

Maharashtra exempted payment of electricity duty under section 5 A of Mumbai electricity duty act-1958 for industrial consumers of Vidarbha region from 01.04.2004 till 31.03.2019 vide Government notification from time to time. Accordingly NA-MSEDCL vide their circular ,intimated field staff including NA-MSEDCL for giving effect of these notifications. According to complainant despite the copy of circular to E.D.(3) of MSEDCL and field staff under him, NA-MSEDCL failed to incorporate proper duty code "97" in the system of billing resulting in illegal recovery towards Electricity duty from complainant from 01.04.2004 to Jan-2013. According to complainant NA-MSEDCL suo motu stopped recovery after Jan-2013 but did not take any step to refund excess recovery of Rs. 172862.38/- as per statement enclosed hence complaint was lodged with IGRC Akola on 17.04.2017. According to complainant IGRC Akola have committed error in rejecting the claim for interest on refund amount and refund amount as per IGRC order is not adjusted in May-2017. According to complainant Executive Engineer Rural Division, Akola, the nodal officer has himself agreed for interest at 9.5 % in the matter of IQRA Ginning Factory Bashitakli decided by CGRF Akola in complaint to 11/2017, and prays for interest at 9.5% from 01.04.2004 on refund of Electricity duty. Complainant Annexed with complaint IGRC order , statement of computation, Energy bill dated 20.05.2017, and 17.06.2017 and B-80 bill revision copy.

3. Reply came to be filed by NA-MSEDCL on 20.06.2017. According to NA-MSEDCL as per IGRC order refund towards Electricity duty for the period 01.04.2004 to 04.02.2013 amounting Rs. 172862.38 is adjusted in the bill for June-2017 without interest as not accepted by IGRC and grievance is resolved. NA-MSEDCL annexed with reply bill for June-2017 alongwith bill revision B-80 for Rs. 172862.38.

4. Heard Shri Ashish Chandarana, learned representative for complainant and Shri S.P.Kenekar, Dy. Executive Engineer Rural Sub-Division, Akola

learned representative for NA-MSEDCL. Shri Ashish Chandarana, complainant representative has not disputed the amount of refund towards Electricity duty brought on record by NA-MSEDCL and urged that NA-MSEDCL is liable to pay interest on Rs. 172862.38/- at the rate of 9.5% per annum as agreed by nodal officer in case of IQRA Ginning Factory Bashitakli decided by CGRF Akola in complaint to 11/2017.

5. Shri S.P.Kenekar, Dy. Executive Engineer learned representative for NA-MSEDCL has urged that the grievance is already settled as refund of excess duty is adjusted in June-2017 and agreed for payment of interest as per IQRA Ginning Factory Bashitakli decided vide complaint No. 11/2017 by CGRF Akola.

6. Forum have gone through the complaint and record with reply by NA-MSEDCL and considered deliberations by both the parties and is of the view that grievance of refund of Electricity duty has been resolved and the amount of refund as per bill revision B-80 on record has not been disputed by complainant. Forum is of the view that there is substance in the prayer of complainant that excess amount towards duty is to be refunded by NA-MSEDCL with interest as per section 62(6) of E.A.2003 and as agreed by same nodle officer in the complaint decided by this Forum in case No. 11/2017 at the rate 9.5% per annum. With these observations forum proceeds to pass following unanimous order.

// ORDER //

1. That the Complaint No.29/2017 is hereby partly allowed.
2. The N.A. MSEDCL is directed to pay interest at the rate of 9.5% per annum from 01.04.2004 till refund in June- 2017 on amount Rs. 172862.38/- after bifurcating

yearwise and the amount so arrived should be adjusted in the forthcoming bill payable by the complainant.

3. No order as to costs.
4. The N.A. MSEDCL is directed to submit the compliance report within period of one month to the forum from this order.

s/d
Member/Secretary

s/d
Member (CPO)

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

No.CGRF /AKZ/ AKL/ 128

Dt. :- 20.07.2017

TO,
The Nodal Officer/Executive Engineer
Rural Division, MSEDCL,
Akola.

The order passed on 20/07/2017 in the Complaint No. 29/2017, is enclosed herewith for further compliance and necessary action.

Secretary,
Consumer Grievance Redressal Forum,
MSEDCL, Akola Zone, Akola.

Copy fwc to :-

1. Superintending Engineer O&M Circle, MSEDCL, Akola.
2. Motwani Stone Crusher, Sindhi Camp. Tq. Distt. Akola.
C/o Shri Ashish Subhash Chandarana, Samudra Vihar Apartment , Flat No.3 Near Datta Mandir Ramdas peth ,Akola. -444001.