

*"Vidyut Bhavan" Ratanlal Plot, Akola. Tel No 0724.2434475*

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for Gurukrupa Digital Press Akola, approached this Forum with grievance under regulation 6.4 of MERC (CGRF and Ombudsman) Regulation 2006 for resolving it.

2 Complainant's case in brief is that the Complainant is industrial consumer of N.A.MSEDCL from 20/09/2015. According to complainant N.A.MSEDCL recovered illegally Electricity duty, through monthly energy bills from the date of connection, in violation of Government notification issued vide powers conferred by Bombay Electricity Act 1958. According to complainant Government by notification dated 7<sup>th</sup> July 2004 and 26<sup>th</sup> May 2009 exempted industrial establishment of Vidarbha from payment of E.D. from 01/04/2004 to 31/03/2014 and subsequently extended it, upto 2019. According to complainant N.A.MSEDCL ratified above notification by directing field officers, not to recover duty by issuing departmental circulars. According to complainant, IGRC Akola vide order dated 16.11.2017, resolved the grievance partly without dealing the claim for interest. Complainant approached Forum for non-compliance of IGRC order and non-resolving the grievance of payment of interest on refund of E.D. and claimed cost of Rs 10,000 with prayer of enquiry for recovery from guilty officers of MSEDCL. Complainant annexed with complaint IGRC order dated 16/11/2017, energy bill for June 17 and Nov 17.

3 Reply came to be filed by N.A.MSEDCL on 06/01/2017 on issue of 15 days notice. According to N.A.MSEDCL, IGRC order dated 16/11/2017 is complied and exemption from payment of Electricity duty has been given with effect from Oct 2017 by correcting necessary code in the energy bill. According to N.A.MSEDCL, revision for refund amount Rs 31495.60/- towards recovery of Electricity duty has been processed to competent authority and will be credited to the account of complainant on getting approved. N.A.MSEDCL have referred commercial circular No 268 dated 27/09/2016 and commercial circular No.204 dated 08/08/2013 and according to N.A.MSEDCL the proposal for refund has to be processed as per above circulars. N.A.MSEDCL prays for rejection of grievance towards interest on Electricity duty and costs, as revision for refund is processed to Competent authority, N.A.MSEDCL annexed energy bill for Oct 2017, commercial circular No 204 and 268 alongwith B-80 bill revision copy, for Rs 31495.60/- with reply.



4                Shri. Ashish Chandarana learned representative for complainant and Shri. Likhare A.E. with Shri. Karpate Dy.Manager, learned representative for N.A.MSEDCL, were present for the hearing held on 16/01/2018. Complainant's representative urged that IGRC order dated 16/11/2017 has not been complied by MSEDCL, though electricity duty is exempted from Oct 2017 billing learned representative for Complainant specifically brought to the notice of Forum that N.A.MSEDCL have recovered illegally Electricity duty through energy bill in contravention to Government notification and despite IGRC order on record excess amount towards E.D. not refunded uptill now Complainant representative brought to the notice at Forum that copy of commercial circular No 268 which is enclosed with Forum's copy, has not been given to complainant with reply and urged that commercial No268 and 204 are not applicable to present grievance. Mr. Ashish Chandarana brought to the notice of Forum that IGRC Akola have not dealt the grievance of interest payable on amount of refund payable towards Electricity duty and referred section 62(6) of E.A 2003 and filed on record in support of his claim for interest at bank lending rate, the copy of common order passed by Hon'ble Ombudsman Nagpur in representation No. 55 of 2013 and order passed by APTEL in Appeal No 47 of 2011. Learned representative stressed for departmental enquiry for recovery of amount towards interest from guilty officers of N.A.MSEDCL for loss of public revenue as per principle laid down by APEX Court in the matter of Lucknow development authority Vs. M.K.Gupta.

5                Shri. Karpate Dy.Manager learned representative for N.A.MSEDCL, however agreed for refund of Electricity duty in forthcoming bill with interest at the rate payable on security deposit. Learned representative of N.A.MSEDCL has brought out that delay in complying order of IGRC was due to the process of refund involved as per commercial circular No 268.

6                Having heard the parties and after considering material on record the Forum is of the view that N.A.MSEDCL have already agreed to refund the amount of E.D. in forthcoming bill payable by the complainant alongwith interest at bank lending rate. Forum is also of the view that as per provision of section 62(6) of E.A, 2003 interest on excess amount recovered is payable of bank lending rate. Forum is of the view that delay in complying IGRC order is not justified as brought out by N.A.MSEDCL by referring commercial circulars No 204 and 268 which are irrelevant and not applicable for present grievance but



applicable for package incentive scheme. Forum agrees with the view of complainant that IGRC should see that order passed by IGRC is complied, as it is MSEDCL's own internal cell to redress the grievance. No order as to the cost. With these observations, Forum proceeds to pass following unanimous order.

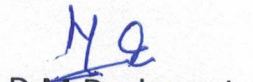
### ORDER

- 1) That Complaint No 36/2017 is hereby partly allowed.
- 2) The N.A.MSEDCL is directed to refund excess recovered amount towards Electricity duty with interest at bank lending rate applicable for security deposit from Sept 2015 to Sept 2017 and adjust the amount in forthcoming energy bill payable by complainant.
- 3) No order as to the cost.
- 4) The N.A.MSEDCL to recover the loss of revenue to MSEDCL on payment of interest of E.D. from guilty officers/employees of N.A.MSEDCL, after due enquiry as per principle laid down in M/s Lucknow development authority Vs. M.K.Gupta in 1994 SCC (1) 243 decided by Hon'ble Supreme Court of India.
- 5) The N.A.MSEDCL is directed to submit compliance report to the Forum within one month of issue of this order.




R.A. Ramteke

Member/Secretary



D.M. Deshpande

Member (CPO)



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, Shrikrupa, Vijaynagar, Chhaoni,  
Nagpur-440 013.Phone:- 0712-2596670

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No. CGRF / AKZ/ Akola/184

Dt. 24.01.2018

To,  
The Nodal Officer,  
The Executive Engineer MSEDCL,  
O&M Division, Akola Urban.

The order passed on 24.01.2018 in the Complaint No. 36/2017 is enclosed herewith for further compliance and necessary action.



Secretary,

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

Copy fwcs to:

1. The Superintending Engineer, MSEDCL, O&M Circle, Akola
- 2 M/S Gurukrupa Digital Press, Sachin Rameshrao Kale, Patil Market Akola.  
Consumer No. 310078721706