

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

“ Vidyut Bhavan” Ratanlal Plots, Akola : 444001 Tel No 0724 .2434476

Dt.28/10/2015

Complaint No.18 / 2015

**In the matter of grievance pertains to illegal recovery of electricity
duty, refund of security deposit, interest, compensation, cost etc.**

Quorum

Shri T.M.Mantri, Chairman

Shri D.M.Deshpande, Member

Shri. R.A. Ramteke ,Member-Secretary

Bijwe Stone Crusher, Dipak Chowk akola

Complainant

.....Vrs.....

Executive Engineer, MSEDCL.....
(O&M Circle) U-III, Akola

Respondent

Appearances :

Complainant : Shri. Ashish Chandarana Representative

Respondent : Shri. R.S.Tingre Assistant Accountant (F&A), MSEDCL O&M
Rural Division, Akola.

1. The complainant has approached this forum being not fully satisfied with the order of I.G.R.C. The complainants claim was for illegal recovery of electricity duty as well as non refund of security deposit, inspite of closure of the account. It is stated that after order of IGRC the N.A. refunded 2,28,341.13/- of the illegally recovered electricity duty but failed to refund security deposit. Order of IGRC is not in consonance with the provisions. Even the complainant application dt.27.12.2013 has not been responded. Then reference has been made to the order of CGRF in

respect of similar grievance. Hence reliefs have been sought as prayer of the complaint including interest on illegally recovered electricity duty, refund of SD and compensation with cost. Along with the complaint copies of documents came to be filed.

2. After receipt of the notice of the forum the N.A. has filed reply, belatedly stating that the complainant has availed high tension electric supply by closing low tension supply. The electricity duty levied during the period of low tension supply amounting to Rs.2,28,344.13/- has been adjusted in the bill of high tension consumer. Further it is stated that deposit Rs. of 1,07,000/- of low tension connection, will be refunded on production of original receipt or indemnity bond, with interest.
3. Heard shri. Ashish Chandarana, the learned representative of the complainant and shri.R.S.Tingre,Assistant Accountant, the learned representative of the N.A. Admittedly in the Vidarbha and Marathwada region state Government has given exemption of electricity duty since 2004 onwards. In spite there of the electricity duty has been levied for sufficient long time, illegally. Infact such action on the part of concerned staff of the concerned office is patently illegal, without any base. Infact immediate steps ought to have been taken for stopping of levying of electricity duty and refund of the amount illegally recovered from the complainant. Even after approach to IGRC no steps have been taken by the concerned office. The IGRC passed order and there after only the amount of electricity duty, illegally recovered, has been refunded. The complainants claim for interest cannot be said to be illegal in such events. In the final order this will be dealt with appropriately.
4. Admittedly 1,0,7,000/- was deposited by the complainant for the low tension line which was closed. Admittedly for high tension line other security deposit earlier taken has been taken by the N.A from the complainant. The amount of security deposit has not been refunded. The submission of the complainant that the same could have been adjusted towards security deposit of high tension line, has not been controverted from the side of the N.A. That Separately another security deposit amount has been recovered from the complainant. The complainants letter dated 27.12.2013 is neither replied nor complied with. The copy of the said letter is on record with which the money

receipts of the security deposit was enclosed. The attempt of the part of the N.A. in defence and arguments is untenable. Admittedly interest is required to be paid, yearly, on security deposit. Admittedly complainant is entitled for interest since 01.04.2010 and the learned representative of the N.A. has admitted it's liability for such interest till date of payment/ refund of security deposit. On behalf complainant compensation of Rs. 100/- per week has been claimed for the delay in refunding the security deposit. Though the learned representative of the N.A. has opposed this claim but on going through the provision has admitted that there is liability of compensation incase of delay. According to him no compensation as claimed be awarded against the N.A. In the facts and circumstances it will be just and proper to give suitable direction in this respect so as to meet the ends of justice.

5. The complainant has also claimed cost of Rs.5000/- which has been opposed from the side of N.A. In view of the fact that the complainant is required to approach various authorities including IGRC for his just claim and for no reason no heed has been given from the side of the concerned office of the N.A, compelling the complainant to approach this forum for redressal of his grievance. Hence it will be just, proper to award reasonable cost to be complainant. That because of laches/negligent attitude on the part of the staff/ officer of the N.A., the monitory liability of compensation, interest and cost is being imposed against the N.A. in this order. That the same needs to be recovered from the erring staff/officer as per judgement of Hon. Supreme Court of India in the matter of M.K.Gupta Vs Lucknow Development Authority apart from taking administrative action. With such observations this forum proceed to pass the following unanimous order

ORDER

1. That the complaint is partly allowed. The N.A. is directed to refund the amount of security deposit Rs. 1,07,000/- (One Lac Seven Thousand) along with interest from 01.04.2010 till the date of payment. So also N.A. to pay Rs. 5000/- towards compensation for delay.
2. The N.A. is also liable to pay interest at the rate of 9% P.A. for the amount illegally recovered from the complainant towards electricity duty from the date of approach to IGRC till the date of refunding of the electricity duty amount and is also liable to pay Rs.2000/- towards cost.
3. That the monetary liability imposed against the N.A. under this order towards interest on electricity duty, compensation and cost is an account of laches/ negligence on the part of the concerned staff/ officer of the concerned office of the N.A. hence the same should be recovered from the erring staff/ officer apart from administrative action.
4. That the compliance report to be submitted within a period of a month from the date of this order.

Sd/-

(R.A.Ramteke)
Member/ Secretary

Sd/-

(D.M.Deshpande)
Member

Sd/-

(T.M.Mantri)
Chairman

Phone : 0712-2596670

To
The Nodal Officer,
Executive Engineer,
Rural Division, MSEDCL,
Akola.

The order passed on 28-10-2015 in the Complaint No. 18/2015, is enclosed herewith for further compliance and necessary action.

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

Copy fwc to:

1. Bijwe Stone Crusher c/o vikas Transport Deepak Chowk, akola.
2. The Superintending Engineer O & M Circle, Akola.