

2) Complainant's case in brief is that complainant is industrial consumer of NA MSEDCL from 29/12/2017. According to complainant to avail above connection he had applied to NA MSEDCL on 01/09/2017 for 60 HP load to execute the infrastructure work under Non DDF refundable scheme. According to complainant work is executed as per sanction estimate EE/AKL/R/17-18/Non-DDF CCRF/16 dated 14/09/2017 for Rs. 3,41,646/- and paid security deposit with other charge Rs 60,241/- vide money receipt no. 798719 dated 22/09/2017. According to complainant GST is not loaded while sanctioning estimate. According to complainant NA MSEDCL burdened complainant with unlawful expenditure violating MERC guidelines in case no. 19 of 2012 and not refunded the infrastructure cost. According to complainant NA MSEDCL refunded Rs. 20,919/- towards infrastructure cost through energy bills for June and July 2019. According to complainant NA MSEDCL should refund Rs. 3,89,728/- after adding GST. According to complainant NA MSEDCL admitted the fact of preparation of wrong WCR amounting Rs. 20,919/- before IGRC Akola. According to complainant infrastructure cost Rs. 3,89,728/- should be refunded with interest as per section 62 of EA 2003. Complainant Annexed copy of IGRC order, copy of estimate, demand note dated 14/09/2017, paid receipt dated 21/09/2017 and energy bill for June 2019 alongwith the complaint.

Complainant's Prayer

1. Direct NA MSEDCL to refund infra cost at Rs.3,89,728/- with interest at Bank rate.
2. Direct NA MSEDCL to recover the revenue loss from guilty officers/employees of NA MSEDCL.

3) NA MSEDCL did not file a reply on record despite notice CGRF/Akola/205 dated 11/09/2019.

4) Shri. Ashish S. Chandarana learned representative for complainant and Shri. G. K. Gadekar, Executive Engineer MSEDCL were present for the hearing held on 10/10/2019. Shri. Ashish S. Chandarana learned representative for complainant urged that refund under Non-DDF CCRF scheme is not disputed by NA MSEDCL before IGRC Akola and NA MSEDCL have submitted before IGRC Akola that WCR for Rs. 3,35,174.01/- is submitted to Chief Engineer Zone Akola for approval of refund on 20/03/2019 for which approval received for Rs. 20,919/- which is refunded in June and July 2019 through energy bills. Shri.

Ashish S. Chandarana urged NA MSEDCL have not considered the centages and GST on estimated value and WCR is prepared for less amount and requested Forum to refund the infrastructure cost as per estimate after allowing 18% GST amounting Rs. 3,89,728/- with interest at the rate approved by MERC in practice direction dated 22/07/2019.

5) Shri. G. K. Gadekar, Executive Engineer MSEDCL urged before Forum that it is fact that wrong WCR is prepared and submitted for approval and accordingly Rs. 20,919/- is refunded in July 2019 as against estimated amount of Rs. 3,41,646.40/- . Shri. G. K. Gadekar, Executive Engineer however submitted that corporate office of MSEDCL by circular directed field staff to consider 18% GST to be loaded additionally on the cost of material and correct charges as claimed by the complainant.

6) On concluding the hearing Forum directed NA MSEDCL to prepare fresh work completion report with centages as per estimate after allowing 18% GST to be submitted on record jointly signed by MSEDCL and complainant on or before 18/10/2019.

7) Despite directions from Forum NA MSEDCL preferred to disobey the directives and did not submit on record revised WCR.

8) Complainant by written communication dated 17/10/2019 submitted on record that revise work completion report has not been signed by complainant as NA MSEDCL did not prepare fresh WCR as directed by the Forum. Complainant filed on record supplementary guidelines for infrastructure development issued by corporate office of MSEDCL vide CE/Dist/D III/Tech/07949 dated 19/03/2019 as per directions of Forum wherein directions are issued to field staff to load 18% GST additionally on the cost of material and erection charges.

9) 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, on the contrary NA MSEDCL refunded part of the amount Rs. 20,919/- in July 2019. It is a fact recorded in IGRC order dated 19/08/2019 that NA MSEDCL have admitted the claim for Rs. 3,35,174.01/- sent to higher office of MSEDCL for approval dated 15/12/2018. NA MSEDCL have not disputed the estimated cost of Rs.

3,41,646.41/- . Forum express dissatisfaction towards the attitude of NA MSEDCL in not filing the reply in time and disobeying the directions of Forum to file revised WCR on record. It is a fact on record from the circular issued by corporate office of the MSEDCL that 18% GST is to be loaded additionally on the cost of material and erection charges as admitted by Shri. G. K. Gadekar, Executive Engineer MSEDCL at the time of hearing. Forum is of the view that NA MSEDCL have delayed refund of infrastructure cost which as per mutual agreement should have been refunded through energy bills from second billing cycle after release of connection on 29/12/2017. Forum is of the view that NA MSEDCL not only violated their own circulars of corporate office but committed breach of agreement in not refunding the infrastructure cost in time. Forum finds substance in the plea of complainant to allow interest as per bank rate in accordance with the provisions of 62(6) of EA 2003. In absence of revised work completion report Forum thinks it proper to direct NA MSEDCL to refund infrastructure cost Rs. 3,35,174.01/- as agreed before IGRC after allowing 18% GST on Rs. 3,35,174.01/- and total amount with GST should be refunded with interest at bank rate declared by Reserve Bank of India prevailing during relevant period as per practice directions issued by MERC dated 22/07/2019 from 29/01/2018 till adjusted in the ensuing energy bill payable by the complainant.

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

ORDER

1. That the Complaint No. 47 of 2019 Dated 11/09/2019 is hereby partly allowed.
2. That the NA MSEDCL is directed to refund Rs. 3,35,174.01/- plus 18% GST with interest payable on total amount at bank rate declared by Reserve Bank of India prevailing during relevant period from 29/01/2018 till refunded in the ensuing energy bill payable by the complainant after adjusting Rs. 20,919/- already refunded.
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

Sd/-
Member Secretary

Sd/-
Member (CPO)

Sd/-
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/230

Dt :- 19-10-2019

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

The order passed on **19-10-2019** in the Complaint No.
47 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 CAIN Industries Prop. Mahesh Vinaykumar Shukla Plot no. 106 Shiloda Tq.
Akola, C/O Shri. Ashish S. Chandarana, flat no. 302 Satguru Villa Apartment
Sahakar Nagar Gorakshan Road Akola - 444004.