

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005.
Tel. 022 22163964/65/69 Fax 22163976
Email: mercindia@mercindia.org.in
Website: www.mercindia.org.in

Case No. 66 of 2010

In the matter of
Complaint filed by M/s. Abhinandan Enterprises against MSEDCL under Sections 142 &
146 of Electricity Act, 2003, alleging non-compliance of the Order dated 30.03.2010
passed by the Electricity Ombudsman, in regard to the refund of excess amount
recovered by MSEDCL in the name of Service Connection Charges

Shri V. P. Raja, Chairman
Shri Vijay L. Sonavane, Member

M/s. Abhinandan Enterprises

..... Complainant

V/s

Maharashtra State Electricity Distribution Co. Ltd.
Through its Executive Engineer, O & M Division, Panvel.

.....Opponent

ORDER

Date: 20th December, 2010

M/s Abhinandan Enterprises., the Complainant, filed a complaint on 31st May, 2010, against Maharashtra State Electricity Distribution Company Ltd. (“MSEDCL”), the Opponent, under Sections 142 & 146 of the Electricity Act, 2003 (“EA 2003”) r/w Regulation 22 of the MERC(Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006, alleging non-compliance of the Order dated 30th March,



2010, passed by the Electricity Ombudsman, in regard to the refund of excess amount recovered by the Opponent, in the name of Service Connection Charges (“SCC”).



2. The prayers of the Complainant, are as follows:
- “ We request you to take immediate action as per section 142 or 146 of EA 2003, as you deem fit, against concerned MSEDCL’s Official non-compliance of EO’s order.”
3. The facts of the matter as submitted by the Complainant to the Electricity Ombudsman, are as follows :
- a. The Complainant is a developer at Kharghar, Navi Mumbai, and had made an application on 27th November, 2007, to MSEDCL for getting supply of electricity for total 107 connections for its building located at Plot no.4, Sector 12, Kharghar. Out of 107 electricity connections, 70 flats were with single phase connections and 37 with three phase connections.
 - b. The Complainant had submitted that in place of giving the quotation for payment of charges within 15 days, the Opponent demanded a letter from the Complainant saying that the latter was ready to carry out all the works of high tension lines, low tension lines and transformer, including the 107 connections, for which Complainant was then asked to pay the 15% Supervision Charges on the estimated amount of Rs.19,66,045.40.
 - c. That the above said charges were paid by the Complainant in distress and eventually the work was completed. In addition to above, the quotation was given by Opponent for individual connections which included SCC and SD (Security Deposit). The total amount of SCC worked out to Rs.4.36 Lakhs.
 - d. Complainant also submitted that as per MERC(S.O.P.) Regulations, 2005, the Opponent should have given the quotation for charges within 15 days of the application made on 25th January, 2007 and payment of processing fee made on 29th January, 2007, but the quotation was delayed until 24th July, 2007. Complainant then realized that the Opponent had recovered the charges twice, after which it approached Chief Engineer of Opponent on 14th August, 2007, for refund of Rs.4.36 Lakhs paid towards SCC.
 - e. That since there was no response from the Opponent, the Complainant approached the CGRF, Bhandup Zone, on 30th November, 2009. The CGRF by its Order dated 8th Jan., 2010 rejected the grievance on the ground that the Grievance was filed after two (2) years from the date on which the cause of action had arisen.
 - f. Aggrieved by the CGRF’s decision, the Complainant made a representation before the Electricity Ombudsman (“EO”) on 5th March, 2010. An order was passed by the Ombudsman on 30th March, 2010 reversing the CGRF’s Order dated 8th Jan. 2010. The following directions were passed by the Electricity Ombudsman:-

“ ..., the Respondent is directed to refund Rs.4.36 lakhs to the Appellant, the amount which was wrongly recovered. The amount should be refunded alongwith interest at bank rate, as provided under Section 62 (6) of the Electricity Act, 2003, till payment. The Respondent is directed to carry



out this order immediately and report compliance within a period of 30 days, hereof.”

- g. The Complainant vide its letter dated 11th May, 2010, reminded the Opponent in regard to the compliance of the order passed by Electricity Ombudsman stating that *“the amount is still not refunded”*.
4. The Complainant has then filed this complaint on 31st May, 2010, before the Commission, with a view that penalty be ordered upon the Opponent for not complying with the Ombudsman’s Order within the stipulated time frame.
5. The Opponent, vide its letter No. EE/PNL-U/Tech/207 dated 15th November, 2010, has submitted details of the events that have taken place within the organization of the Opponent in regard to this matter. As submitted, after approval by the competent authority of the Opponent to refund the SCC as per the Ombudsman’s order, the Opponent had advised the Complainant vide a letter dated 4th August, 2010, asking it to collect the amount of refund by submitting original receipts for the same, and that, twice the reminder letters were sent to the Complainant.

Further, the Opponent submitted that the complainant subsequently deposited 63 nos. of original receipts of Rs.2000/- each (amounting to Rs.1,26,000/-) on 30th September, 2010, and completed the information on a indemnity bond for balance amount of Rs.3,10,000/- on 18th October, 2010. The payments of Rs.1,26,000/- and Rs.3,10,000/- towards the said SCC, as well as the amounts of interest i.e. Rs.23,467/- and Rs.57,684/-, respectively on these amounts, were collected together by the Complainant on 20th October, 2010.

6. In the hearing held on 19th November, 2010, the Complainant was represented by Shri Kishan Sharma, Shri Ravi Anand, Shri S. W. Deshmukh and others, and, the Opponent was represented by Shri D. V. Khanande, Executive Engineer, MSEDCL Panvel (Urban). During the hearing, both the parties reiterated their submissions as above. The Complainant submitted that it has received from the Opponent the amounts which were paid in excess by it earlier.



7. In light of the above submissions made by the Parties, the Commission is of the view that Ombudsman's order has been complied with, and therefore nothing survives in the present matter.

Accordingly, the complaint filed by M/s. Abhinandan Enterprises against MSEDCL stands disposed of.

Sd/-
(Vijay L. Sonavane)
Member

Sd/-
(V. P. Raja)
Chairman



(K. N. Khawarey)
Secretary, MERC