14/03/2008, MSEDCL letter dated 06/05/2019 to refund amount with 6% interest, copy of WCR amounting Rs. 32,072.71/- and copy of energy bill for May 2019 along with the complaint.

3) Reply came to be filed by NA MSEDCL on 23/07/2019. According to NA MSEDCL it is fact on record that estimate was sanctioned under ORC scheme and complainant has paid Rs. 68,090/- including SC and SD charges on 14/03/2008 and connection was released on 03/04/2008. According to NA MSEDCL as per CE/Dist/31793 dated 29/12/2018

the interest of 6% is allowed on refund amount and hence WCR amount Rs. 32,072/- with interest of Rs. 21,470/- will be credited to the account of complainant on getting system approval as per IGRC order dated 27/06/2019 and requested Forum to dismiss the grievance pertaining to 12% interest and cost of Rs. 5000/-. NA MSEDCL annexed copy of circular CE/Dist/31793 dated 29/12/2018, IGRC order dated 27/06/2019, processing refund Rs. 32,072/- by letter no. 2620 dated 06/05/2019 and copy of WCR along with the reply.

4) Shri. Bhavesh H. Somaiya representative for complainant and Shri. P. R. Dani Learned Nodal Officer and Executive Engineer Urban MSEDCL Akola were present for the hearing held on 14/08/2019. Shri. Bhavesh H. Somaiya representative for complainant did not dispute the amount of WCR finalised by NA MSEDCL but requested Forum to allow the interest as per practice direction issued by MERC dated 22/07/2019 and urged before Forum to allow the compounding of interest annually till adjusted in the account. Shri. Bhavesh H. Somaiya filed on record practice direction order dated 22/07/2019 issued by Hon'ble MERC.

5) Shri. P. R. Dani Learned Nodal Officer for MSEDCL urged before Forum to allow the interest as per "Practice directions" issued by the MERC on refund amount as per WCR but denied the cost.

6) Having heard the parties and considering the material placed on record Forum is of the view that since MERC have by issuing practice directions resolved the issue of allowing interest on refund of excess amount recovered by MSEDCL as per bank rate declared by Reserve Bank of India prevailing during the relevant period the same is allowed in the present grievance for refund of ORC amount with other charges. Forum find substance in the plea taken by complainant that interest amount should be compounded annually till adjusted in the account of complainant. Forum is also of the view that parties should bear their own cost.

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

ORDER

1. That the Complaint No. 35 of 2019 Dated 08/07/2019 is hereby partly allowed.
2. That the NA MSEDCL is directed to refund ORC amount with other charges amounting Rs. 32,072.71/- with interest at Bank rate declared by Reserve Bank of India prevailing during relevant period compounded annually from 03/04/2008 till adjusted in the ensuing energy bill payable by the complainant.
3. Parties to bear their own 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/190

Dt :- 29.08.2019

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

The order passed on **29.08.2019** in the Complaint No. **35 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 :-

M/S Bhala Food Product, Sau. Sharda Prabhudayal Bhala, Plot no. J-79 Ph-III MIDC Akola, C/o Shri. Bhavesh H. Somaiya, Flat no. A-2/405 Rami Heritage Opposite old RTO office, Murtizapur road Akola 444004.