

**CONSUMER GRIEVANCE REDRESSAL FORUM,  
AKOLA ZONE, AKOLA.**

*“ Vidyut Bhavan ” Ratanlal Plot, Akola. Tel No 0724.2434475*

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**ORDER**

**Dt. 07/04/2016**

**Complaint No. 2/2016**

**In the matter of grievance pertaining to refund of illegally recovered electricity duty with interest.**

**Quorum**

**Shri T.M.Mantri, Chairman  
Shri R.A.Ramteke, Member/ Secretary  
Shri. D.M.Deshpande-Member (CPO)**

**In the matter of**

M/s Laxmi Oil Mill .                                    :-                                    Complainant  
Gadegaon B.R.Paliwal, Telhara  
Distt. Akola  
Consumer No:- LT- 319189061550

**.....Vrs.....**

The Executive Engineer Rural Dn.            :-                                    Respondent  
MSEDCL, Akola.

**Appearances :-**

Complainant Representative                    :-                    Shri. Ashish Chandarana  
Respondent Representative                    :-                    None

1. The complainants grievance is pertaining to illegal recovery of electricity duty, In spite exemption granted by Maharashtra State Govt. Reference has been made to Govt. notifications issued by the State Govt., so also circular No. 393 & 101 of the years 2004 and 2009, respectively, it is alleged that on account of failure to incorporate appropriate duty code 97, illegal recovery has been effected. Reference has been made to displeasure expressed by the electrical inspection department in this respect. In case of H.T. Consumers in the Circle office Akola are not being charged therefor & no illegal recovery has been made

as per information provided under RTI Act. In spite approach to IGRC Akola on 22.09.2015 & order passed by the said authority on 20.11.2015, The complainant is required to approach this forum, for redressal of the grievance as no appropriate action has been taken by the N.A. The complainant has sought the reliefs prayed for with any other relief deemed fit in the facts & circumstances of the case. Alongwith the complaint copies of certain documents came to be filed.

2. The N.A. has failed to file reply in time and later on submitted with application dt.14.03.2016. It is worth to note that the Nodal Officer is Executive Engineer & is required to sign the reply but that has not been done, the reply filed on record is signed by Dy. Executive Engineer O&M Sub-Division Telhara. It is further to be noted that Executive Engineer/Nodal Officer has chosen neither to sign reply nor to attend the proceeding. Even no other officer, with proper authority letter, was deputed resulting in hearing of the arguments is absence of the competent officer of the N.A. Not only this much even after the matter was heard till the date of passing of this order no attempt has been made from the side of N.A. to appear before this forum and make submission. After waiting for sufficient time & in view of no diligence shown on the part of the concerned officer/office, this forum is passing this order on the basis of available material on record.

3. Heard the learned representatives of complainant. Admittedly the Govt. of Maharashtra State has granted exemption in payment of electricity duty to the Industrial Establishments in Vidarbha region by issuing G.R./Notification & period of exemption has been extended. Admittedly the complainant was getting benefit of this exemption of electricity duty, however during the period April-2014 to August-2014, the electricity duty, has been levied, totaling to Rs. 39,776.35. In fact, in view of exemption granted by the state government no such duty could have been levied /incorporated in the electric bill, however that has been done for the period mentioned above. No steps have been taken in spite approaches made by the complainant. The complainant has got permanent disconnection of

the LT supply by obtaining HT supply. As per complainant neither the electricity duty recovered illegally has been refunded/ adjusted nor the deposit of LT connection has been refunded in spite approaches and request, even for crediting to HT account of the complainant.

4. The copy of order of IGRC is on record and on perusal thereof, it is seen that the officer of the N.A. without going through the record has made submission before IGRC. The copy of the CPL is filed on record by the N.A., which also supports the case of the complainant. Prior to April-2014 no electricity duty has been levied but from April 2014 to August - 2014 the said duty has been levied and subsequently again it was not levied. What was the reason for levying of electricity duty for April 2014 to Aug-2014, In spite exemption by the State Govt. ,has not at all been explained from the side of the N.A. On the contrary otherwise stand has been taken during course of hearing before IGRC, as reflected from the order passed by it dt.20.11.2015. The copy of CPL is produced on record which also clearly shows that earlier to April 2014 and later to August 2014 no electricity duty has been levied in the bills. In the copy of the CPL levying of electricity duty from April 2014 to August 2014 is apparently clear what is the basis there for, has not been clarified. During this period (April 2014 to Aug-2014 ) an amount of Rs. 39,776.35 has been illegally recovered towards electricity duty. From the order of the IGRC it is clear that the concerned officer who attended the proceeding has made incorrect statement, knowingly that it is not correct statement, as per record. It has been tried to submit on behalf of N.A. that the recovery of Amt Rs. 39,776.35 being not correct, it was to be credited in the month of Sept-2014, however that has also not been done. As already observed above the complainant has got permanent disconnection of L.T. Connection availing in HT connection. That during the course of argument the learned representative of the complainant has submitted that the excess amount recovered in such way was to be adjusted by showing credit in HT account of the complainant in March 2016. In the CPL for the month of Sept-2014 the amount has been shown in front of " Adjustment Amount " however the fact remains that as per complainant nothing was done and request was made on behalf of HT consumer ( Complainant) for

crediting the amount in March -2016, complainants submission for showing the amount towards credit, the N.A. has agreed for doing so, it clearly shows that the amount was remained to be adjusted, even after sufficient lapse of time. Consequently the complainants claim for interest on the said amount, till date of adjustment appears to be just & reasonable. Under Electricity Act, as well as Regulations, the liability of payment of interest for delay has been provided. The complainants submission that this monetary liability of interest is to be recovered from the erring officer, for negligence & lethargic attitude on the part of the concerned officer/staff. It needs to be mentioned that In spite exemption, the electricity duty has been levied in the bills and it allowed to continue for the period of about six months, in spite grievance of the complainant. Had the concerned officer acted diligently by following the Govt. notifications of exemptions, the complainant could not have been required to suffer. This forum finds substance in the submission of the complaint and held that the monetary liability so imposed against the N.A. needs to be recovered from the erring officers. (This is as per ruling & principle of the Hon. Supreme Court of India in the matter of M.K.Gupta Vrs Lucknow Development Authority, reported in 1994(i) SCC page 243 )

5. The complainant has also claimed SOP compensation, during course of argument, with interest, even for delay in refund of deposit of LT Consumer. On going through the complaint it is clear that there is no whisper about SOP compensation but the liability of interest cost etc appears to be just & proper. This forum thinks it fit to award reasonable cost as far as refund of electricity duty. There is no reference or prayer about interest of security deposit in the complaint. However needless to mention that the complainant can invoke provision of Electricity Act and Regulation while perusing the said claims. With such observations this forum proceeds to pass following unanimous order.

#### **ORDER**

1. The N.A. to refund an amount of Rs. 39,776 .35, illegally recovered as electricity duty from the complainant by way of adjustment, in the HT account of the complainant.

2. The complainant is also entitled for interest @ 8% from the date of illegal recovery till the date of payment, together with Rs. Cost of Rs.2000/- of the present proceeding.
3. This monitory liability of interest and cost is to be recovered from the erring officer/staff because of whose negligence, lethargic attitude, the complainant has been put to sufferance, as per ruling of Hon. Supreme Court of India referred above.
4. That the compliance report to be submitted within period of one month from this order.

s/d  
Member/Secretary

s/d  
Member (CPO)

s/d  
Chairman

Contact details of Electricity Ombudsman appointed by MERC (CGRF&EO) Regulations 2006 under Regulation 10:

THE ELECTRICITY OMBUDSMAN,  
Office of Electricity Ombudsman (Nagpur)  
Plot No.12, Shrikrupa, Vijaynagar, Chhaoni,  
Nagpur-440 013.  
Phone : 0712-2596670

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**No.CGRF / AKZ/ Akola/ 50**

**Dt. 07.04.2016**

**TO,**  
The Nodal Officer,  
Executive Engineer Rural Dn.  
MSEDCL, Akola.

The order passed on 07/04/2016 in the Complaint No. 2 /2016, is enclosed herewith for further compliance and necessary action.

**Secretary,**  
Consumer Grievance Redressal Forum,  
MSEDCL, Amravati Zone, Amravati

**Copy fwc to:**

1. M/s Laxmi Oil Mill .  
Gadegaon B.R.Paliwal,Telhara Distt. Akola.  
Consumer No:- LT- 319189061550
2. Superintending Engineer  
O&M Circle, MSEDCL, Akola.

S.R.Chitale  
Member/Secretary

D.M.Deshpande  
Member (CPO)

T.M.Mantri  
Chairman

s/d  
Member/Secretary

s/d  
Member (CPO)

s/d  
Chairman