

CONSUMER GRIEVANCE REDRESSAL FORUM
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION COMPANY LTD.
NASHIK ZONE
(Established under the section 42 (5) of the Electricity Act, 2003)

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Consumer Grievance Redressal Forum
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Dwarka, NASHIK 422011

No. / CGRF /Nashik/NUC/N.U.Dn.1/709/41/2018-19/
(BY R.P.A.D.)

Date:

Date of Submission of the case : 05/09/2018

Date of Decision : 26/10/2018

To.

Shri. Ranjit Singh Bhullar,
Prop. Bhullar Mechanical Services
M-62, MIDC, Ambad,
Nashik 422010
(Consumer No. 049139016830)

Complainant

1. Nodal Officer ,
Maharashtra State Electricity Distribution Com. Ltd.,
Urban Circle office, Shingada Talav,
Nashik
2. Executive Engineer (U-1)
Maharashtra State Electricity Distribution Com. Ltd.
Kharbanda Park Nashik .

Distribution Company
(Respondent)

DECISION

M/s. Bhullar Mechanical Services is the Industrial consumer of the Maharashtra State Electricity Distribution Company Ltd. (hereafter referred as the Respondent). The Complainant has submitted grievance against MSEDCL for interest on refund amount of Excessive Electricity Duty. The Complainant filed a complaint regarding this with the Internal Grievance Redressal Committee of the Maharashtra State Electricity Distribution Company Ltd. But not satisfied with the decision of the IGRC , the consumer has submitted a representation to the Consumer Grievance Redressal Forum in Schedule "A". The representation is registered at Serial No.91 of 2018 on 05 /09/2018.

The Forum in its meeting on 07/09/2018, decided to admit this case for hearing on 28/09/2018 at 1.00 Pm in the office of the forum . A notice dated 07/09/2018 to that effect was sent to the appellant and the concerned officers of the Distribution Company. A copy of the grievance was also forwarded with this notice to the Nodal Officer, MSEDCL, Urban Circle Office Nashik for submitting para-wise comments to the Forum on the grievance within 15 days under intimation to the consumer.

Smt. P.V. Bankar , Nodal Officer/Ex. Engr. , Addl. Executive Engineer Shri. Pravin S, Sali, Asstt. Acctt. Shri. D.B. Pawar, represented the Distribution Company during the hearing. Shri .Ranjit Singh Bhullar appeared on behalf of the consumer.

Consumers Representation in brief :

We have Industrial connection in the name of Bhullar Mechanical Services, M-62, MIDC Ambad, Nashik Consumer No. 049139016830.

We have received Excess Electricity Duty of amount Rs. 2,85,6904.67. But we pertain "Interest" on the same amount from 2002 till date.

So we request you to pay the interest on relevant amount as soon as possible.

Arguments from the Distribution Company.

The Distribution Company submitted a letter dated 26/09/2018 from the Nodal officer, Urban Circle Nashik and other relevant correspondence in this case. The representatives of the Distribution Company stated that:

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rlp fMI eej 2002 rs fMI eej 2013 i; ir xkgdkus fo|r 'kYd Qjdkph ekx.kh dsybh vkgs th fd ekpl 2014 e/; s ijrkok dj.; kr vkysyk vkgs ojhy dkyko/khr xkgdkus d/khp 0; ktkph ekx.kh dsybh ukgh o ekpl 2014 e/; s fo|r 'kYd Qjdkph jDde ijrkok dY; kurj l rnk 27@06@2016 i; ir Eg.ktp 2 o'kz 3 efgus xkgdkus d/khgh 0; ktkph jdeph ekx.kh dsybh ukgh o fnukad 27@06@2016 o 21@03@18 jksth i=kOnkjs ojhy ijrkok jdeoj 0; ktkph ekx.kh dsybh vkgs

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Action by IGRC :

1. Internal Grievance Redressal Cell Nashik Urban Circle conducted hearing on 17/07/2018 for the complaint submitted on 21/06/2018 .
2. After hearing both the parties IGRC gave decision as per letter dated 24/08/2018 as under .

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Observations by the Forum:

1. Prop. Ranjitsing Bhullar was applying for refund of excess collected Electricity Duty of M/s. Bhullar Mechanical Services as difference between Commercial Tariff and Industrial Tariff for the period Dec.2002 to Dec.2013. For this purpose consumer has given the year wise details of refund of amount given below.

Period	Bill Amt. for ED calculation	ED charged Commercial %	ED charged commercial Amount	ED to be charged Industrial %	To be charged Industrial Amount.	Difference between charged ED & to be charged ED
Dec.2002 to Mar.2003	86030.81	12%	10323.70	6%	5161.85	5161.85
Apr.2003 to Feb.2010	2261855.82	13%	294041.26	6%	135711.35	158329.91
Mar.2010 to Dec. 2013	1527536.40	17%	259681.19	9%	137478.28	122202.9
Dec.2002 to Dec.2013	3875423.03		564046.14		278351.47	285694.67

2. As per request of the M/s. Bhullar Mechanical Services Superintending Engineer Nashik Urban Circle has given the approval to refund excess collected Electricity Duty for period Dec. 2002 to Dec. 2013. The same was refunded in March 2014.
3. Now the problem was of interest demanded by M/s. Bhullar Mechanical Works . for the interest was done in June 2016.

As there is no limitation period in Electricity Act. Even though late claim was made of interest MSEDCL have to pay interest. In fact interest was to be paid along with refund of Excess Electricity Duty.

After considering the representation submitted by the consumer, comments and arguments by the Distribution Licensee, all other records available, the grievance is decided with the observations and directions as elaborated in the preceding paragraphs and the following order is passed by the Forum for implementation:

ORDER

1. MSEDCL is directed to give interest on delay in refund of difference of amount excess recovered electricity duty as commercial Duty & Industrial from Dec. 2002 till Dec. 2013. Interest should be paid @ RBI rate applicable from Dec. 2002 to till the date payment of interest.
2. The Cost of Appeal should be paid Rs. 1000/-. The MSEDCL to take appropriate action against the concerned erring officer/employee of licensee for negligence/latches, resulting in monetary liability against it as per ruling of Supreme Court of India in the matter of M.K. Gupta Vrs Lucknow Development Authority, case No. 6237 of 1990 reported in 1994(i) SCC page 243, after due enquiry.
3. As per regulation 8.7 of the MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 , order passed or direction issued by the Forum in this order shall be implemented by the Distribution Licensee within one month and the concerned Nodal Officer shall furnish intimation of such compliance to the Forum .
4. As per regulation 22 of the above mentioned regulations , non-compliance of the orders/directions in this order by the Distribution Licensee in any manner whatsoever shall be deemed to be a contravention of the provisions of these Regulations and the Maharashtra Electricity Regulatory Commission can initiate proceedings *suo motu* or on a complaint filed by any person to impose penalty or prosecution proceeding under Sections 142 and 149 of the Electricity Act, 2003.
5. If aggrieved by the non-redressal of his Grievance by the Forum, the Complainant may make a representation to the Electricity Ombudsman, 606, 'KESHAVA', Bandra Kurla Complex, Bandra (East), Mumbai 400 051 within sixty (60) days from the date of this order under regulation 17.2 of the MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006.

(Smt. Vaishali V.Deole)
Member

(Prasad P. Bicchal)
Member Secretary

(Dr.- Bhaskar G. Palwe)
Chairman

Consumer Grievance Redressal Forum Nashik Zone

Copy for information and necessary action to:

- 1 Chief Engineer , Nashik Zone, Maharashtra State Electricity Distribution Company Ltd. , Vidyut Bhavan, Nashik Road 422101 (For Ex. Engr.(Admn)
- 2 Chief Engineer , Nashik Zone, Maharashtra State Electricity Distribution Company Ltd. , Vidyut Bhavan, Nashik Road 422101 (For P.R.O)
- 3 Superintending Engineer, Maharashtra State Electricity Distribution Company Ltd. , Urban Circle office, Nashik .

