
To,
The Nodal Officer /
The Executive Engineer,
MSEDCL, O&M Amravati Urban Division,

The order passed on in the Complaint No. 09/2019 is enclosed herewith for further compliance and necessary action.



Secretary

Consumer Grievance Redressal Forum,
MSEDCL, Amravati Zone, Amravati.

Copy s.w.rs.to:-

1. The Chief Engineer, MSEDCL, Amravati Zone, Amravati.
2. The Superintending Engineer, MSEDCL, Amravati circle Amravati.

Copy to :-

Copy to :-

- 1) The Executive Engineer, (Admin), Amravati circle office
- 2) Shaikh Usman Shaikh Khalil c/o Bhavesh Harendra Somaiya A2-405, Rami Heritage Society Opp To old RTO office, Murtizapur Road, Akola - 444004.

**CONSUMER GRIEVANCE REDRESSAL FORUM
AMRAVATI ZONE, AMRAVATI
'Vidyut Bhavan', Shivaji Nagar, Amravati: 444603, Tel. No. 0721 2551158**

Dt: 07-10-2019

ORDER

Case No. 09/2019 dated 08.08.19

In the matter of grievance pertaining to Electricity Duty Refund

Quorum

**Dr. Vishram Nilkanth Bapat (Chairman)
B.D.Augad, Member Secretary
Sau. Sushama Joshi, Member (CPO)**

Complainant

**Shaikh Usman Shaikh khalil
c/o Bhavesh Harendra Somaiya A2-405, Rami Heritage Society Opp To old
RTO office, Murtizapur Road, Akola - 444004.
Consumer No: 366474781521**

Versus

Respondent

**The Executive Engineer ,
MSEDCL, O&M Division,
Amravati Urban**

Appearances:-

Complainant Representative :- Shri.Bhavesh Harendrabhai Somaiya

Respondent Representative :- Shri. Katkar Exe. Eng. Amravati Urban

A Consumer Details

Name	MSEDCL Office	Consumer No.	Category	Date of Connection
Shaikh Usman Shaikh khalil	EE, Amravati Urban	366474781521	Industrial	24-02-2018

B. IGRC Proceedings

Application Date	Hearing Date	Order Date
07.06.2019	Not evident from records.	NA

C. CGRF Proceedings :

Application Date	Date of Serving Notice by CGRF	Due Date of Reply by NA	Applicable Clause of MERC Regulations 20 (CGRF & Ombudsman)
08-08-2019	16-08-2019	31-08-2019 Extension permitted till 09.09.2019	6.4
Date of actual Reply by NA	09-09-2019		
Date of Hearing Notice	09-09-2019	Date of Hearing	19-09-2019

D. Gist of Applicant Grievance :

S.N.	Date	Description	Violation, if any
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1	07-06-2019	Applicant approach to IGRC for grievance of non-refund illegal recovery of electricity duty by MSEDCL.	Maharashtra Government Resolution dated 28-5-2019.
2	08-08-2019	Applicant approach to CGRF due to delay from IGRC side.	No IGRC proceeding evident.

E. Prayer by Applicant:

S.N.	Description
1	Direct MSEDCL to refund electricity duty from the date of connection till the date of refund with interest @ 12% p.a.
2.	Any other relief including the cost of consultation, stationary, typist and travelling of Rs. 5000/-

F. Gist of Reply filed by N.A.MSEDCL:

S.N.	Date	Description	Violation, if any
1	NA	As per MSEDCL circular No. 204 Dt. 08.08.2013, it is the duty of the consumer to make online application and fill the online information in form "F" on the website of the licensee. But till date, no such application from consumer regarding ED exemption/refund. Hence consumer fail to submit the copy of auto generated mail to NA which generate only after online submission of application.	MSEDCL Circular No. 204 dated 8-8-2013.

2.	NA	The said consumer have not submitted the permission from Local body (AMC) for which he has submitted the consent letter on Rs.200 stamp paper on dated 01.07.2017.	
3.	NA	Consumer not produced the details in form "F", original ED exempt certificate issued by competent authority, month-wise statement of ED paid, copies of electricity bill paid during the exemption period.	MSEDCL Circular No. 204 dated 8-8-2013.

G. Prayer by NA before the Forum:

S.N.	Description
1	ED refund case is still pending for want of documents from applicant.

H. Gist of Applicant's submission during Hearing:

S.N.	Date	Description	Violation, if any
1	19-09-2019	Applicant fall within the Vidarbha region of Maharashtra wherein ED for industrial consumer is not applicable. As of now Vidarbha region is exempted region till 31.03.2024.	Maharashtra Government Resolution dated 28-5-2019.
2		A letter from state Govt to SE Amravati wherein displeasure is recorded for recovering the ED from Achalpur based industrial establishment despite of non-applicability.	

3		To direct MSEDCL to submit its comment upon notice issued by state Govt referred in para no. 5 and the consumer wise list where in MSEDCL Amravati circle has refunded ED without seeking compliance to Commercial circular No. 204 and upon the order of IGRC to examine the uniformity and the allegation of selective and inconsistent treatment among its consumers.	
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I. Gist of NA's response during Hearing

S.N.	Date	Description	Violation, if any
1	19-09-2019	ED refund case is pending for want of online application of consumer, details in Form "F", original ED exempt certificate issued by competent authority, month-wise statement of ED paid, copies of electricity bill paid during the exemption period.	MSEDCL Circular No. 204 dated 8-8-2013.

J. Opinion of the Forum :

Examining all the records placed before the Forum and the facts brought before it during the hearing, the Forum observes as under

- a. It is very clear that as per Govt letter /notification dated 07 July 2004 and on 26.05.2009 and on 06.06.2014, and on 28-5-2019 wherein existing as well as upcoming industrial establishment in Vidarbha Region are specifically exempted from payment of Electricity Duty till 31-3-2024.
- b. Applicant becomes the consumer of MSEDCL from 24.02.2018, and consumer is connected in Industrial category as per electricity bill issued to him by NA MSEDCL. Hence the benefit of exemption of ED should have been given suo motto to applicant by MSEDCL from first bill.
- c. The Forum noted during hearing before it that the NA accepts the ED refund claim.
- d. The Forum is of the opinion that the NA has to refund the ED from the date of connection as per the GoM notification along with interest.

Opinion of Member Secretary:

As per GoM, Electricity Duty Act 2016, the Electricity Duty matter (or issues) is under the jurisdiction of Govt of Maharashtra. MSEDCL is mediator for the collection of the ED amount (recovered from the consumer) and to deposit the said amount to GoM. Therefore I am of the opinion that Electricity Duty related matter is not within the jurisdiction of the CGRF.

Sd/-
(B.D.Augad)
Member Secretary

Therefore order by majority is as follows

ORDER

With the above observations, the Forum unanimously passes the following order.

1. The complaint in case no. 09/2019 is partly allowed.
2. MSEDCL is directed to exempt ED to the complainant from the next electricity bill and refund the recovered amount on account of ED from the date of connection along with interest at the prevalent bank rate as defined in the MERC Practice Directions of 22 July 2019. It is directed to give credit of this refund along with interest in the next bill to the applicant.
3. The parties to bear their own cost.
4. MSEDCL is directed to submit compliance report of this order to this office within one month of the order.

Sd/-
(Smt.S.P.Joshi)
Member (CPO)

Sd/-
(Dr.V.N.Bapat)
Chairman

Contact details of Electricity Ombudsman appointed by MERC(CGRF
& EO)REGULATIONS 2006 under regulation 10:
THE ELECTRICITY OMBUDSMAN,
Office of Electricity Ombudsman (Nagpur)
Plot No.12, Shrikripa, Vijai Nagar, Chhaoni,
Nagpur- 440013.