

**Maharashtra State Electricity Distribution Co. Ltd.'s
Consumer Grievance Redressal Forum
Nagpur Urban Zone, Nagpur**

Case No. CGRF(NUZ)/044/2010

- Applicant : M/s. Sanstones
At Tikekar Road,
Dhantoli,
Nagpur.
- Non-applicant : MSEDCL represented by
the Nodal Officer-
Executive Engineer,
O & M Division No. I,
Nagpur.
- Quorum Present : 1) Smt. Meera Khadakkar
Chairman,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.
- 2) Smt. Gouri Chandrayan,
Member,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.
- 3) Smt. K.K. Gharat
Member Secretary,
Consumer Grievance Redressal
Forum, Nagpur Urban Zone,
Nagpur.

ORDER (Passed on 28.07.2010)

The present grievance application has been filed on dated 15.06.2010 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum &

Electricity Ombudsman) Regulations, 2006 here-in-after referred-to-as the said Regulations.

1. The applicant Shri S.S. Chakradev on behalf of M/s. Sanstones has filed the present grievance application for refund of wrongly collected electricity duty from him.

He further requested to the Forum that ---

- a) To advise MSEDCL to carry out the necessary follow up with the Electrical Inspector if required and arrange to refund the wrongly collected electricity duty to the applicant.
- b) To specify the time frame within which Electricity duty has to be refunded irrespective of Electrical Inspector's approval.

2. The applicant has stated in his application filed to the Forum that ---

His Unit is a SSI unit at village Uti, Tahsil Umrer, Dist. Nagpur and it has been wrongly charged electricity duty since first bill. According to the applicant, the non-applicant can not recover said electricity duty in view of Govt. Circular no. ELD-2004/CR-213/E-I which states that no electricity duty has to be charged to industrial unit till 31.03.2009 and the same is extended upto 31.03.2014 vide Govt. Notification no. ELD-2109.

3. The applicant also stated that he had informed the same to the non-applicant on dated 17.08.2009 and requested to stop the levy of electricity duty with immediate effect with refund of wrongly recovered electricity duty. The applicant further stated that, from

November, 2009 no electricity duty has been charged to him, but the wrongly collected amount is not refunded to the applicant.

4. The applicant has filed his grievance to the Internal Grievance Redressal Cell (IGRC), Nagpur Rural Circle on 23.12.2009. The case was heard in IGRC on 13.01.2010 and passed order on dated 18.01.2010. The order states that the refund of electricity duty already collected can be given only with approval of Electrical Inspector as papers have already been sent to the Electrical Inspector. Aggrieved by this IGRC order, the applicant has filed his grievance application to the Forum and requested to refund the wrongly collected electricity duty charges.

5. The non-applicant has filed its reply on 02.07.2010. The non-applicant has clarified that the applicant has requested for exemption of electricity duty and refund for the same. As per applicant's request the duty charges has been exempted in the Electricity bill of the applicant from Nov. 2009 but as per IGRC order and CE Commercial No. 107 the duty has to be refunded only after the approval of Electrical Inspector. Hence an audited statement of Rs. 35,151.77/- has been sent to Electrical Inspector in the month of January 2010 and the same was intimated to the applicant. However the approval of Electrical Inspector is still awaited hence no refund has been given to the applicant.

6. The non-applicant further stated that the Electrical Inspector office has raised some queries and asked to submit some documents to the applicant. However, as no documents are received from the applicant, the approval has been not given by Electrical Inspector Office. As soon as the approval from Electrical Inspector will be received, the same charges will refund to the applicant. On this ground, the non-applicant has requested for rejection of the application.
7. The case is heard in the Forum on dated 06.07.2010. Both the parties are present. Shri Ghugal, Executive Engineer Dn-I is present on behalf of the non-applicant. The applicant's side is presented by Shri Shirish S. Chakradev. He requested to the Forum that the wrongly collected electricity duty charges should be refunded as early as possible, as he is an Industrial consumer and he is liable for the benefit given by the Government.
8. On this the non-applicant has admitted that the applicant is an industrial consumer and on his request for exemption of electricity duty, the same is to refunded to him. However, as per Govt. of Maharashtra's approval and related departmental circular no. 107, the amount of such wrongly recovered electricity duty can be refunded only after the approval of the Electrical Inspector. As the approval is awaited the amount cannot be returned.

9. Heard both the parties and verified the documents on record, it is clear that as per Govt. Notification ELD-2004/ CR-213/E-I no electricity duty can be charged to the Industrial unit till 31.03.2009. But as per Govt. of Maharashtra's letter dated 27.08.2009 the MSEDCL has received permission for refund electricity duty charges from 01.04.2009 after the approval of concerned Electrical Inspector. Hence the Forum concludes that the wrongly collected electricity duty charges from the applicant, since his first bill to 31.03.2009 has to be withdrawn and refunded immediately. However the electricity duty charges which has been collected from April 2009 to October, 2009 shall be refunded to the applicant as soon as the requisite approval will be receive from concerned Electrical Inspector. The Forum also directed to the applicant to submit requisite documents to the office of Electrical Inspector so as to expedite the approval process.

After heard both the parties, considering documents and the Govt. Notification, the present grievance application is disposed off with following order.

ORDER

- 1) The non-applicant is directed to refund the electricity duty wrongly collected from the applicant since date of connection upto 31.03.2009 within the period of 30 days.

- 2) The applicant is hereby directed to complete the essential formalities for clearance of rest of Electricity duty charges.
- 3) The non-applicant shall carry out this and submit compliance to this Forum within one month.

Sd/- (Smt.K.K. Gharat) Member-Secretary	Sd/- (Smt.Gauri Chandrayan) MEMBER	Sd/- (Smt. Khadakkar) CHAIRMAN
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