



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

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| No. EE/CGRF/Kalyan/ | Date of Grievance : 17/05/2017 |
| | Date of order : 08/11/2017 |
| | Total days : 175 |

IN THE MATTER OF GRIEVANCE NO. K/E/1205/1428 OF 2017-18 IN RESPECT OF M/S. INDUS TOWERS LIMITED, 2010, E-CORE, 2ND FLOOR, MARVEL EDGE, VIMAN NAGAR, PUNE 411 014 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.021514571021) (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution Company Limited
through its Nodal Officer,
Kalyan Circle II, Kalyan. (Hereinafter referred as Licensee)

Appearance : For Licensee -1) Shri R.N.Nalgekar, A.E.E., Ulhasnagar –V S/dn.
2) Mr.S.S.Kale, U.D.C., Ulhasnagar –V 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. [Electricity Supply Code and other conditions of supply Regulations 2005]

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..

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) On receiving the grievance, it's copy along with it accompaniments sent to the Nodal Officer vide letter No. EE/CGRF/Kalyan/227 dated 19/5/2017. In response to it Licensee appeared & contended that the consumer has not submitted the indemnity bond within a prescribed format. According to the Licensee it should be properly notarized which is not so. Licensee further submitted that the consumer's application for refund of S.D. amount had been forwarded to their higher authority for approval, but it (the application) was not approved by higher authority since it was not notarized. Hence S.D not refunded.

Licensee above stated that above fact was intimate to the consumer by its letter dated.04.03.2017.

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 refund of S.D. on 13/5/2015.
- b) Record shows that SD amount is still not refunded to the consumer.
- c) Licensee had retained the SD amount without any legal right.
- d) The letters on record did.04.03.2017, 22/02/2017 and 18/02/2017 & 14/06/2017 shows that cognizance of consumer's grievance is taken by Licensee after almost 2 years which according to us is an inordinate delay. Moreover at the time of hearing when the forum put up the query to the Licensee to show legal provision under burden lies on the consumer to produce a notarized copy of the indemnity bond, but Licensee failed to show/submit though sufficient time was given.
- e) Licensee failed to refund SD to the consumer within a stipulated time laid down by MERC SOP 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 week 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).

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 refund the amount of Rs.21,390/- towards S.D. amount to the consumer by cheque.
- 3) Licensee is directed to calculate the interest amount from 13/05/2015 till the final date of refund and pay to the consumer by cheque.
- 4) Licensee is directed to pay to the consumer SOP amount from 13/6/2015 till actual refund of S.D. amount 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.
- 6] Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 10/11/2017.

(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.