

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

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

Dt.29/10/2015

Complaint No.19 / 2015

**In the matter of grievance pertains to illegal recovery of electricity
duty, , interest & cost etc.**

Quorum

Shri T.M.Mantri, Chairman

Shri D.M.Deshpande, Member

Shri. R.A. Ramteke ,Member-Secretary

Shri. Rathi Pedhewala (Cons.No. 310073202450)

Complainant

.....Vrs.....

Executive Engineer, MSEDCL.....
(Urban Division), Akola

Respondent

Appearances :

Complainant Representative : Shri. Ashish Chandarana

Respondent Representative : Shri. G.T.Sorte Additional Executive Engineer,
MSEDCL (Urban) Division, Akola.

1. That the complainant has approached this forum being not fully satisfied by the order of I.G.R.C. The complainants claim was for illegal recovery of electricity duty, in contravention to Government direction. Reference has been made to the relevant notifications of the State Government about exemption of electricity duty. Infact the N.A. licensee has to obey those directives. Inspite there of illegally electricity duty has been recovered by levying in the bills, in view of failure to incorporate duty code 97. Then reference has been also made, of the letter, from the electrical inspection department, in that respect.

2. According to the complainant, because of negligence of the concerned officer failed to feed appropriate code of duty. Further it is stated that the H.T. consumer in Akola circle have been given this exemption and those notifications have been followed. The IGRC though given direction for refund of electricity duty but failed to consider the request of interest. While making the compliance of order of IGRC, entire amount has not been refunded and no statement has been provided, hence sought the reliefs prayed for. Along with complaint, copies of documents came to be filed.
3. After receipt of the notice of the forum, the N.A. has filed reply, stating that as per the certificate, the complainant is entitled for exemption of electricity duty from 14.06.2010. The electricity duty levied in the bills from 14.06.2010 to July-2015 amounting to Rs.2,79,935.28/- has been deducted in the bill of Aug-2015 whereas the electricity duty of Rs.6,876.67/- in Aug-2015 bill has been deducted in the Bill of Sept-2015. The complainants claim for refund of electricity duty prior to 14.06.2010 is illegal, hence the same should not be granted. That along with reply copies of documents came to be filed.
4. 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 has passed order and thereafter only the amount of electricity duty, illegally recovered, has been refunded. But the entire amount has not been refunded. The complainants representative has specifically submitted that the complainant has

commenced production activity since 07th July-2007 and documents of Directorate of Industries Akola were given to the N.A. earlier, so also the same were produced before IGRC and again copies were given to the N.A. before IGRC. He has further submitted for that, even in the reply before IGRC it was not the contention of the N.A. that production was started on 14.06.2010. He has also produced the copies of those documents. The documents clearly shows date of commencement of production activities since 07.07.2007. His further submission that without getting those documents neither the concerned authorities nor the N.A. acts upon. From the side of N.A. this argument has not been controverted. The record clearly shows that the complainant is entitled for exemption of electricity duty from 07.07.2007. The complainant's representative has also filed chart/statement giving details of month wise recovery of electricity duty from July-2007 to June-2015 totaling to Rs.351049.96/-. The learned representative of the N.A. has submitted that because of mistakes, if there is any difference, the same will be paid.

5. Even the bill revision report dated 15 Sept 2015 filed by the N.A., shows that though in the said bill revision for June-2010 to July-2015 and amount of Rs.3,16,934.54/- has been shown as "difference" but while making the total, Rs.2,79,935.28/- has been shown as difference of electricity duty for the said period. It is clear that amounts under different heads have been revised. It was the revision of "electricity duty " only. So apparently the said refund of 2,79,935.28/- by way of adjustment in bill of Aug-2015 was incorrect. In view there of the difference amount of Rs.71,114.68/- has remained to be refunded from the amount of illegally recovered electricity duty. The N.A. is liable to refund the same.

6. That the complainant has also claimed interest and its grievance is that the IGRC has not at all considered the same. The fact is that the electricity duty has been not only illegally levied but also recovered through bills for years together, though the Government has

exempted it. This was apparently because of the negligence on the part of concerned officer/staff of the concerned office of the N.A., that is non feeding of correct code of electricity duty while feeding NSC. That monthly amount has been recovered illegally though it could not have been levied. The complainants claim for interest therefore seems to be just. While passing the final order suitable direction in that respect will be given. The complainant has also claimed cost of Rs. 2000/- 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 its 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 its grievance. Hence it will be just, proper to award reasonable cost to be complainant. That because of latches/negligent attitude on the part of the staff/ officer of the N.A., the monitory liability of 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 proceeds to pass the following unanimous order.

ORDER

1. That the complaint is partly allowed. The N.A. is directed to refund the balance amount of the Rs. 71,114.68/- illegally recovered electricity duty, by way of making adjustment in the forthcoming bill payable by the complainant.
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.1000/- towards cost.

3. That the monitory liability imposed against the N.A. under this order towards interest on electricity duty, cost is an account of latches/ 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

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

The order passed on 29-10-2015 in the Complaint No. 19/2015, is enclosed herewith for further compliance and necessary action.

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

Copy fwc to:

1. Shri. Rathi Pedhewala, c/o J.V.Rathi, Kedia Plots, Akola.
2. The Superintending Engineer O & M Circle, Akola.