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Consumer Grievance Redressal Forum

“Vidyut Bhavan”, Gr. Floor,

L.B.S.Marg,Bhandup (W),

Mumbai – 400078.

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REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/08/139

Date:30.08.2017

Case No. 08/2017

Hearing DT: 25.05.2017

**In the matter delayed credit interest on Security deposit**

**Mr.Kantilal D. Vasariya,**  
Near Gaodevi Maidan,  
opp. Bedekar Hospital,  
Thane (W)-400602

- Applicant

Vs.

**M.S.E.D.C.Ltd.,Add Ex. Engineer, Thane Power House Sub Division**

- Respondent

**Present during the hearing**

A - On behalf of CGRF, Bhandup

- 1) Shri. Anil P. Bhavthankar, Chairperson, CGRF, Bhandup.
- 2) Shri. R.S.Avhad, Member Secretary, CGRF, Bhandup.
- 3) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

**B - On behalf of Appellant**

Mr. Hemant Hatkar - Consumer Representative

**C - On behalf of Respondent**

Shri. Umesh S. Lele Addl. Executive Engineer, Thane Power House, sub division.

**Consumer No. 400000880556 B.U.4727**

1. Above named consumer filed this complaint against respondent utility, MSEDCL Power House Sub Division alleging that he received letter from respondent utility No.7278 dtd. 27.12.2016. About this consumer number stated that the fact reveal that due to lacness of Power House Sub Division Security Deposit interest not deposited properly from year 2005-06 regularly. It is alleged that Executive Engineer Thane-II Division failed to issue TDS certificate therefore consumer pray for proper action should be taken against the respondent utility for not crediting interest on Security Deposit and also not issuing TDS certificate properly in time. Initially consumer made grievance in Schedule 'X' to IGRC and raised the dispute. After receiving the said grievance IGRC registered the Case No 36/2016. On dated 23.02.2017 IGRC gave opportunity for hearing of the dispute both the parties. On

thereafter 21.03.2017 IGRC pass order directing respondent to credit balance interest on Security Deposit and also issue copy of CPL and IT report for information. It is also directed by IGRC to issued TDS certificate to the consumer after deducting TDS. The consumer was directed to give PAN details and necessary documents to compliance but being dissatisfied with the order of IGRC present consumer approach to the Forum and filed compliant in Schedule 'A' on dated 25.04.2017 and pray for giving direction to respondent utility and also claim 9% interest for delay in depositing interest on credit also claim receiving TDS certificate accordingly. Consumer attached copy of order of CGRF Bhandup in Case No.528 and order in Case No.132 dated 02.05.2014. After filing the dispute notice was issued to the respondent utility on 27.04.2017 and 22.04.2017. Thereafter respondent utility appeared and filed reply on 19.07.2017. Respondent utility submitted that interest on Security Deposit since 2010 falls due April 2011, March 2011 amounting Rs.1,37,415/- which was credited in the month of May 2017. It is also inform amount Rs.1,10,702/- and remaining after deduction of tax 12,971/- in the month of 2017. As such the interest already credited in the account of consumer letter for issuing TDS certificate already forwarded to consumer bearing letter no Addl.EE/TPH/1124/ dtd. 18.07.2017 already issued. Respondent utility filed copy of order in case No. 63/2011 by MERC dated 01.12.2011. I have perused all the document file by consumer and respondent utility.

2. After perusing the rival contention of consumer and respondent utility following point arose to our consideration to which I have recorded my finding to the point further reason given below
  - I. Whether consumer is entitled for 9% interest on Security Deposit amount 2, 97,910/-.
  - II. Whether consumer is entitled for any further relief.
  - III. What order?

### **Reasoning**

3. I have given opportunity to consumer and his representative this forum heard the dispute in details. It is claim of the consumer that on 27.12.2016 letter issued by respondent utility No. 7278 informing the interest of Security Deposit is already credited delay. However consumer claims that interest not credited since 2005-

2006 properly and regularly. It is to be noted the limitation period prescribed under the act is 2 years from cause of action. Therefore no cognizance can be taken of the dispute beyond 2 years from the cause of action.

4. Coming to the main point of dispute the copy of bill dated 03.04.2017 is perused. On the said bill below the column of payment of interest details PAN No and TDS deduction which is due on 12.04.2017, endorsement is already made on the bill. Further credit of the interest by preparing B-80 already given to the consumer by respondent utility details informed by the respondent utility. Thus there is no delay in crediting interest. The cause of action does not arise to the consumer to claim again 9% interest on the said amount because there is no provision to claim interest on Security Deposit and also no further provision to claim 9% additional interest. As actual monetary transaction does not reflect on any document and interest already given by preparing B-80 there is no financial liability on the respondent utility. Regarding of issuing TDS certificate, there is no document or the correspondence made by the consumer informing PAN details and IT statement enclosed. Therefore actual occurrence of claiming 9% interest to my view does not arise. It appears from the order of IGRC that the direction already given to respondent utility for compliance of depositing interest which was due and it was complied by the respondent utility and informed to the consumer properly. This dispute raised before the Forum with intention to take action for not depositing interest properly and timely. As no factual 9% monetary interest can be again credited as claim for 7 years since 01.04.2010. I found intangible income or amount no interest is payable. It is related to account and the judgment cited by respondent utility referred in Case No 63 of 2011 the guideline which was issued the direction already given by competent Authority to the respondent utility for making application for refund of Security Deposit and liability of payment interest on Security Deposit time to time. It is invariably large number of account holder remain unpaid interest on Security Deposit and reflected in the bill but schedule fix for actually due date of payment of interest and issuing TDS certificate arise April every year and therefore the respondent utility should followed the said schedule scrupulously. I found in this litigation intention of consumer to claim 9% interest on the Security Deposit amount as already paid and credited in the account and it is inform to the consumer properly by respondent utility. I found no cause of action now arise to claim that interest 01.04.2010 again in absence of any such provision

not appear in statue for claiming interest on interest. I am not inclined to grant any further relief. Hence I proceed to pass following order.

**ORDER**

The consumer complaints 08/2017 dismiss.

No order as to the cost.

Both the parties should be informed accordingly.

Proceeding close.

The compliance should be reported within 45 days.

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

Note:

1) If Consumer is not satisfied with the decision, he may file representation within 60 days from the date of receipt of this order to the Electricity Ombudsman in attached "Form B".

**Address of the Ombudsman**

**The Electricity Ombudsman,  
Maharashtra Electricity Regulatory Commission,  
606, Keshav Building,  
Bandra - Kurla Complex, Bandra (E),  
Mumbai - 400 051**

2) If utility is not satisfied with order, it may file representation before the Hon. High Court within 60 days from receipt of the order.

(I Agree/Disagree)

(I Agree/Disagree)

**DR. ARCHANA SABNIS  
MEMBER  
CGRF, BHANDUP**

**ANIL P. BHAVTHANKAR  
CHAIRPERSON  
CGRF, BHANDUP**

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

