
REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/ 272/121 Date: 11.06.2019

Hearing Date: 04.12.2018

CASE NO. 272/2018

IN THE MATTER OF REFUND OF ELECTRCITY DUTY

M/s. B.P.Marine Academy,
Sai Pooja Chambers, Plot No.58,
Sector- 11, CBD, Navi Mumbai- 400614.

. . . . (Hereinafter referred as Applicant)

Versus

Maharashtra State Electricity Distribution Company Limited
through its Nodal Officer,
Vashi Circle, Vashi

. . . . (Hereinafter referred as Respondent)

Appearance :

For Consumer – Suraj Chkrobarty Consumer representative
For Respondent:-Shri Murkute Additional Executive Engineer CBD Belapur Sub-
Division Subdivision M.S.E.D.C.L

[Coram- Dr. Satishkumar Jaiswal - Chairperson, Shri. R.S.Avhad -Member
Secretary and Sharmila Ranade - Member (CPO)].

1. Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of
Electricity Act 2003 (36/2003). Hereinafter for the sake of brevity referred

as 'MERC'. This Consumer Grievance Redressal Forum has been established as per the notification issued by MERC i.e. "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers vide powers conferred on it by Section 181 read with subsection 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is referred as 'Regulation'. Further the regulation has been made by MERC i.e. Maharashtra Electricity Regulatory Commission. [Electricity Supply Code and other conditions of supply Regulations 2005] Here in after referred as 'Supply Code' for the sake of brevity. Even, regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply & Determination of Compensation) Regulations, 2014.' Hereinafter referred 'SOP' for the sake of convenience.

2. The matter is not disposed of by the IGRC Vashi within 2 months from the date of filing application on date 14/08/2018. The Appellant filed his grievance in schedule 'A' to this Forum .The appellant herein is M/s. B.P.Marine Academy bearing consumer No. 000316811906. Grievance rose of not refund of electricity duty as per Hon'ble Ombudsman Mumbai order.

3. The Notice issued to the Respondent to submit para wise reply and to appear before Forum. In result, the Respondent submit reply dated 04 December 2018 states that the Appellant M/s B.P. Marine Academy, Sai Pooja Chamber, Plot no 58,sector 11 CBD Belapur Navi Mumbai has raised grievance in r/o consumer no 000316811906 regarding refund of Electricity duty. The Respondent representative additional Executive Engineer CBD ,Belapur further submit that already forwarded the said proposal to the office of the Superintending Engineer office, Vashi circle,

Vashi . The Respondent submits that the Govt of Maharashtra has been order to charge electricity duty to educational institute and Charitable Trust from September 2016 to till date. The Respondent prayed that the matter is pending before the competent authority and did not get any reply or correspondence from higher offices.

4. We have heard both sides and gone through the order passed by Hon'ble Electricity Ombudsman, Mumbai. It is found that the grievance rise by the applicant regarding refund of tariff difference and electricity duty before the Hon'ble Electricity Ombudsman, Mumbai and on that time the Respondent had filed reply dated 25th November, 2016 stating that the Appellant has raised grievance regarding charging commercial tariff instead of concessional tariff (Residential) from 19th January, 2009 and charging of electricity duty to the educational institution. As regards levy of electricity duty, the Appellant consumer has to make necessary application to the competent authority. As regards refund of tariff difference, the amount of Rs. 18,60,000.75 for the period from August 2012 to May 2014 has been already adjusted in the month of August 2015 and proposal of refund for the period from 19.01.2009 to 31.07.2012 amounting to Rs. 23,69,236/- is under approval and hence nothing survives in the matter.

5. The Hon'ble Electricity Ombudsman state in his order that the Appellant consumer has communicated by letter dated 28th November, 2016 that pursuant to the reply dated 25th November, 2016 of the Respondent, there is no grievance now and hence, the Appellant is withdrawing this representation. The Consumer Representative, who attended for hearing on 29th November, 2016 has also stated in writing that the grievance is mutually resolved and this representation be disposed of. It found from the

record the respondent and appellant agreed before the Hon'ble Electricity Ombudsman regarding electricity duty and tariff difference .Hence It is found tariff difference is already given to appellant and not disputed matter of tariff issue/ refund and as per respondent reply regard levy of electricity duty, the appellant consumer has to make necessary application to the competent authority ,hence consumer applied for the same on date 14/04/2017and the additional Executive Engineer CBD Belapur state that proposal is already pending with higher authority since long period . The Hon'ble Electricity Ombudsman has passed an order on 29 November 2016 whereby the entire grievance of the consumer has been redressed. We have gone through the order passed by Hon'ble Electricity Ombudsman and found absolutely no ambiguity therein.

6. The order partly complied on the other hand would invite action under section 142 of the Indian Electricity Act 2003. There is no substance in applicant complaint the dispute already heard by Hon'ble Electricity Ombudsman and order passed. Hence, I proceed to pass following order

ORDER

The application in case 272/2018 hereby disposes of as not tenable.

Both the parties should be informed accordingly.

No order as to the cost.

The compliance should be report within 15days.

I Agree/Disagree

I Agree/Disagree

**MRS. SHARMILA RANADE,
MEMBER
CGRF, BHANDUP**

**Dr. SANTOSHKUMAR JAISWAL
CHAIRPERSON
CGRF, BHANDUP**

**RAVINDRA S. AVHAD
MEMBER SECRETARY
CGRF, BHANDUP**

The order is issued under the seal of Consumer Grievance Redresses Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, and Bhandup.

Note:

- a) The consumer if not satisfied, may file representation against this order before the Hon. Ombudsman within 60 days from the date of this order at the following address. " Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission,606, Keshav Building,Bandra - Kurla Complex, Bandra (E),Mumbai - 400 051"
- b) consumer, as per section 142 of the Electricity Act, 2003, can approach Hon'ble Maharashtra electricity Regulatory Commission for non- compliance, part compliance or
- c) Delay in compliance of this decision issued under" Maharashtra Electricity Regulatory Commission (consumer Redressed Forum and Ombudsman) Regulation 2003" at the following address:-

"Maharashtra Electricity Regulatory Commission, 13th floor,world Trade Center, Cuffe Parade, Colaba, Mumbai 05"

- d) It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.