



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
Ph- 2210707, Fax – 2210707, E-mail : cgrfkalyan@mahadiscom.in

No. **K/E/1199/1422 of 2017-18**

Date of Grievance : 17/05/2017  
Date of order : 05/10/2017  
Total days : 141

**IN THE MATTER OF GRIEVANCE NO. K/E/1199/1422 OF 2017-18 IN RESPECT OF M/S. INDUS TOWERS LIMITED, 2010, E-CORE, 2<sup>ND</sup> 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, 2<sup>nd</sup> floor,  
Marvel Edge, Viman Nagar,  
Pune – 411014,  
(Consumer No.001681585539) .... ( 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 S.V.Mahajan- Exe Engineer Virar S/dn.  
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 intimated in writing to Licensee that the electricity connection bearing consumer No. 001681585539, is no more required to it, which was received by the Licensee on 13/6/2015 and accordingly the consumer requested for refund of SD amount.

3] The contention of the consumer is that it has applied to the Licensee on 12/5/2017 for refund of SD amount, after following a due procedure and completing all the formalities.

4] The consumer further submitted that despite, it’s compliance, Licensee had not refunded it’s SD amount within a stipulated time, hence consumer is entitled for interest.

5] The consumer further submitted that for getting the SD refunded it approached to the concerned Officials of the Licensee for several times, but Licensee failed to do so.

6] It is the submission of the consumer that at last as per the procedure the consumer approached to IGRC. Hearing was conducted and IGRC by its order dated 27/10/2016 directed the Licensee to refund its S.D. amount, with immediate effect but still the amount is not refunded and it is lying with the Licensee. 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.

6] On receiving the grievance, its copy along with its accompaniments sent to the Nodal Officer vide letter No. EE/CGRF/Kalyan/233 dated 19/5/2017. In response to it Licensee appeared and contended that the consumer has not submitted the required documents, hence consumer is not entitled to interest. Licensee denied the claim of the consumer, stating that there is no provision of interest on account of delay for refunding the amount of SD, hence consumer's grievance application be rejected.

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 did not refund the SD amount which is not correct as per the MERC directives. Such being the position, consumer claimed for SOP.

8] Consumer, therefore, approached to this 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.

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

a] The Licensee has received the letters of the consumer for refund of SD amount.

We have also noted that when the order of this grievance was in process, Licensee submitted letter dated 19/9/2017, intimating that the SD amount of Rs.15,750/- has been refunded to the consumer by cheque No.451828 dated 14/9/2017.

a] Though the consumer has submitted the application for refund of SD amount in the month of May 2015, no cognizance of the letter was taken by the Licensee on 9/11/2016. No efforts were made by the Licensee to make query regarding additional documents from the consumer, even after consumer's continuous follow-up. For the span of 16-17 months Licensee remained silent and have not taken any step to refund the S.D. amount of the consumer. Hence consumer is entitled for interest as well as SOP.

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 consumer is hereby allowed.

2] Licensee is directed to calculate the interest on S.D. amount of RS.15,750/- from 13/6/2015 to 14/9/2017 and to pay to the consumer by cheque.

3] Licensee is directed to pay amount of Rs.11,700/- 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: 05/10/2017.

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

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

(A.M.Garde)  
Chairperson  
CGRF, Kalyan

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**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”