



**CONSUMER GRIEVANCE REDRESSAL FORUM**  
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**Case No.:** 18/2018  
**Date of Grievance:** 27 /09/2018  
**Date of Order:** 13/12/2018

Shri. Vaibhav D. Taware,  
 Hotel Sudit, 104, Ambika nagar,  
 Baramati, Dist. Pune.

**Applicant**  
 (Herein after Referred to as consumer)

**Versus**

Executive Engineer (Nodal Officer)  
 M.S.E.D.C.L., Circle,  
 Baramati,

**Opponent**  
 (Herein after referred to as Licensee)

**Quorum**

Chairperson	Mr. B. D. Gaikwad
Member	Mr. S. K. Jadhav
Member Secretary	Mr. M. A. Lawate

**Appearance:-**

For Consumer: - 1-Mr. V. D. Taware (Consumer of Sudit Hotel)

For Respondent: - 1- Mr. Keshav Kalumali, Executive Engineer, Circle office, Baramati.  
 2- Mr. P. N. Devkate, Add.Executive Engineer, Sub-Division, Baramati (U).

**ORDER**  
**(Date:-13/12/2018)**

- 1- The Complainant above named has filed present Grievance under regulation 6.4 of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations 2006, The consumer is LT consumer No. 186441217507. The electric supply to his Hotel premises was released on 4.6.1994. The bills were charged as per commercial category LT II B. There is no dispute regarding tariff.



2- There was inspection of Hotel Sudit on 6.2.2017 by Flying Squad, Baramati. It was found that the electricity duty was charged at 9% instead of 21% as per prevailing rate by government of Maharashtra. The assessment bill of difference in ED for the period of 93 months amounting to Rs. 5,38,120/- is issued to the consumer. According to consumer he has made several requests to the officials of MSEDCL to cancel the said bill. He is ready to pay ED as per rules from the date of inspection. He is paying electricity bills regularly. There was no any fault on his part and he was paying ED as per the demand of MSEDCL and assessment bill for 93 months cannot be charged. As there was no any response of MSEDCL to his request letters he has submitted his grievance before Internal Grievance Redressal Cell (IGRC) Baramati. On hearing, IGRC passed order dated 25.07.2018 rejecting the grievance of the consumer, but allowed installments to pay the said assessment bill.

3- The consumer being aggrieved with the order of IGRC has submitted present grievance before this forum. The notice was issued to respondent MSEDCL. The say is filed on record. It is an admitted fact that there was inspection of hotel premises and assessment bill of Rs. 5,38,120/- is issued to consumer towards the difference of ED. It is submitted that an opportunity of hearing was given to consumer. The ED is charged as per the notification of Government of Maharashtra and it is to be paid to state government. The MSEDCL is merely collecting ED from the consumer. It has no concern with the tariff. The MSEDCL prays for dismissal of Grievance with cost as this forum is not having jurisdiction.

4- We have heard representatives of both parties and also perused the documents on record. The following points arise for our consideration and we have recorded our findings thereon for reasons stated hereinafter.

**POINTS**

**FINDINGS**

I) whether consumer is entitled for any relief?

- No.

II) What order?

- As per final order?

**REASONS**

5- **POINT No:-** 1) The representative of MSEDCL submitted that ED is to be paid to state Government as the rates prescribed by the state. The MSEDCL has to collect ED from the consumer and to pay the same to the state. It is not the part of the tariff and dispute in respect of ED cannot be decided by this forum as same does not fall within the



definition of Grievance under rule 2 (C) of said Regulations. It is submitted that there is no any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance on the part of MSEDCL. The MSEDCL has placed reliance on the order of Electricity ombudsman, Mumbai in representation 110/2017 between M/s Sharda construction and investment co V/s MSEDCL Pune.

- 6- The Maharashtra Electricity duty Act 1958 has been repealed by Maharashtra ED Act 2016 section 6(8) of ED Act 2016 provides as under.

*"Section 6(8) " notwithstanding anything contained in foregoing subsections, where the state government is satisfied that there is bona fide mistake on the part of any licensee or person supplying energy to the consumers or consumer energy for his our use, in paying the proper electricity Duty, in paying the proper electricity Duty, on account of wrong meter reading or misclassification of consumption falling under any particular part or clause in the schedule, the state government may, at anytime, by an order wave or write off with retrospectively effect the recovery of the amount of the electricity duty or any part thereof due at the proper rate and the amount of interest thereof if any payable for delayed payment under section".*

There cannot be any dispute that ED is payable to state of Maharashtra under ED Act 2016. If consumer is having any grievance regarding ED and recovery of ED, he has to take recourse of the provisions of ED Act 2016. The consumer may approach appropriate authority under ED Act 2016 for the reliefs claimed in this representation.

- 7- It is well settled law that the tariff difference cannot be recovered retrospectively and the consumer should not suffer for the mistake of licensee. In our view said principle will not be applicable in the present case as assessment bill of Rs 5,38,120/- is towards difference in ED.
- 8- The consumer is ready and willing to pay ED at the rate of 21% from the date of Inspection. He also placed reliance on the order dated 21/03/2017 passed by CGRF Baramati in case No. 09/2017 in our view said order is not binding on this forum. There is nothing on record as to whether this order was challenged by MSEDCL before High court, Bombay. Moreover it is the case of tariff difference and facts are entirely different.






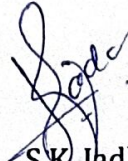


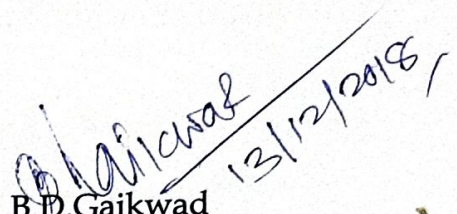
- 9- We therefore hold that present grievance is not within the jurisdiction of this forum and consumer is not entitled for any relief from this forum. We therefore answer above point in the negative and pass following order.

**ORDER**

- 1- Grievance is rejected.  
2- No order as to cost.

  
M. A. Lawate  
Member/Secretary  
CGRE, BMTZ, BARAMATI

  
S.K. Jadhav  
Member  
CGRE, BMTZ, BARAMATI

  
B.D. Gaikwad  
Chairperson  
CGRE, BMTZ, BARAMATI  
13/12/2018

- Note:-** 1) This representation could not be decided within the period of two months as MSEDCL has not submitted say within the period.  
2) The Consumer if not satisfied may file representation against this order before the Hon'ble Ombudsman within 60 days from date of this order at the following address.

**Office of the Ombudsman,**  
Maharashtra Electricity Regulatory Commission,  
606/608, Keshav Building, BandraKurla Complex,  
Bandra (East), Mumabi-51.