

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.1395/2019

MSEDCL V M/s Sachin Fibres and another

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. S.V. Purohit, Advocate for petitioner.

Mr. H.R. Gadhia, Adv for resp. no.1.

CORAM : AVINASH G GHAROTE, J.

DATE : 12-04-2023

Heard Mr. Purohit, learned Counsel for the
petitioner and Mr. Gadhia, learned Counsel for the
respondent no.1.

2. The petition challenges the order dated 12-10-18 (pg 14) passed by Consumer Grievance Redressal Forum, Amravati Zone, Amravati, whereby the complaint filed by the respondents has been partly allowed and the petitioner is directed to refund the metering cubicle costs of Rs 1,18,800/-, infrastructure cost of Rs. 1,11,473/- and supervision charges of Rs 1207/- along with interest at 12% p.a. from 07-11-16 till the date of actual refund.

3. It is not disputed by the respondents that a sum of Rs 94,765/- has been received by the respondents against the cubical cost leaving the balance Rs.24,000/- approximately. The learned Counsel for the petitioner, submits that in view of the pronouncement by the MERC,

the petitioner will have to refund the infrastructure costs of Rs.1,11,473/- as well the supervision charges of Rs.1207/-. The only plea is raised regarding the interest of 12% p.a. imposed upon the aforesaid amount. Placing reliance on Sec. 62(6) of the Electricity Act, 2003, it is contended that the refund has to be at the bank rate. Since the question of interest on the refund, is governed by the provisions of Section 62(6) of the Electricity Act, the imposition of any rate of interest over and above what is permissible by Sec. 62(6) would not be legal, considering which the impugned order is set aside only in respect of the rate of interest of 12% p.a. as indicated therein and modified by directing that the respondents would be entitled to interest equivalent to the bank rate as contemplated by Sec. 62(6) of the Electricity Act. The petitioner undertakes to calculate the amount due and payable in that regard within a period one week from today and the same shall be adjusted as against the future bills for consumption of electricity.

4. The petition is partly allowed in above terms.
No costs.

JUDGE