



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No. **K/E/1198/1421 of 2017-18**

Date of Grievance : 17/05/2017

Date of order : 01/11/2017

Total days : 168

IN THE MATTER OF GRIEVANCE NO. K/E/1198/1421 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.001695500803) (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 Rajesh Laddha AEE Vasai (W) 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 contention of the consumer is that it has applied to the Licensee on 13/5/2015 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 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 did not refund the SD amount till the 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.

7] Consumer further states that he has received refund of Rs.16390/- on 16/6/2017 by cheque No.485127. Moreover consumer also states that the bill on record dated 24/10/2016 shows the credit bill amount as Rs.12700/- . However in the electricity bill dated 26/9/2017 this credit amount has been reduced to Rs.2090/- . Consumer asked justification for this reduction in credit amount but no satisfactory reply is given by the Licensee.

8] On receiving the grievance, it's copy along with it accompaniments sent to the Nodal Officer vide letter No. EE/CGRF/Kalyan/234 dated 19/5/2017.

9] Licensee pleaded that consumer did not submit the required documents hence the delay has been caused to refund the amount of SD. Licensee further submitted that there was no intentional delay hence interest and SOP may not be imposed .

10] 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 refund of S.D. on 13/5/2015.
- b] Record shows that SD amount of Rs.16,390/- towards SD amount is given to the consumer on 16/6/2017 by cheque.
- c] Licensee had retained the SD amount without any legal right.
- d] The record shows that the necessary documents i.e. indemnity bond , 2] Court order , 3] electricity bill has been received by Licensee on 13/5/2015 along with the application. A letter dated 13/6/2017 (No.1385) by Addl. Exe. Engineer, Vasai Rd. (W) shows that the application of the consumer for refund of S.D. amount as been processed and was sent to Vasai Division for payment . Here Licensee did not specifically mentioned the date as to when the application was processed and when it was sent to Vasai Division for payment. On the contrary, we have also observed that there is one more letter on record dated 14/9/2017 issued by Addl.EE in which Licensee states that the consumer's S.D. refund case was referred to the Executive Engineer Vasai Division on 24/4/2017.
- e] CPL is not submitted on record , hence we will have to rely only on the electricity bills submitted by the consumer.

11] At the time of argument CR submitted that he will go through the calculations of credit amount and after verifying the same he will inform on mail.

12] Taking into consideration, the above contradiction of the statement made by the Licensee, Licensee failed to refund the SD amount of the consumer within a stipulated time laid down by Hon'ble MERC hence consumer is entitled for interest on the SD amount along with SOP as per the provision . No justification was given by the Licensee in respect of the two different credit amount showing in the bills dated 26/9/2017 and 24/10/2016.

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 13/6/2015 till 15/6/2017 and pay to the consumer by cheque.
- 3] Licensee is directed to pay an amount Rs. 10,500/- 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 is directed to verify the claim of the consumer regarding credit amount of Rs.12700/- & Rs.2090/-and refund the verified amount with interest as per RBI rate.
- 5] Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 01/11/2017.

(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.

