

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

Case No. CGRF(NUZ)/053/2011

Applicant : M/s. Ram High Tech Pvt. Ltd.,
14/3, I.T. Park, MIDC Parsodi,
NAGPUR.

Non-applicant : MSEDCL represented by
the Nodal Officer-
Executive Engineer,
Congressnagar Division,
Nagpur Urban Zone,
Nagpur.

Quorum Present : 1) Shri. Shivajirao S. Patil
Chairman,

2) Adv. Smt. Gouri Chandrayan,
Member,

3) Smt. Kavita K. Gharat
Member Secretary.

ORDER (Passed on 24.11.2011)

It is the grievance application filed by M/s. Ram High Tech Pvt. Limited, Plot No. 14/3, I.T. Park, Parsodi, MIDC, Nagpur. on dated 26.09.2011 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.)

The applicant's case in brief is that, Unit of the applicant is registered and working under I.T. / I.T. enable services (permanent SSI is produced alongwith the application) Unit of the applicant is registered under package scheme of incentive 2001. As per Government of Maharashtra I.T. / I.T. E.S. policies, I.T./ I.T.E.S. unit will be supplied power at industrial rate applicable under tariff orders of MERC and eligible I.T. / I.T.E.S. unit cover under P.S.I. will be exempted from payment of electricity duty as per provision of scheme at the time application. But MSEDCL applied for the same. On 29.06.2011 again the applicant informed to MSEDCL but no action is taken. Therefore applicant filed the present grievance application and claim following relief's namely

- 1) To exempted electricity duty and refund the amount of the same to the applicant.

The non-applicant denied the case of the applicant by filing reply, the applicant filed an application for electric connection on 21.03.2007 and demanded commercial tariff. In commercial tariff, there is no exemption in electricity duty. Thereafter in July 2011 applicant filed an application for change of tariff into industry and accordingly industrial tariff is applied to the applicant. The applicant claimed exemption in electricity duty since 21.03.2007. But to grant such exemption within the jurisdiction Government of Maharashtra through industrial inspector appointed by the Government.

MSEDCL has no rights to grant such exemption. The consumers who are paying electricity duty that much

amount MSEDCL deposited every month and credit in the office of Electrical Inspector. To take a decision regarding old matter of 2007 of electricity duty, its only within the jurisdiction of Electrical Inspector.

Forum heard the argument of the Shri Gandhewar, Executive Engineer argued for MSEDCL. Forum perused the record.

Record shows that applicant applied for electrical connection in the year 2007 and specifically demanded commercial tariff. Therefore as per the request of the applicant, electric supply and commercial tariff who was applied since 21.03.2007. Since then applicant did not file any application till July 2011, either to MSEDCL or the Forum for exemption in electricity duty. According to Regulation 6.6 of MERC (CGRF and Electricity Ombudsman) Regulation 2006. "The Forum shall not admit any grievance unless its filed within two years from the which the cause of action has arisen."

Therefore at the most limitation expired on 21.03.2009 but present application is filed on 26.09.2011 and therefore it is barred by limitation and deserves to be dismissed.

In July 2011 applicant applied to MSEDCL for change of tariff and accordingly MSEDCL applied industrial tariff. Now applicant is claiming amount of Electricity Duty exemption regarding past period since 2007 but it is barred by limitation.

Further note to grant exemption in Electricity Duty, it is absolutely jurisdiction of Government of Maharashtra. Government of Maharashtra has appointed Electrical Inspector who is deciding the matters regarding grant of exemption in Electricity Duty and MSEDCL has absolutely no right to do so. Therefore officers of MSEDCL are perfectly correct while passing the order and they have not committed any breach of any regulation. The applicant is at liberty to approach the Electrical Inspector to claim exemption in Electricity Duty and in that eventuality electrical inspector may decide such application in accordance with law, rules and regulation. However, MSEDCL has no rights to grant in such exemption.

For these reason, Forum find no force and no merits in the present grievance application and grievance application deserves to be dismissed. Hence Forum proceed to pass the following order.

ORDER

The grievance application deserves to be dismissed.

Sd/- (Smt.K.K.Gharat)	Sd/- (Adv.Smt.GauriChandrayan)	Sd/- (ShriShivajirao S.Patil)
MEMBER SECRETARY	MEMBER	CHAIRMAN