

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
AURANGABAD ZONE, M.S.E.D.C.L., AURANGABAD.

(Case No: CGRF/ AZ / Aur / U / 375 / 2012 /08)

Date of Filing: 14.02.2012

Date of Decision: 21.05.2012

01) M/s Jayshree Steels,
Plot No.H-5/5, MIDC, Chikalthana,
Aurangabad Consumer Complainant.
(Consumer No. 490019045830.)

V/s

02) The Superintending Engineer, Respondent No.1
Nodal Office, Urban Circle, MSEDCL,
Aurangabad.

03) The Dy. General Manager, Respondent No.2
GTL Limited, CIDCO,
Aurangabad.

Coram:

Shri V.B. Mantri President

Shri V.S. Kabra Member

Sub:- Refund of Security Deposit amount .

JUDGEMENT

01) The grievance of the complainant is regarding refund of electricity duty levied by the respondent in contravention of Notification issued by Industries, Entergy and Labour Department Mantralaya, Mumbai on 26.5.2009, and with respect to refund of security deposit.

- 02) The case of the complainant in brief is that, the complainant is engaged in manufacturing of M.S. Angles, bars etc. The complainant company initially had taken LT connection of 65 HP. The company has paid Rs.59640 towards security deposit. The company then applied for enhancement of load from 65 HP to 400 KVA. The respondent had asked the complainant to pay Rs.604320/- more towards security deposit. The complainant has accordingly paid such security deposit on 15.04.2011.
- 03) It is the case of the complainant that, as per aforesaid Govt. notification, electricity duty is exempted to all industrial units situated in Marathwada area. The respondents are however continued to levy such duty in the bills for the month of November 2011 to January 2012. The complainant submitted application on 16.12.2011 and on 03.01.2012, the again requested to respondent No.2, but charging of such duty is continued. The respondents did not refund security deposit. The respondents did not consider the requests of the consumer. Hence this petition for redressal of grievance.
- 04) The respondent GTL has submitted the reply and thereby submitted that, the consumer has to get exemption of electricity duty of his HT connection, by following proper procedure and by obtaining directives from electrical inspector to MSEDCL.
- 05) It is pleaded by the GTL that, the consumer has not availed proper procedure, but directly filed the grievance before this Forum. It is submitted that, the GTL has no objection for such exemption, in case such directions are received from MSEDCL. There is no submission on behalf of the respondent No.1 MSEDCL regarding reply to the petition.
- 06) The copy of the notification is filed. There is no dispute that, as per such notification. Electricity duty has been exempted to the units situated in Marathwada region. It is not in disputed that, the respondents have collected electricity duty. The only objection of the respondent GTL is that, the complainant did not follow proper procedure for such exemption. The copy of such procedure is however not produced. The notification does not speak about any procedure. It is therefore difficult to accept the objection raised by GTL that, any particular procedure is required to be followed for getting such exemption in electricity duty. This Forum therefore proceed to reject the objection raised by GTL regarding refund of electricity duty, so collected by GTL.

- 07) The GTL has submitted a statement describing the particulars of the amount month-wise, so collected by GTL. As per such statement, the sum of Rs. 1,58,290=17 paisa have been collected by the GTL company towards electricity duty. The said amount is not disputed. Hence the said sum of Rs. 1,58,290=17 paisa is required to be refunded. The complainant appears to have requested GTL for such refund, but it is not refunded as yet.
- 08) The complainant has prayed for refund of security deposit for LT connection. There however appear no justification for passing any order to that, effect. No document appears to have been filed requesting respondents specifically for refund of security deposit and respondents have rejected such request. This Forum therefore does not think it proper to pass any order to that effect. This Forum therefore proceed to pass following order.

ORDER

- 01) The grievance petition is hereby allowed and redressed as follows.
- 02) The respondents are hereby directed to refund electricity duty the sum of Rs.1,58,290/- within a month from the date of this order to the complainant.
- 03) No order as to the costs.

Sd/-
(V.S.Kabra)
Member

Sd/-
(V.B.Mantri)
Chairperson

