



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No. **K/E/1202/1425 of 2017-18**

Date of Grievance : 17/05/2017

Date of order : 12/10/2017

Total days : 148

IN THE MATTER OF GRIEVANCE NO. K/E/1202/1425 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.1521255427) (Hereinafter referred as Consumer)

Versus

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

Appearance : For Licensee- Shri S.V.Mahajan- EE Virar Division
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 contention of the consumer is that it 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 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 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 refunded the SD amount on 14/9/2017, 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/230 dated 19/5/2017.

In response to it, Licensee appeared and contended that a cheque No. 451828 dated 14/9/2017, amounting to 19,043/- towards SD has been issued to the consumer. Licensee further stated that on 28/8/2017, a bill has been issued to the consumer amounting to Rs.857.77 (Rs.237.16 towards bill amount + 620.61 towards arrears). This amount of Rs.857.77 has been deducted from consumer's SD amount and a cheque of Rs.19,043/- has been issued to the consumer. According to the Licensee now there is no any grievance of the consumer remained, so-far-as refund is concerned.

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 13/5/2015.

b] Record shows that SD amount was refunded to the consumer on 14/9/17 by cheque.

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

d] An amount of Rs.-860/- is showing as credit amount on the bill.

e] An amount of Rs.857/-has been deducted by the Licensee towards arrears.

f] Though consumer has submitted in his submission dated 3/10/2017 that the credit bill amount reflection is Rs.9,450/-, we have not come across such material on perusal of the record

10] Taking into consideration, all the above points, we have noted that Licensee has not refunded the SD amount to the consumer within a prescribed time laid down by Hon'ble MERC, as per the provision. 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 amount from 13/6/2015 to 14/9/2017 and pay to the consumer by cheque.

3] Licensee is directed to pay an amount of Rs.11,800/- 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] Licensee to verify the claim of consumer towards credit amount and to pay the same with interest as per RBI rate, by cheque, if not paid.

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

Date: 12/10/2017

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.

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