

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] The facts of the grievance application are that—

The contention of the consumer is that it has applied to the Licensee on 26/6/2015 for refund of S.D. amount, after following a due procedure and completing all the formalities.

3] The consumer further submitted that despite his compliance Licensee had not refunded its S.D. amount within the stipulated time, hence consumer is entitled for interest.

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

5] It is pleaded by the consumer 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 consumer, it made an application to the Licensee on 26/6/15 and as per the procedure Licensee was bound to refund the SD amount to the consumer on or before 26/7/15. However, Licensee did not refund the SD amount till the filing of the grievance application but subsequently on 7/6/2017 when the grievance application was pending before the Forum, An

inordinate delay has been caused which is not correct as per the MERC directives .Such being the position, consumer claimed for SOP.

6] It is the submission of the consumer that though as per the directions of the Forum consumer approached to IGRC, no remedy / relief was provided to him. Consumer, therefore, approached to the Forum with the following prayers—

- 1] Kindly arrange to issue an order for refund of security deposit along with interest at the earliest of above consumer.
- 2] Kindly arrange to issue an order for compensation as 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 vide letter No. EE/CGRF/Kalyan/220 dated 19/5/2017. In response to it Licensee appeared and contended that though the officials of Licensee received the copy of application from the consumer for refund of SD amount, however, due to some technical reasons it was not possible to refund the SD amount to the consumer at that time. Thereafter the proposal was pending at Division Office. However, a cheque amounting to Rs.8000/- was issued to M/s. Bharti Infratel Ltd. on 30/5/2017.

When the case was pending before the Forum a cheque in favor of Indus Towers was issued to the consumer on 7/6/2017.

Licensee therefore submitted that there was no intention of Licensee to retain the SD amount of consumer, but the delay was caused due to wrong name of payee / consumer , however the mistake was rectified and a fresh cheque was issued to the consumer, hence SOP may not be imposed.

9] After going through the arguments made by both the sides and on perusal of the record, we have observed that—

- a] Consumer had given application to the Licensee for refund of S.D. on 26/6/2015.
- b] Record shows that SD amount was refunded to the consumer on 7/6/2017 by cheque.

- c] Licensee had retained the SD amount without any legal right.
- d] The letter on record dated 8/6/2017 shows that after receiving application of the consumer for refund of SD amount, Licensee has retained the SD amount with it for almost two years without any proper reason. Further it has issued a cheque on 31/5/2017 that too on a wrong name. The Licensee acted negligently. In our opinion, consumer is entitled for interest as well as SOP from the Licensee when the amount of SD became due till the final payment of refund. Moreover, there is no justification whatsoever for making delay in refunding the amount of the consumer and depriving consumer from it's legitimate right for nearly two years.
- e] Licensee failed to refund SD to the consumer within a stipulated time laid down by MERC Regulation 2014. Hence, consumer is entitled for interest on SD amount along with SOP as per the provision laid down in Appendix – A Clause 8(ii) which reads as under:
“Time period for other services from the date Rs.100 per week or part thereof for delay of application:

8. Other Services

- 8(ii) Closure of account. Time period
for payment of final dues to Thirty (30) days
consumer from the date of (Clause 1 cities and Urban Area).
receipt of application for closure
of account.

Forty five (45) days (Rural Areas).

10] Taking into consideration, all the above facts, we are of the opinion that Licensee has not refunded the SD amount to the consumer within a prescribed time laid down by Hon'ble MERC, hence consumer is entitled for interest on the SD amount along with SOP as per the provision .

This matter could not be decided within a stipulated time because both parties have to produce some documents.

Hence the order.

ORDER

- 1] Grievance application of consumer is hereby allowed.

2] Licensee is directed to calculate the interest amount from 26/7/2015 to 7/6/2017 till the final date of refund and pay to the consumer by cheque.

3] Licensee is directed to pay an amount of Rs.9700/- to the consumer by cheque towards SOP as per clause 8(ii) of Appendix-A of (MERC SOP) of Distribution Licensees, period for Giving Supply and Determination of Compensation), Regulation 2014.

4] Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 27/9/2017.

(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

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.

Grievance No. K/E/1212/1435 of 2017-18