BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

(Appointed by the Maharashtra Electricity Regulatory Commission
under Section 42(6) of the Electricity Act, 2003)

REVIEW APPLICATION NO. 2 OF 2019

IN

REPRESENTATION NO. 31 OF 2019

In the matter of refund of tariff difference

M/s. Amit Vijay Karkhanis..... Applicant

V/s.

Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL)..... Respondent

For Applicant : Absent

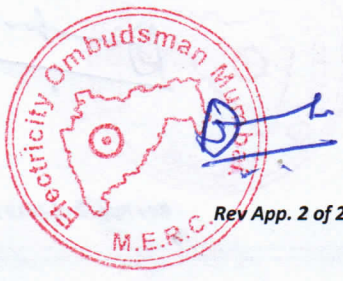
For Respondent : U. S. Lele, Addl. Ex. Engr., MSEDCL Thane

Coram: Deepak Lad

Date of Order: 16th May 2019

ORDER

This Review Application has been filed on 16th April 2019 under Regulation 19 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 [*CGRF Regulations*] for review of the order dated 14th February 2019 passed in Representation No. 31 of 2019.



2. The Representation No. 31 of 2019 was disposed of with following order:-

> *"10. In the result, this representation is allowed. The Respondent MSEDCL is directed to grant tariff difference preceding two years from the application dated 10th January 2018. The Respondent will be at liberty to adjust the refundable amount in the monthly bills of the Appellant consumer."*

3. The Appellant has filed this review application stating as under : -

i. The Ombudsman while passing the order in the original Representation in case No. 31 of 2019 has ordered MSEDCL to refund excess amount collected towards tariff difference from Commercial to Public services. However, the interest component of the said amount has not been ordered to be refunded. The Appellant further submitted that the order has adversely recorded that he has not insisted on the interest component of the amount of refund.

ii. The Appellant has also requested for withdrawal of DPC and interest on 24 months due to issue of incorrect bill during the appeal proceeding.

4. The Respondent MSEDCL in its reply to this Review Application has submitted that Electricity Ombudsman has already passed the order covering the issue raised in this Review Application. Therefore, as per Regulation 19 of CGRF Regulations the Review Application should be rejected.

5. During the hearing, the Review Appellant was absent. He did not send any application for postponement of hearing or grant of leave of absence.

6. Respondent reiterated it say in line with its written reply dated 15.05.2019 and further said that the Review Applicant during the hearing has in fact not insisted on interest component of the amount to be refunded and the Electricity Ombudsman has righty recorded it in the said order. Therefore, there is no question of grant of interest.

7. I heard the Respondent. I also enquired with the secretariat of this office which confirmed that notice of this hearing was sent to the Review Applicant followed by mobile short messaging service (sms).

8. This review has been filed by the Applicant under Regulation 19 of CGRF Regulations. Regulation 19 is reproduced below: -

"Review of order

19.1 Any person aggrieved by an order of the Electricity Ombudsman, may, upon the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the order was passed or on account of some mistake or error apparent from the face of the record, may apply for a review of such order, within thirty (30) days of the date of the order, as the case may be, to the Electricity Ombudsman.

19.2 An application for such review shall clearly state the matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the order was passed or the mistake or error apparent from the face of the record. The application shall be accompanied by such documents, supporting data and statements as the Electricity Ombudsman may determine.

19.3 When it appears to the Electricity Ombudsman that there is no sufficient ground for review, the Electricity Ombudsman shall reject such review application.

Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard.

19.4 When the Electricity Ombudsman is of the opinion that the review application should be granted, it shall grant the same provided that no such application will be granted without previous notice to the opposite side or party to enable him to appear and to be heard in support of the order, there view of which is applied for."

9. In view of Regulation 19 above and the submission of the Respondent, I note that there was a specific prayer for refund of tariff difference along with interest by the Applicant in

Representation No. 31 of 2019. However, the Electricity Ombudsman in its order dated 14th February 2019 has expressly recorded at para 5 that:

> "*5 During the hearing, the Appellant stated that similar……*
> *……*
> ***The Appellant did not insist for the grant of interest on refundable amount**. As regards the interest on Security Deposit, it is stated by the Appellant that the same has been issued from April 2012 and not for the earlier period and it may be also granted."* ***(emphasis added)***

10. The Electricity Ombudsman has taken due cognizance of the prayer with respect to interest component on refundable amount claimed by the Applicant in the original Representation and has addressed the same in the order. Moreover, submission of MSEDCL supports the cognizance taken by the Electricity Ombudsman in its order about the interest component. Therefore, it was the considered view taken by the Electricity Ombudsman and the matter has been adjudicated accordingly. Secondly as regards prayer in the instant Review Application for withdrawal of DPC and interest for 24 months due to issue of incorrect bills during the appeal proceeding, it is noted that this prayer was not a part of application in IGRC. CGRF further rejected the Application. Even in original Representation No. 31 of 2019 the Applicant did not mention about DPC.

11. In view of the above I do not find any reason to review the order in Representation No. 31 of 2019 dated 14th February 2019 as the application does not stand scrutiny to the Regulatory provision in this regard.

12. The Review application is therefore rejected.

Sd/-
(Deepak Lad)
Electricity Ombudsman (Mumbai)

Certified to be a true copy

(Shri D. S. Dumbre)
Secretary