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ORDER
OF
WEST BENGAL ELECTRICITY REGULATORY COMMISSION

IN THE MATTER OF
SHRI SUKDEB PANDIT

- VS -

WEST BENGAL STATE ELECTRICITY DISTRIBUTION COMPANY LTD

CASE NO. COMP/344/WBSEDCL/15-16

IN RE COMPLAINTS OF SHRI SUKDEB PANDIT UNDER SECTION 142 OF THE ELECTRICITY ACT, 2003 FOR NON-COMPLIANCE WITH THE ORDER DATED 09.04.2014 ISSUED BY THE OFFICE OF THE OMBUDSMAN OF WEST BENGAL ELECTRICITY REGULATORY COMMISSION AND FORWARDED TO WEST BENGAL STATE ELECTRICITY DISTRIBUTION COMPANY LIMITED VIDE NO. OMBUD/W-1421 SB/2013/1555 DATED 11.04.2014.

PRESENT:

SRI R. N. SEN, CHAIRPERSON

SRI AMITAVA BISWAS, MEMBER

DATE: 07.12.2016

Order of the Commission regarding complaints of Shri Sukdeb Pandit under section 142 of the Electricity Act, 2003 for non-compliance with the Order dated 09.04.2014 issued by the Office of the Ombudsman of the Commission and forwarded to West Bengal State Electricity Distribution Company Limited vide No. OMBUD/W-1421 SB/2013/1555 dated 11.04.2014

Noting by Office or Advocate	Sl. No.	Date	Office notes, reports orders or proceedings with signature
		07.12.2016	<p style="text-align: center;"><u>ORDER</u></p> <p>1.0 One Shri Sukdeb Pandit, S/o Late Nabadwip Pandit, Vill. Panchapara, P. O. Palshya, P. S. KGP (L), Dist. Paschim Medinipur, West Bengal, Pin 721301 (hereinafter referred to as the "complainant") submitted an application dated 12.02.2016 to the West Bengal Electricity Regulatory Commission (hereinafter referred to as the "Commission") stating, inter-alia, that the Ombudsman, West Bengal Electricity Regulatory Commission appointed under Section 42(6) of the Electricity Act, 2003 (hereinafter referred to as the "Act"), had in his settlement order dated 09.04.2014 issued directions to the West Bengal State Electricity Distribution Company Limited (in short "WBSEDCL") for refund of material cost along with interest as per regulation 3.5.4 of the West Bengal Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2007 covering the periods from the date of receipt of documents till the date of refund and the same was forwarded to them vide letter no OMBUD/W-46 SB/2015/2220 dated 31.08.2015 of the Office of the Ombudsman.</p> <p>The complainant submitted that the Order dated 09.04.2014 of the Ombudsman has not been complied with by WBSEDCL.</p> <p>2.0 On perusal of the aforesaid petition along with the documents submitted by the complainant, the Commission admitted the matter and decided to take hearing in the matter. Accordingly, notices were served upon both the complainant and WBSEDCL (the licensee) under no. WBERC/Comp/WBSEDCL/344/15-16/1313-1314 dated the 09th November, 2016 intimating that the hearing would take place on 18.11.2016 at 11.30 hours at the office of the Commission.</p>

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			<p>3.0 The Commission took up the hearing on 18.11.2016 as scheduled. Shri D. Gupta, Chief Engineer, CRM Cell, WBSEDCL represented WBSEDCL in the hearing with due authorization. The complainant Shri Sukdeb Pandit, along with his representative Shri Samar Bijoy Ghorai attended the hearing with due authorization.</p> <p>4.0 The representative of the complainant submitted that WBSEDCL has not yet refunded the cost of materials along with the interest accrued on it although all relevant documents have already been submitted to WBSEDCL.</p> <p>5.0 The representative of WBSEDCL produced a copy of the letter No. CE/CRM/WBERC/793 dated 17.11.2016 stating that during scrutiny of the documents submitted by the complainant, it has been detected that the bill for material cost does not contain any VAT registration number although the VAT has been charged in the bill. The discrepancy as detected was communicated to the complainant vide letter dated 12.11.2016 with a request to submit proper voucher.</p> <p>6.0 In this context, the representative of the complainant submitted that the person who had issued the relevant bill to the complainant for supply of materials, has in the meantime expired, and therefore, it is not possible to get the VAT number as asked for. He, however, submitted that he is agreeable to accept payment of the bill less the VAT amount from the said bill, if Commission allows.</p> <p>7.0 On hearing both the parties, the Commission directs that the complainant shall submit a letter to WBSEDCL confirming the submission made during the hearing. On receipt of such confirmation, WBSEDCL shall refund the amount payable to the complainant after deduction of the VAT amount immediately but not later than 15 days from the date of receipt of the confirmation from the complainant. In case the refund is not made within the date mentioned above, interest at the rate applicable, shall be payable to the complainant by WBSEDCL for the days considering from the date of receipt of</p>
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			<p>confirmation to the date of payment. The Commission further directed both the complainant and CM (CRM), WBSEDCL, to resolve the attendant issues across the table.</p> <p>8.0 With the above direction the matter is disposed of.</p> <p>9.0 Let a copy of this order be served upon Shri Sukdeb Pandit and WBSEDCL.</p> <p style="text-align: center;">Sd/- (AMITAVA BISWAS) MEMBER</p> <p style="text-align: center;">Sd/- (R. N. SEN) CHAIRPERSON</p> <p>Dated : 07.12.2016</p>
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