



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No. **K/E/1203/1426 of 2017-18**

Date of Grievance : 17/05/2017
Date of order : 27/09/2017
Total days : 133

IN THE MATTER OF GRIEVANCE NO. K/E/1203/1426 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.

M/s Indus Towers Limited,
2010, E-Core, 2nd floor,
Marvel Edge, Viman Nagar,
Pune – 411014,
(Consumer No.001511223209) (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution Company Limited
through its MSEDCL,
Nodal Officer, Vasai Circle. (Hereinafter referred as Licensee)

Appearance : For Licensee- Shri Waman, ALO, Mrs. Desai-Dy.Manager
Mrs Dambe-UDC, Vasai Circle
For Consumer–Shri D.S. Talware - C R.

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

1] 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] The facts of the grievance application are that: —

The consumer has applied to the Licensee on 13/5/2015 for refund of S.D. amount after following due procedure and completing all the formalities.

3] The consumer further contended that despite his compliance, Licensee has not refunded it’s SD amount till date. The consumer therefore, requested to direct the Licensee to refund the SD amount along with interest and SOP.

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 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 amount to the consumer within a period of thirty (30) days for closure of account. According to the consumer, it had made an application to the Licensee on 13/5/2015 and as per the procedure Licensee was bound to refund the SD amount to the consumer on or before 13/6/2015. However, Licensee has not refunded the SD amount till date, 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 were sent to the Nodal Officer vide letter No. EE/CGRF/Kalyan/229 dated 19/5/2017.

The grievance application was filed on 17/5/2017. Notice was issued to the Licensee on 19/5/2017 calling upon it to appear/file reply within 15 days. Even the hearing scheduled of this grievance application was informed to the Licensee. However, no reply was filed by the Licensee. Though the notice of hearing was duly served to the Licensee by the Forum, Licensee failed to appear on the date of hearing or on subsequent adjourned dates. Licensee neither appeared personally nor filed it's reply of the grievance application either within time allowed or even thereafter. Since the grievance application filed before the Forum are time bound, we proceeded to decide the grievance application on the evidence brought to our notice by the consumer.

We have gone through the material on record, as well as Sr. No. 8(ii) of Appendix –A of MERC Regulations 2014. We have also observed that:

- a] Consumer had given application to the Licensee for closure of account / refund of S.D. on 13/5/2015.
- b] Record shows that SD amount is still not refunded to the consumer by the Licensee.

- c] Licensee had retained the SD amount without any legal right.
- 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 work 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).

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- 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.
- 11] During passing of final order, this Forum has received compliance letter from Licensee by mail. It shows that SD amount has been handed over to the consumer on 12/9/2017 by cheque.

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

Hence the order.

ORDER

- 1] Grievance application of the consumer is hereby allowed.
- 2] Licensee is directed to calculate the interest on SD amount from 13/6/2015 till the final date of refund, and pay to the consumer by cheque.

4] Licensee is directed to pay an amount of Rs. 11,300/- towards SOP by cheque to the consumer as per Clause 8(ii) of Appendix –A of (MERC SOP) of Distribution Licensee, 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 order.

Dated: 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.

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