



Consumer Grievance Redressal Forum, Kalyan Zone

Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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Date of Grievance : 09/06/2017

Date of order : 10/08/2017

Total days : 63

COMMON ORDERS IN THE MATTER OF GRIEVANCE NOS. K/E/1225/1448 TO K/E/1231/1454 OF 2017-18 IN RESPECT OF M/S. INDUS TOWERS LIMITED, 2010, E-CORE, 2ND FLOOR, MARVEL EDGE, VIMAN NAGAR, PUNE 411014 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING BILLING DISPUTE.

1] K/E/1225/1448/2017-18

M/s Indus Towers Limited,
2010, E-Core, 2nd floor,
Marvel Edge, Viman Nagar,
Pune - 411014,
(Consumer No. 044535007150)

2] K/E/1226/1449/2017-18

M/s Indus Towers Limited,
2010, E-Core, 2nd floor,
Marvel Edge, Viman Nagar,
Pune - 411014,
(Consumer No. 03830417892)

3] K/E/1227/1450/2017-18

M/s Indus Towers Limited,
2010, E-Core, 2nd floor,
Marvel Edge, Viman Nagar,
Pune - 411014,
(Consumer No. 003840010201)

4] K/E/1228/1451/2017-18

M/s Indus Towers Limited,
2010, E-Core, 2nd floor, Marvel Edge,

Viman Nagar, Pune – 411014,
(Consumer No. 005510386266)

5] K/E/1229/1452/2017-18

M/s Indus Towers Limited,
2010, E-Core, 2nd floor,
Marvel Edge, Viman Nagar,
Pune – 411014,
(Consumer No.007530361769)

6] K/E/1230/1453/2017-18

M/s Indus Towers Limited,
2010, E-Core, 2nd floor,
Marvel Edge, Viman Nagar,
Pune – 411014,
(Consumer No. 103270106238)

7] K/E/1231/1454/2017-18

M/s Indus Towers Limited,
2010, E-Core, 2nd floor,
Marvel Edge, Viman Nagar,
Pune – 411014,

(Consumer No. 003040487904).... (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution Company Limited
through its MSEDCL,
Supt. Engineer Palghar Circle,
Palghar.

.... (Hereinafter referred as Licensee)

Appearance :For Consumer–Shri D.S. Talware- C R .

For Licensee-Shri Agrawal- AEE-Palghar Circle.

[Coram- Shri A.M.Garde-Chairperson, Shri A.P. Deshmukh-Member
Secretary and Mrs.S.A.Jamdar- Member (CPO)].

Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003 (36/2003). Hereinafter for the sake of brevity referred as ‘MERC’. This Consumer Grievance Redressal Forum has been established as per the notification issued by MERC i.e. “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006” to redress the

grievances of consumers vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is referred as 'Regulation'. Further the regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission. Hereinafter referred as 'Supply Code' for the sake of brevity. Even, regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply & Determination of Compensation) Regulations, 2014.' Hereinafter referred 'SOP' for the sake of convenience (Electricity Supply Code and other conditions of supply) Regulations 2014'.

2] All these matters have arisen out of delay for refund of SD amount of consumers by the Licensee. The facts are identical and the issues are the same. Hence we have arrived at the conclusion to decide these matters / grievance applications by common order.

3] The facts of the grievance applications are that—

The consumers intimated to the Licensee by a letter dated 29/8/16 that the electricity supply to their sites as mentioned in the chart by them is no more required to them. Accordingly, the consumers requested for refund of amount.

4] The contention of the consumer is that it has applied to the Licensee on 29/8/16 for refund of S.D. amount, after following a due procedure and completing all the formalities.

5] The consumers further submitted that despite their compliance Licensee had not refunded their S.D. amount within the stipulated time, hence consumers are entitled for interest.

6] The contentions of the consumers is that for getting the S.D. refunded , consumers approached to the concerned Officials of the Licensee for several times, but Licensee failed to do so.

7] It is pleaded by the consumers that as per the MERC Regulation (SOP) 2014 Appendix A – Clause 8 (ii) it was mandatory on the part of the Licensee to refund the SD to the consumer within a period of thirty (30) days for closure of account. According to the consumers, they made an application to the Licensee and as per the procedure Licensee was bound to refund the SD amount to the consumer on or before 30 days from the date of receipt of application. However, Licensee refunded the SD amount after an inordinate delay, which is not correct as per the MERC directives. Such being the position , consumer claimed for SOP.

8] It is the submission of the consumers that though as per the procedure the consumers approached to IGRC, however hearing was conducted no remedy was provided to them. Consumer, therefore, approached to the Forum with the following prayers—

1] Arrange to refund the SD amount at the earliest of the above consumers.

2] Arrange to take further needful action per SOP Regulations item Sr. No. 8 (ii) of Appendix-A.

8] On receiving the grievance, it's copy along with it accompaniments sent to the Nodal Officer dated 14/6/2017. In response to it Licensee appeared and submitted it's reply . Licensee denied the claim of the consumers, stating that –

a] Hearing was conducted by IGRC on 6/2/17 and order was passed on 9/2/17.

b] As per the order of IGRC, a cheque bearing No. 398366 dated 19/5/2017 for Rs. 72570/- issued for refund of 04 consumers of Indus Towers having consumer Nos. 1] 003040487904, 2] 005510386266, 3] 103270106238 and 4] 003840010201. This cheque was issued before filing of grievance applications by the consumer in the Forum . Hence consumers statement that they have not received the SD amount, is not correct and consumers are trying to misguide the Forum.

9] Licensee further stated that it is a fact that the SD amount of the above mentioned consumers was refunded to them, however since the name on the cheque was M/s Indus Towers Ltd and the name of consumers Bank account different as Indus Towers Ltd. The said cheque was returned by the consumer.

10] Licensee also submitted that it has also refunded the SD amount to the remaining three consumers having consumer No. 1] 003040455654, 2] 007530361769 and 3] 003830417892. However, the names of these consumers were different from their names on SD application. When Licensee came to know that this is a case of amalgamation, Licensee discussed the matter with its' higher authorities and as per the directions a cheque bearing No. 398463 dated 21/6/17 for the amount of Rs.61030/-was issued to the above consumers. Licensee again came to know that the said cheque was issued in the name of Indus Towers Ltd. instead of Indus Towers a fresh cheque bearing No. 398464 dated 21/6/17 for an amount of Rs.1,33,600/- was issued to the consumers.

11] Licensee, therefore, pleaded that looking at the above scenario they are not at fault for delay in payment due to different names of consumers.

12] After hearing the arguments of both the parties and the documents on record, we have observed that—

1] Consumer had submitted application for closure of SD amount after following a due procedure.

2] Licensee was bound to refund the SD amount to the consumers within a period of 30 days from the date of receipt of respective dates of their application as per Appendix – 8(ii). However, Licensee has not done so within a stipulated period laid down in Rules and Regulations of Hon’ble MERC. Hence, in our opinion, consumers are entitled for SOP.

III] Moreover, w have also noted that Licensee has retained the SD amount without any legal right, hence consumers are entitled for interest on the SD amount.

13] We have also noted that:

Sr.No.	Consumer No.	Date of application	Date of issuance of cheque by Licensee.
1	003040487904	08/08/2016	19/5/2017
2	005510386266,	15/5/2015	19/5/2017
3	103270106238	14/5/2015	19/5/2017
4	003840010201	10/8/2016	19/5/2017
5	003040455654	14/5/2015	21/6/2017
6	007530361769	15/5/2015	21/6/2017
7	003830417892	14/5/2015	21/6/2017

14] In all these above cases, delay has been caused by Licensee to refund the amount of SD . Hence consumers are entitled for SOP as per Appendix A of the MERC (CGRF & Ombudsman) Regulations, 2006, as

well as for interest on the amount of SD from the date of it's application till receiving the cheque.

15] Taking into consideration, all the above points, we pass the following order.

Hence the order.

ORDER

- 1] Grievance application of consumer is hereby allowed.
- 2] Licensee is directed to calculate the interest on SD amount from the respective dates of application till realization of the cheques.
- 3] Licensee is directed to pay the amount towards SOP by cheque to the consumer as per clause 8(ii) of Appendix-A of (MERC SOP) of Distribution Licensees, period for Giving Supply and Determination of Compensation), Regulation 2014, to be calculated after 30 days from the date of application till the date of refund.
- 4] Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

NOTE:- The original order of these grievances is kept in grievance No. K/E/1225/1448/2017-18 and the other Xerox copies are kept in remaining cases.

Date: 10/8/2017.

(Mrs.S.A.Jamdar)
Member
CGRF, Kalyan

(A.P.Deshmukh)
Member Secretary
CGRF, Kalyan.

(A.M.Garde)
Chairperson
CGRF, Kalyan.

NOTE

- a) The consumer if not satisfied, may file representation against this order before the Hon. Ombudsman within 60 days from the date of this order at the following address.

“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”.

- b) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or

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- c) delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” at the following address:-

“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”

- d) It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.