

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

" Vidyut Bhavan" Ratanlal Plots, Akola : 444001 Tel No 0724 .2434476

Dt.01/12/2015

Complaint No.24 / 2015

**In the matter of grievance pertaining to change of tariff , refund of excess amount
of with interest and cost ETC.**

Quorum

Shri T.M.Mantri, Chairman

Shri. R.A. Ramteke ,Member-Secretary

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

Shri . Balaji Sahakari Soot Girni . Ltd

Complainant

Mang Wadi Tq. Rosod , Dist. Washim

Consumer no -326269026330

.....Vrs.....

Superintending Engineer, MSEDCL.....

Respondent

Circle office , Washim

Appearances :

Complainant Representative: Shri. Aashish Chandarana.

Respondent Representative: Shri. D. A. Nagpurkar, Executive Engineer,
MSEDCL Circle office , Washim.

1. In substance the complainant's grievance is about billing by NA. under continuous tariff, though the complaint never opted so. The complainant had applied for connection of 1600 KVA. which was sanctioned That ² reference

has been made to the order of MERC in case NO. 44/2008, dated 12 sep 2008, which required two mandatory conditions for giving effect to continuous tariff . According to the complainant it never demanded continuous supply, similarly reference has been made to condition NO. 14 of the sanction letter about following of Monday as staggering day. So also for security deposit only 26 day / month have been taken into account which means it was not continuous supply . It seems that mistake occurred at the time of entering data in computer.

2. According to the complainant in the order of IGRC there is reference that complainant never demanded continuous supply . So HT-1N tariff is applicable to the complainant but wrongly HT-1C tariff has been applied there by excess recovery has been made . The NA . has given reply only after approach made to IGRC. The IGRC has passed order without considering the submission of the complainant . The said order is erroneous, hence the complainant is compelled , to approach this forum and sought the reliefs prayed for . That along with complaint , copies of documents have been filed
3. After the receipt of the notice from forum the NA. sought time for submission of reply to the complaint and thereafter filed the reply stating that the present complaint is an afterthought and has been made with an intention to get the tariff difference According to the NA. as the complainant enjoys continuous supply so as per deeming provision it has accepted to the continuous tariff supply .
4. The NA. has made reference of circular NO.246 with further averment that the complainant has not applied for non continuous supply According to the NA. the complaint is liable to be dismissed so also further averred about non

making of the specific statement about maintaining of the staggering day are not . The complainant has been rightly billed. The NA. has stated procedure about security deposit As per NA. the reliance of the complaint on load sanction letter can not be conclusive about applying of wrong tariff As per user of the power, the complainant has been billed . The complaint is untenable as per regulation 2006 and there is no "grievance" as per regulations The complainant has not approached with clean hands hence , it needs to be dismissed .

5. Heard Mr. Aashish Chandarna the learned representative of the complaint and Shri. D. A. Nagpurkar, Exe Engineer, the learned representative of the NA. Admittedly the complainant has availed 1600 KVA power connection. The sanction latter dated 16 June 2010 is on record so also the working sheet of charges , bearing signature of the competent officers of the NA. As per the order of honorable MERC in case NO 44/2008 this aspect of applicability of HT- 1C tariff has been duly considered . So it is clear that for applicability of HT- 1-C (continuous) tariff category there are two requirements :-

- (I) The consumer should be on express feeder.
- (II) That the consumer should have demanded for the continuous supply .

It is an admitted position. that complainant herein has never demanded continuous supply. Even in the order IGRC Washim it has been mentioned that in the A1 application there is no mention of any tariff HT-1-C or HT-1-N . so it is clear that even according to N.A. , there is no demand form the side of complainant for continuous supply,at any time .

6. If one goes through the sanction letter 16 June 2010 issued by the N.A. Clause No. 14 is pertaining to power restriction whereunder it has been

mentioned that whatever load restriction orders, the same shall be applicable to the complainant . So also it is mentioned that the complainant will have to observe staggering holiday as decided by the government . At the relevant time , Monday was staggering holiday . So even as per N.A. Load shedding was to be observed by the complainant .

7. That even it was not a case of continuous supply even as per N.A. . The security deposit has been also calculated by taking into consideration number of working days as "26" .This is as per working sheet of charges to be recovered from the complainant and as per the calculation made their in, the amount has been recovered from the complainant. It also shows that 4 days in a month have been excluded, considering the staggering holiday, as referred to above .
8. The complainant has approached the N.A. for improper and excess billing applying wrong tariff category . The N.A. has not considered the same so also the IGRC has not gone into all the available regulations , order etc . Though the IGRC has found that complainant has never opted for continuous supply but has not passed orders accordingly. Even it has failed to consider the fact that the load shedding to the Industries has been withdrawn by the licensee. The learned representative of the complainant has filed the latter No 19699 dated 24 June 2011 in that respect which Clearly shows that even prior to the said date the load shedding of all groups was withdrawn from January 2011 .

There is reference of circular therein . So when N.A. has withdrawn load shedding how the N.A. is submitting that the complainant has availed continuous supply and therefore HT-1-C tariff is applicable. The N.A. is giving

go by even to the circular/ directives of the head office where by load shedding has been withdrawn since 2011 . It was on account of availability of sufficient electricity with the N.A. so apparently it is clear that the different defense and submission made on behalf of the N.A. on this count which is not as per regulations, orders as well as circulars .

9. The N.A. has tried to submit that the complaint is not tenable as not filed in time and the complainant's case is not covered under " grievance" Suffice to say that , the said stand is not well founded . It has been rightly pointed out by the complainant about difference in defense taken by the N.A. before IGRC and this forum, so also contrary to the order of the Honourable BOMBY HIGH COURT wherein the N.A. was party . The copy of the order of WP. NO. 9455/2011 between nesses HINDUSTHAN PETROLIUM CORPORATIONS Ltd. Vs MSEB is filed on record wherein this aspects was considered by the said order, the " grievance" , as well as the time limit for complaint has been considered. The said order is binding on the N.A. and Inspite thereof attempt has been made to raise the unattainable pleas . The objection of the N.A. is without any substance . In view of the above observations and the conclusion , there is substance in the grievance of the complainant hence entitled for relief of change of tariff category HT-1-N , consequently the refund of excess amount recovered on account of applicability of wrong tariff HT-1-C. Whatever the excess amount recovered in view thereof needs to be refunded by making adjustment thereof in the forthcoming electric bill of the complainant .
10. The complainant has also claimed interest at the rate of 18% per month and cost of rupees ^{2 2}5000/-. This claim have been opposed at the time of

argument by the N.A. Admittedly the N.A. is charging interest to the consumer if there is delay in payment by the consumer, Even as per statute there is provisions of awarding of interest . In view thereof this forum thinks it proper to direct for payment of interest at the rate of Bank interest , by the N.A. to the complainant on the excess amount recovered i.e 7% P.A. The amount of such interest is also to be adjusted in the forthcoming bill of the complainant .

11.As the complainant is required to approach the authorities of the N.A. , IGRC and lastly to this forum it will be just and proper to award reasonable cost. ^{e n} With such observations this forum proceeds to pass the following unanimous order.

ORDER

(i)That the complaint NO 24/2015 is hearby partly allowed . The N.A. is directed to apply HT-1-N tariff category from the date of connection and to rectify the bills issued under wrong tariff category .

(ii)The N.A. to refund the excess amount recovered from the complainant from inception along with interest at the rate of nationalized Bank i.e. 7% P.A ,by making adjustment in the forthcoming electric bill payable by complainant .The N.A. is also labile to pay Rupees 2000/- by way of cost .

(iii)That the compliance report to be submitted within the period of one month from this order

(R.A.Ramteke)

Member/ Secretary

(D. M. Deshpande)

Member

(T.M.Mantri)

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 / AZ/ 821

Dt. 01 /12/2015

TO

The Nodal Officer,
Superintending Engineer,
MSEDCL, Washim circle office ,
Dist Washim .

The order passed on 01-12-2015 in the Complaint No. 24/2015, is enclosed herewith for further compliance and necessary action.

Secretary,
Consumer Grievance Redressal Forum,
MSEDCL, Akola Zone, Akola

Copy fwc to:

1. Shri . Balaji Sahakari Soot Girni . Ltd , Mang Wadi Tq. Rosod , Dist. Washim