

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

---

**Case No. CGRF(NUZ)/027/2015**

Applicant : 1) Shri Dilip Thakral &  
2) Shri Raunak Dilip Thakral,  
(Viral Enterprises),  
C/o Thakeel Ahmad Villa,  
Paradise Colony, Walgaon Road,  
Amravati.

Non-applicant : Nodal Officer,  
The Superintending Engineer,  
Nagpur Rural Circle,  
MSEDCL,  
NAGPUR.

Quorum Present : 1) Shri Shivajirao S. Patil,  
Chairman.  
2) Shri Anil Shrivastava,  
Member / Secretary.

**ORDER PASSED ON 7.3.2015.**

1. The applicants 1) Shri Dilip Thakral and 2) Shri Raunak Dilip Thakral, both filed present grievance application, regarding Consumer No. 410650018005 and Consumer No. 410650005531, before this Forum on 28.01.2015 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as Regulations).

2) It is pertinent to note that it is joint grievance application filed by above stated both consumers commonly. In fact, each consumer having separate consumer number is required to file separate grievance application. Secondly, consumer has given totally wrong address in the Grievance

application Schedule 'A' as C/o Shakeel Ahmad Villa, Paradise Colony, behind Pakiza Hall, near Water Tank, Walgaon Road, Amravati. During the course of arguments, when Forum put up specific query as to how such type of address given in Grievance application, at that time it was brought to the notice of the Forum that it is an address of representative of the applicant and it is not address of applicant. Record shows that address of the applicant is behind Balaji Mandir, Parwarpura Road, Mokshadham Nagpur and 156/4, Kapsi Village (Budruk), Bhandara Road, Nagpur. Therefore Grievance Application is wrongly drafted. In fact, grievance application deserves to be dismissed on this count, but Forum thought it better not to dismiss the application for the fault on the part of representative who mistyped it and better to decide it on merit.

3. Applicant's case in brief is that there was illegal recovery of electricity duty in violation of powers laid down under the provisions of Bombay Electricity Duty Act 1958 and subsequently notification issued by State Government from time to time. Government of Maharashtra in exercise of the powers conferred by Section 5 – A of Mumbai Electricity Duty Act 1958 has released a notification Dt. 7<sup>th</sup> July 2004 and on 26<sup>th</sup> May 2009, where in existing as well as upcoming Industrial Establishments in Vidarbha Region are specially exempted from payment of Electricity Duty from 1.4.2004 to 31.3.2009 vide notification Dt. 7<sup>th</sup> July 2004 and the dates are extended up to 31.3.2014 by notification referred as Annexure 'A-2'. The said notifications are required to be complied by M.S.E.D.C.L. and accordingly M.S.E.D.C.L. issued Circular No. 393 in the year 2004 and Commercial Circular No. 101 Dt. 9.6.2009. In spite of the fact that the concerned Regional Executive Director – III was intimated by Chief Engineer (Com.), no effect is unfortunately provided throughout the region resulting in illegal recovery of Electricity Duty from the consumers to whom exemption is

granted by the State Government to boost industrialization of backward region of the State. Applicant's establishment is a consumer of M.S.E.D.C.L. and M.S.E.D.C.L. failed to incorporate appropriate duty code i.e. 97 in billing software resulting in present dispute and illegal recovery. The concerned Electrical Inspector's department has also expressed their displeasure in their letter written to Superintending Engineer (O&M) Circle Amravati and asked for not doing so in future. In the event of billing of consumer from Circle Office Akola, i.e. in case of H.T. Consumers, this exemption has given effect in right spirit.

4. Therefore consumer prayed for issuance of directions to M.S.E.D.C.L. to refund Electricity Duty along with interest @ 12 % p.a. from the date of collection till the date of refund.

5. Non applicant denied applicant's case by filing reply Dt. 6.2.2015. It is submitted that on application of the consumer Shri Dilip Thakral, Kapsi, Consumer No. 410650018005 and another Consumer M/s. Viral Enterprises, Kapsi, Consumer No. 41065005531, Electricity Duty is refunded respectively in January 2014 and February 2014. Furthermore, as per Commercial Circular No. 204 Dt. 8.8.2013, after consumer applied online, it is jurisdiction of Circle Office to refund the Electricity Duty. Applicant did not apply for exemption of Electricity Duty online and therefore amount is not refunded.

6. Forum heard arguments of both the sides and perused the record.

7. Initially it is noteworthy that it is a joint application of two different consumers 1) Shri Dilip Thakral & 2) Shri Raunak Dilip Thakral (Viral Enterprises), bearing Consumer No. 410650018005 and Consumer No. 410650005531. In fact, it is necessary for each consumer to file separate

grievance application. On this only count, grievance application deserves to be dismissed.

8. Applicant had given address of the applicant as under :-

***“Saba Villa, Paradise Colony, Behind Pakiza Hall, near Water Tank, Valgaon Road, Amravati”.***

Whereas documentary evidence on record shows that address of both the applicants is as under :-

***“156/4, Kailash Masale, near Punjab National Bank, Opp. Maa Umiya Industrial Area, Bhandara Road, High Way, Kapsi (Budruk), Nagpur – 15”***, and another address of the office as under :-

***“Behind Balaji Mandir, Parwarpura Road, Mokshadham, Nagpur”.***

Therefore address given in grievance application is incorrect and on this ground also grievance application deserves to be dismissed.

9. In column No. 6 of Grievance application, there is reference about issuance of letter by Electrical Inspector to Superintending Engineer (O&M) Circle Amravati. In column No. 8 of grievance application, there is reference of Circle Office Akola. Therefore it is totally irrelevant. In entire grievance application, there is no reference of Superintending Engineer Nagpur or Circle Office Nagpur. On this ground also, grievance application deserves to be dismissed.

10. Applicant submitted in grievance application that he applied to I.G.R.C. on 30.4.2014 and 15.5.2014. However, applicant did not produce copy of grievance application filed before I.G.R.C., nor the applicant produced the order passed by Learned I.G.R.C. Therefore there is nothing on record to show that applicant filed particular application before I.G.R.C. and that it

was rejected. Therefore there is non compliance of regulation 6.2 of the said regulations and on this ground also, Grievance application deserves to be dismissed.

11. In the entire grievance application, it is nowhere mentioned by the applicant that since which month Electricity Duty is collected from them till which month. There is no specification in the prayer from which date applicant claimed refund of Electricity Duty. Bear reading of grievance application is enough to come to the conclusion that entire application is vague and untenable at law and deserves to be dismissed. It was necessary for the applicant to mention in this grievance application that since particular month Electricity Duty if any, is recovered from him and till which month. Unless & until applicant did not plead such type of details, no relief can be granted. Secondly, applicant is relying on notification of the Government of Maharashtra Dt. 7.7.2004 and 26.5.2009. According to the applicant, he is exempted from payment of Electricity Duty i.e. from 1.4.2004 and 30.3.2009. Therefore cause of action arose to file this case in the year 2004 and in the year 2009. Regulation 6.6 of the said regulations read as under :-

***“Forum shall not admit any grievance, unless it is filed within 2 years from the date on which cause of action has arisen”.***

Therefore cause of action to file this application arose in 2004 and subsequently in 2009. It was necessary for the applicant to knock the door of the Forum within 2 years from the date of cause of action i.e. 2006 and later on in 2011. However, present grievance application is filed in 2015 and hence according to the regulation 6.6 of the said regulations, grievance application deserves to be dismissed.

12. Close scrutiny of the record shows that applicant had produced entire correspondence addressed to Superintending Engineer, Amravati and Circle Office Akola. Applicant produced letter at Annexure A-4, addressed to Superintending Engineer, M.S.E.D.C.L. Circle Office Amravati. Applicant had produced one Electricity Bill of Consumer No. 318719026520 and name of the consumer is M/s. Ganesh Cotspin Ginning & Pressing Factory, Hiwarkhed Road, Wadali Satwai, Akot. Applicant produced one chart in which various names of the consumers, resident of Akola, Akot, Murtizapur, Balapur, Patur, Telhara, Barshi-Takli etc. All these papers and correspondence are in fact irrelevant so far as decision of this case is concerned. These letters and correspondence is nothing but unnecessary burden to the record.

13. It is rather surprising to note that applicant did not produce single copy of application submitted by him to M.S.E.D.C.L. office Nagpur calling upon them for refund of Electricity Duty for any period. It is again rather surprising to note that applicant did not produce a single electricity bill of his factory showing that any particular Electricity Duty, from any particular period, up to a particular time is recovered from him. All relevant documents which go to the route of the matter are intentionally withheld by the applicant and non production of the same is very fatal to these proceedings. Not a single relevant paper is produced by the applicant in support of his contention. Applicant has first to prove that on any specific date, he applied to relevant authority of M.S.E.D.C.L. Nagpur to refund his electricity duty. Applicant did not produce any paper on record to show that he approached to Learned I.G.R.C. and claimed refund of electricity duty from any specific month. Therefore direct grievance to this Forum that too, totally ambiguous is untenable at law and deserves to be dismissed. So far as

the consumer numbers of the applicants are concerned, they are also doubtful for want of documentary evidence on record.

14. Applicant produced order passed by Hon'ble Electricity Ombudsman, Nagpur in representation No. 50/13, Ambika Agro Industries Yavatmal Vs. Superintending Engineer, Yavatmal decided on 9.7.2013. However, facts of the present case are totally different and distinguishable from the facts of the authority cited supra. In the case in hand, no detail particulars are given, no supporting documents are produced, wrong address of the consumer is given and application is barred by limitation. Therefore facts of the present case are different and distinguishable and authority cited supra is not applicable to the case in hand.

15. It is pertinent to note that Executive Engineer, Division No. I, M.S.E.D.C.L. Nagpur also did not care to file proper reply on record. It is true that he filed reply Dt. 6.2.2015, but it is not correct parawise reply. No detail particulars are given in this reply. In para 1 of this reply, it is submitted that on application of the applicant, electricity duty is stopped respectively from January 2014 and February 2014, but it is ambiguous pleading. There is no specification in reply in which particular month applicant applied for exemption of electricity duty. On close scrutiny, it appears that this reply is drafted very carelessly. At the bottom of the reply, it is submitted that if online application is submitted, M.S.E.D.C.L. may be able to refund amount of Electricity Duty. But no specifications are given for which period. Furthermore, Officers of M.S.E.D.C.L. shall bear in mind that it is not necessary for the consumer that application must be online. If any consumer is unable to operate computer, definitely he is authorized to file written application. Therefore contention in this reply that online application is essential is also untenable at law.

16. Furthermore, it was also the duty of Nodal Officer, Executive Division No. I, M.S.E.D.C.L. Nagpur to mention in reply whether applicant approached to Learned I.G.R.C. or not, or whether any order is passed, whether application is barred by limitation etc., but entire reply is silent on this point. It is not desirable. Forum hopes improvement on this count, in future.

17. As we have already pointed out, grievance application is hopelessly barred by limitation, not supported by requisite documents, non-pleading of specification of period of recovery and for all other reasons discussed above, grievance application deserves to be dismissed. Hence following order : -

#### ORDER

- 1) Grievance application is dismissed.
- 2) Executive Engineer, (O&M) Division No. I, Nagpur, is hereby directed to file proper parawise reply along with relevant supporting documents, in future.

Sd/-  
(Anil Shrivastava)  
MEMBER/  
SECRETARY

Sd/-  
(Shivajirao S.Patil)  
CHAIRMAN