

**Before the**  
**MAHARASHTRA ELECTRICITY REGULATORY COMMISSION**  
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**Case No. 107 of 2017**

**Date: 3 October, 2017**

**CORAM:** Shri. Azeez M. Khan, Member  
Shri. Deepak Lad, Member

**Petition of M/s. Alok Ingots under Section 142, 146 and 149 of Electricity Act, 2003  
against MSEDCL for non-compliance of the Consumer Grievance Redressal Forum,  
Kalyan Zone's Order dated 13.01.2017 in Case No. 1225 of 2015-16.**

M/s. Alok Ingots .....Petitioner

V/s.

Maharashtra State Electricity Distribution Company Limited (MSEDCL) ....Respondent

**Appearance:**

For the Petitioner: ...Shri.B.R.Mantri (Rep)  
For the Respondent: ...None

**Daily Order**

1. The parties were informed that the Commission has resolved that the matter will be heard and decided by a two Member Bench.
2. Heard the Representative of the Petitioner.
3. Representative of the Petitioner stated as follows :
  - a) He re-iterated the submissions as stated in the Petition. He stated that MSEDCL levied FAC which was not in accordance with the approval of the Commission. MSEDCL was therefore, supposed to have refunded the excess amount collected for the period from December, 2013 to December, 2014. When the matter was taken up with MSEDCL, it informed that it has correctly levied FAC to the Petitioner and that it is not entitled for any refund.
  - b) Thereafter, the Petitioner filed its grievance before the Consumer Grievance Redressal Forum (CGRF) and submitted a comparative chart showing the difference between FAC levied by MSEDCL and the FAC approved by the Commission.
  - c) In its Order dated 13 January, 2017, the CGRF instructed MSEDCL to

verify the FAC levied and directed that, if the Petitioner is entitled to refund MSEDCL should refund the same or adjust it in the ensuing bills along with interest.

- d) Thereafter, vide its letter dated 17 February, 2017, MSEDCL informed the CGRF that it has verified the FAC levied and the Petitioner is not entitled to any refund.
  - e) The Petitioner approached the CGRF for clarification. CGRF, in its Order dated 31 March, 2017, observed that MSEDCL has levied more FAC than was approved by the Commission for December 2013 to December 2014, and hence, directed refund to the Petitioner with interest at the Bank Rate till the date of refund.
  - f) MSEDCL took steps to comply with the CGRF Order only after this Petition was filed. However, it has not refunded the exact amount of difference between FAC levied and FAC approved. Hence, the Commission should direct MSEDCL to refund the correct amount along with interest for the delay, and also initiate proceedings against MSEDCL under Section 142 of the EA, 2003.
4. To a query of the Commission, the Representative of the Petitioner replied that MSEDCL has paid the interest on the amount refunded by it. He further stated that MSEDCL has also recovered additional FAC wherever there was under-recovery. This was not the intention of the CGRF Order. This principle was not applied to the other consumers in Vasai Circle, thereby discriminating against the Petitioner. He further stated that MSEDCL's letter dated 17 February, 2017 clearly shows that it is not inclined to comply with the CGRF Order dated 13 January, 2017. On the one hand, MSEDCL says that the Petitioner is not entitled for any refund of FAC levied, and on the other partly refunded it.
  5. To a query of the Commission, the Representative of the Petitioner replied that it is entitled for refund of Rs. 21, 43, 000/-, whereas MSEDCL has refunded Rs. 11, 96, 159/- on account of excess FAC levied.
  6. Advocate of MSEDCL was not present during the hearing, but arrived after the proceedings were over and requested 8 days to submit MSEDCL's written submission in response to the Petitioner's claims. The Commission has agreed to this request.

**The Case is reserved for Order.**

**Sd/-  
(Deepak Lad)  
Member**

**Sd/-  
(Azeez M. Khan)  
Member**