

**CONSUMER GRIEVANCE REDRESSAL FORUM,
AMRAVATI ZONE, AMRAVATI.**

" Vidyut Bhavan" Shivaji Nagar, Amravati, Amravati : 444603 Tel No 0721 .2551158

ORDER

Dt. 18/02/2017

Complaint No.1/2017

In the matter of grievance pertaining to refund of S.D. , SOP, etc.

Quorum

**Shri T . M.Mantri, Chairman
Shri S. R. Chitale Member/ Secretary
Shri. D. M. Deshpande-Member (CPO)**

Indus Tower Ltd,Pune :-
Pandharkawada, Ghatanji,
Consumer No 374790004580,
374620002451 & 373960002645

Complainant

.....Vrs.....

The Executive Engineer, :-
MSEDCL, O&M Division,
Pandharkawada.

Respondent

Appearances :

Complainant Representative :- Shri D. S. Talware
Respondent Representative :- Shri S. P. Rathod, Dy. Executive Engineer

1. The complaint case in brief is that though the demand has been made for refund of security deposit as detailed under :-

SR NO	Consumer No	BU Name	SD Pending	Date of ack.	Refund	DN
1	374790004580	PANDHARKAWADA	14000	5-NOV-15	Not Received	Pandharkawada
2	374620002451	PANDHARKAWADA	15000	5-NOV-15	Not Received	Pandharkawada
3	373960002645	5258 GHATANJI	5000	9-Aug-16	Not Received	Pandharkawada

1. According to the complainant the electric supply to the sites mentioned above were already surrendered & in spite demand nothing has been done though according to complainant there was no compliance on the part of complainant. The provision of regulation has not been complied. The complainant approached IGRC, Yavatmal & in spite order on 21/10/2016 no refund has been made, compelling the complainant to file the complaint & seek the reliefs prayed for. Along with complaint copies of documents have been annexed.

2. After receipt of notice of this Forum the N.A. filed the reply admitting therein demand raised by the complainant in respect of first two consumer numbers on 11/05/15. By letter dated 16/06/15 it has been asked to clear the arrears & submit the undertaking. After making compliance of the documents proposal dated 22/09/16 was sent to Division Office & accordingly cheque for Rs. 19670/- dated 25/01/17 was send by Regd. Post. With regard to consumer No. 3 it is stated that on 09/08/2016 application for refund was submitted, on which proposal dated 20/09/2016 was sent to Division Office for refunding the balance amount after deduction of arrears. Accordingly cheque for Rs. 3420/- dated 18/01/2017 was sent by Regd. Post on 18/01/2017. Along with reply copies of documents came to be filed.

3. Heard Shri Talware & Shri Rathod, the learned representatives on behalf of complainant & N.A., respectively. Admittedly there is no dispute about stopping /disconnection of electric supply of all the three referred consumers so also about the amount in security deposit with N.A. As per provision of MERC Regulation the prescribed time period is provided for fulfilling Standard of Performance prescribed under the Regulation i.e. 30 days in Urban area & 45 days in Rural area after receipt of application from the consumer. It is also an admitted position that consumer is entitled for prescribed interest rate on S.D. & it has been admitted that as per practice/precedent yearly interest is credited/paid to the consumer. As per reply of the N.A. the application for refund of S.D. was made on 11/05/2015 whereas in case of Illrd Consumer such application as submitted on 09/08/2016. According to the N.A. there were arrears against the complainant for the

consumer numbers & demand was raised after making compliance from the side of complainant the matter was moved & Rs., 19670/- send by cheque dated 25/08/2016 with regard to first two consumers & that of Rs. 3420/- by cheque dated 17/01/2017 for consumer No. 3. Here it needs to be mentioned that the N.A. has not at all given any details of the alleged amount under referred cheques. The learned representative of complainant was right in making submission about the details which also made after approach to the IGRC, Yavatmal. The order of IGRC is of 21/10/2016 directing payment of amount within 30 days. Record clearly shows the in spite thereof the order is not complied in time mentioned, compelling the complainant to approach this Forum on 09/01/2017 for getting relief.

4. It is thus clear that after approach made by the complainant to this Forum the action has been taken & above referred cheques have been sent, may be after receipt of notice of this Forum. Even it is to be noted that while sending the cheques no details have been given. The details of alleged arrears & deduction thereof from S.D. have been filed on record with reply but copy has been furnished to the complainant belatedly, during pendency of the complaint. So as far as amount send by the cheques has not been disputed from the side of complainant & the learned representative of the complainant fairly submitted that the N.A. could have deducted the arrears outstanding against each of consumer numbers of the complainant . His grievance about not giving the details as well as non payment of interest. Upon going through the details given by the N.A. for deduction of arrears there is no grievance from the side of complainant. So now question remains about interest. Though on behalf of N.A. it as submitted about giving of details of yearly interest & other interest if any paid to the complainant for each of the consumer numbers. However, the details have not been furnished. During the course of argument the learned representative of N.A. has admitted liability of payment of interest till the date of issue of cheques. In view thereof it will be necessary to give appropriate direction in the order for payment of interest as well as SOP compensation. As already observed above MERC Regulation 2014 provides prescribed standard of Performance & failure to liable for consequences i.e. SOP compensation mentioned therein. Admittedly the complainant for 1st 2 consumer Nos. submitted application & compliance was made from its side in Sept. 2016

the N.A. ought to have refunded the balance amount of S.D. with interest but that has not been done & on 25/01/2017 & 17/01/2017 the cheques of refund of the balance amount of S.D. have been made but without interest so apart from liability for payment of interest till respective dates of issue of cheques i.e. 25/01/2017 & 17/01/2017 the N.A. is also liable to pay for SOP compensation as per MERC Regulation 2014 from Nov. 2016 till the date of issue of the cheques in Jan. 2017 at the rate of Rs.200/- for the first month of delay & Rs.100/- per week for the subsequent period of delay.

5. Needles to say that it was necessary to concerned officers/staff to make the compliance as per Regulation & for non making the compliance in period the monitory liability has arisen against the licensee company of SOP compensation with interest & it is because of latches/inaction on the part of concerned staff/officer. The licensee Company to recover that amount of financial liability from those concerned staff/officer. With such observations this Forum proceeds to pass following unanimous order :-

ORDER

1. Complaint No. 1/2017 is hereby partly allowed.
2. That the N.A. is directed to pay interest on the amount of S.D. to the complainant for each of the consumer Nos. (3) from Nov. 2016 till the respective date of issue of cheques i.e. 25/01/17 & 17/01/17 as per details given by the N.A.
3. The N.A. is also liable to pay SOP compensation at the rate of Rs.200/- for the first month of delay & at the rate of Rs.100/- per week thereafter till the respective dates of issue of cheques.
4. That the N.A. licensee recover the monitory liability of SOP compensation & interest imposed on it vide order, on account of latches/inaction on the part of concerned staff/officer as per procedure.
5. In the circumstances no order as to costs.

6. That the compliance report to be submitted within period of one month from the date of this order.

Sd/-
Member/Secretary

Sd/-
Member (CPO)

Sd/-
Chairman

Contact details of Electricity Ombudsman appointed by MERC (CGRF&EO) Regulations 2006 under Regulation 10:

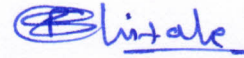
THE ELECTRICITY OMBUDSMAN,
Office of Electricity Ombudsman (Nagpur)
Plot No.12, Shrikrupa, Vijaynagar, Chhaoni,
Nagpur-440 013.
Phone : 0712-2596670

No.CGRF / AMZ/ Amravati/ **No 0 5 8 6 /**

Dt. **20 FEB 2017**

TO
The Nodal Officer,
The Executive Engineer MSEDCL,
O&M Division, Pandharkawada

The order passed on 18/02/2017 in the Complaint No. 1/2017, is enclosed herewith for further compliance and necessary action.



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

Copy fwc to:

1. The Superintending Engineer, MSEDCL, O&M Circle, Yavatmal
2. Indus Tower Ltd,Pune , Pandharkawad , Ghatanji
Consumer No. 374790004580, 374620002451 & 373690002645