



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No. **K/E/1204/1427 of 2017-18**

Date of Grievance : 17/05/2017

Date of order : 04/10/2017

Total days : 138

IN THE MATTER OF GRIEVANCE NO. K/E/1204/1427 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 021660492647) (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution Company Limited
through its MSEDCL,
Exe- Engineer, Kalyan Circle-II,
Kalyan

(Hereinafter referred as Licensee)

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

For Licensee-Smt. Priyanka Shelar- JEO, Badlapur [E]S/dn

[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 contention of the consumer is that it has applied to the Licensee on 15/5/15 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 a 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 15/5/15 and as per the procedure Licensee was bound to refund the SD amount to the consumer on or before 13/6/15. However, Licensee refunded the SD amount on 11/4/17, 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.

7] On receiving the grievance, it's copy along with it accompaniments sent to the Nodal Officer vide letter No. EE/CGRF/Kalyan/228 dated 19/5/2017. In response to it Licensee appeared and contended that on 11/9/2017 as per the directions of this Forum refund of SD proposal of this consumer (Con. No. 021660492647) is sent to the Head Officer vide Ref. No. 04 for the further action. The Licensee further contended that the said proposal will be proceeded and the refund of SD amount will be given to the consumer within this week. However, Licensee also submitted that though consumer is claiming Rs.33000/- towards SD amount. Licensee's record (CPL) shows that the amount of Rs. 28846/- as lying with them towards SD amount and Licensee is liable to refund the SD amount to that extent only.

8] 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 closure of refund of S.D. on 15/5/15.
- b] Record shows that SD amount is not yet refunded to the consumer.
- c] Licensee had retained the SD amount without any legal right.
- d] Though consumer has claimed Rs.33000/- towards SD amount, CPL/record shows that Rs.28846/- are due towards SD amount. When asked to the consumer regarding this discrepancy, consumer stated that he does not want to dispute and ready to accept Rs.28846/- towards SD amount. "Time period for other services from the date Rs.100 per work or part thereof of delay of application:
- e] The letter on record dated 11/7/17 shows that the internal correspondence of Licensee took almost six months for giving approval to the proposal / application of consumer for refund of its SD amount and handed over the cheque of SD amount to consumer, thereafter nearly about 3 ½ months (i.e. on 9/6/17).

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).

- 9] 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 pay an amount of Rs.28,846/- to the consumer by cheque.
- 3] Licensee is directed to calculate the interest amount from 15/6/2015 till the final date of refund and to pay the consumer by cheque.
- 4] Licensee is directed to pay an amount of SOP to the consumer by cheque as per clause 8(ii) of Appendix-A of (MERC SOP) of Distribution Licensees, period for Giving Supply and Determination of Compensation), Regulation 2014.
- 5] 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.

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