

**Consumer Grievance Redressal Forum
Maharashtra State Electricity Distribution Co. Ltd.
Bhandup Urban Zone, Bhandup**

Ref. No. Secretary/MSEDCL/CGRF/BNDUZ/

Date :

Case No. 388

Hearing Dt. 16/08/2011

Smt. Kasturben Lalji - Applicant
Vs.

T.P.L., Bhiwandi - Opponent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri S. D. Madake, Chairman, CGRF Bhandup.
- 2) Shri R.M Chavan, Member Secretary, CGRF, Bhandup.
- 2) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Applicant

Shri Jayesh Lalji Gudhka –Consumer Representative

C - On behalf of Opponent

Shri A.L. Deshpande, Ex. Engr/Nodal Officer, Bhiwandi.

1) The complainant Smt. Kasturben Lalji is consumer of MSEDCL vide consumer no. 13010251375 and no. 13010251383. The main grievance is that consumer deposited loan deposit of ` 4,890/- on 16/01/1976 and ` 115/- on 16/07/1976. The allegation is that said

loan deposit is not refunded and also not adjusted in the electricity bills issued to her from time to time.

2) The Opponent resisted the claim on the ground to limitation. It is averred that, Forum shall not admit any grievance unless it is filed within two years from the date on which case of action has arisen.

3) Heard both sides perused the documents produced on record. The consumer has produced on record receipt of payment towards loan deposits dtd. 16/01/1976 for ` 4,890/- and dated 16/07/1976 for ` 115/-. This proves that payment of money as load deposits. The Opponent has not stated that said amount was refunded to consumer. It is also not stated that said amount was adjusted in the electricity bills. Hence, consumer has proved payment of deposit and non-refund of the money.

4) The other point is period of limitation. As per Law, Opponent is under an obligation to refund of money as the said amount is loan entitled deposit. The period of limitation will not arise, as the cause of action is continuous. In the result, consumer is entire to adjust the amount of loan deposit of ` 4,890/- with interest as per Reserve Bank of India's rates from 16/01/1976 and ` 115/- with interest as per R.B.I. rates. The Opponent shall adjust the above said amount wile issuing arrears or further bills.

No order as cost.

Both the parties be formed accordingly.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 20th October 2011.

Note : 1) If Consumer is not satisfied with the decision, he may go in appeal within 60 days from 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 go in appeal before the Hon. High Court within 60 days from receipt of the order.

DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP

S. D. Madake
CHAIRMAN
CGRF, BHANDUP

R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP