



Consumer Grievance Redressal Forum, Kalyan Zone

Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No. **K/E/1209/1432 of 2017-18**

Date of Grievance : 17/05/2017

Date of order : 11/10/2017

Total days : 147

IN THE MATTER OF GRIEVANCE NO. K/E/1209/1432 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. 030940272528)

.... (Hereinafter referred as Consumer)

Versus

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

.... (Hereinafter referred as Licensee)

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

For Licensee- Shri Swapnil Kulkarni-UDC-Khopoli S/dn.

[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] The facts of the grievance application are that—

The contention of the consumer is that it has applied to the Licensee on 07/6/2015 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 7/6/2015, as per the procedure Licensee was bound to refund the SD amount to the consumer on or before 7/7/2015. However, Licensee did not refund the S.D. amount till filing of this grievance application though consumer has followed a due procedure and completed all the formalities.

Consumer further submitted that despite it' compliance Licensee had not refunded it's S.D. amount within a stipulated time hence, consumer is entitled for interest as well as SOP.

Consumer also submitted that for getting the S.D. refunded, it approached to the concerned Officials of the Licensee for several times, but Licensee failed to do sol.

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/223 dated 19/5/2017. In response to it Licensee appeared and contended that the consumer is not entitled for SOP. Licensee further denied the claim of the consumer regarding interest, stating that

there is no provision of interest on account of delay for refunding the amount of SD.

8] It is the contention of the Licensee that :-

18.11----Whenever the power supply of a consumer is disconnected permanently vis-à-vis agreement of power supply is terminated, MSEDCL shall first adjust the amount of security deposit at the credit of such consumer with the amounts due and payable by the consumer to the MSEDCL towards the charges for the electricity supplied and balance amount of the security deposit, if any, shall be refunded to the consumer within a period of ninety (90) days from the date of termination of the agreement:

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 closure of account / refund of S.D. on 7/6/2015.

b] Record shows that SD amount was refunded to the consumer on 19/7/2017 by cheque.

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

d] Licensee has handed over the cheque of S.D. on 19/7/2017 i.e. nearly after 24 months.

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).

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] The record shows that cheque of S.D. amount of Rs.24,910/- has been handed over to the consumer on 6/7/2017. However, it was on the wrong name. Hence, Licensee again issued afresh cheque to the consumer on 19/7/2017.

12] According to our opinion, an inordinate delay has been caused by the Licensee to refund the S.D. amount to the consumer. Hence, consumer is entitled for SOP as well as interest.

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 on SD amount from 7/7/2015 to 19/7/2017 and pay to the consumer by cheque.
- 3] Licensee is directed to pay the amount of Rs.3,630/- 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.

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

Date: 11/10/2017.

(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.