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REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/20/187

Date: 31.10.2017

Case No. 33/2017

Hearing Dt.19/09/2017

**In the matter of not deducting interest on SD and issuing of TDS certificate since 2009**

M/s. J.J. Enterprises

- (Consumer)

Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL)

Gadkari 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. , Addl. Executive Engineer, Vashi Sub Division.

**Consumer No. 000019054080**

**CL-100KW CD-90KVA date of connection 27.01.2009**

Above named consumer received bill the month of July 2016 showing deduction of TDS interest amount Rs 9950/-. After receiving the said bill it is observed that since date of connection 2009 periodically interest benefit was not given to the consumer on SD amount Rs. 206220/- and also not issued TDS certificate by respondent utility time to time. Therefore consumer is deprived from benefit and advantage of interest credit benefit and because of issuing TDS certificate consumer also not received tax benefit therefore consumer approach initially to IGRC and filed complaint in Schedule 'X' on dated 18.05.2017. Consumer pray that the interest should have been calculated since date of connection and interest certificate ,TDS certificate should have been given but it has not received due to laxity and gross negligence in the part of respondent utility. It is also violation of income tax ACT of

1961. After filing the said complaint IGRC was opportunity of hearing on 18.07.2017 to the respondent utility. It is submitted that during year 2010-11, 2014-15, the interest amount Rs.64611/- excluding TDS and for financial year 2016-17 amount Rs 17797/- after deduction of TDS amount the amount is adjusted in consumer bill from June 2017. It also informed by respondent utility the TDS certificate will be issued by Thane-I division after judgment of IGRC 20/08/2017 the said order was not complied within stipulated time. Therefore consumer approach to this Forum and filed grievance on 05.08.2017 informing that respondent utility not deducted on interest SD periodically and not issued TDS certificate to the consumer due to which consumer has to suffer loss unnecessary and It is violation of provision of income tax ACT 1961. Consumer pray for 9 % interest on amount towards late credited interest and refund the said amount to the consumer also pray for taking appropriate action due to laxity and negligence on the part of respondent utility official. After filing this complaint on 05.08.2017 notice was issued to the respondent utility.

After service of notice respondent utility appeared and filed reply on 16.09.2017 informing as per decision of IGRC dated 02.08.2017 interest on SD amount was calculated for year 2015-16 and amount for the year 15-16&16-17 Rs 16579/- and Rs 13263/- was deducted and TDS certificate is also issue . It is inform by respondent utility in reply that due to oversight double deduction of interest was calculated erroneously and therefore amount of Rs. 9950/-and Rs.3313/- was dedicated wrongly which will be credited in the account of consumer in next billing cycle October 2017. Respondent utility submitted extract of deduction of interest on SD 01 April 2008 to 01 April 2016 and given details.

After perusing rival contention of the consumer and the respondent utility following point arose for our consideration to which I have recorded my finding to the point for the reason given below

1. Whether consumer is entitled for interest on SD amount benefit since 2009 to 2016.
2. Whether consumer is entitled for TDS certificate of disputed period
3. Whether consumer is entitled to receive 9 % interest on late SD amount credit
4. What relief and order?

## **Reasoning**

I have given opportunity to the consumer and his representative during hearing before this Forum. It appears from the decision of IGRC dated 02.08.2017 IGRC directed respondent utility to credit interest on SD since financial year 2010-11 to 2016-17 and also direct to issue TDS certificate accordingly even then this consumer approach to the Forum being not satisfied the decision of IGRC. It is observed that respondent utility affaire not taking enough care to give the benefit of interest on SD amount and not deducting amount periodically when it is required in every month of March of receiving year it is also necessary for respondent utility official to issue TDS certificate periodically in this regards direction given by MERC time to time and the circular is not followed by respondent utility official scrupulously. Therefore consumer is bound to suffer financial loss and other mental agony. I am inclined to take very serious view .of laxity and negligent on the part of respondent utility official those who are not vigilant. If reflected in accumulated interests received to the respondent utility department with reflect monitory heavy loss to the consumer and unloss will gain to the respondent utility account. Even the direction of MERC and the circular by not followed respondent utility official. Therefore I am inclined to allow the complaint of consumer and directing respondent utility to pay Rs. 1000/- towards compensation which can be recovered from salary of responsible official it should be reflected in the bill of this consumer in next billing cycle. So far as issuing of TDS certificate the respondent utility reply reveal that the TDS corticated is already issued from 2010 to 2016 and also assured to give credit of amount Rs.3313/- balance amount in bill of October 2017 at the time of hearing the said bill is not produced. Therefore actual compliance as stated by respondent utility cannot be commented .In this regards this consumer required to suffer unnecessarily without his fault therefore his entitled for compensation Rs. 1000/- payable by respondent utility official. Hence I am inclined to allow the complaint of consumer and proceed to pass following order.

### **ORDER**

1. The consumer complaint 33/2017 is allowed.
2. The respondent utility directed to give proper benefit of interest on SD as stated if not given.
3. The respondent utility shall pay the compensation of Rs. 1000/- to the consumer reflected in next billing cycle.
4. The interest claim 9% cannot be awarded as no provision for interest on interest is payable to the consumer

5. The order shall be complied within 30 days and report the same.

Both the parties should be informed accordingly.

Proceeding close.

The compliance should be reported within 30 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**