



Consumer Grievance Redressal Forum, Kalyan Zone

Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301

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No. K/E/1262/1488 of 2017-18

Date of Grievance : 17/10/2017

Date of order : 07/12/2017

Total days : 51

IN THE MATTER OF GRIEVANCE NO. K/E/1262/1488 OF 2017-18 IN RESPECT OF SHRI. HARI TIKAMCHAND, BARRACK NO.1135, ROOM NO.16, FOLLOWER LINE, ULHASNAGAR– 03, DIST.THANE –421 003 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING BILLING DISPUTE.

Shri. Hari Tikamchand,

Barrack No.1135,

Room no.16, Follower Line,

Ulhasnagar – 03,

Dist.Thane – 421 003

(Consumer No.021510924662) (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) Smt.Snehal Nilekar, AE (QC), Ulhasnagar - II S/Dn.

2) Shri.L.G. Mahajan, A/A

For Consumer – Shri J.S.Rajput. (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) Consumer having con. no. 021510924662 gave application on 19/09/2011 for closure of account. But P.D. was made in May-2013 the S.D. amount was refunded on 19/01/2017 that too without interest. There is further allegation of wrong billing and recovery. Consumer claims interest at the rate of 18% p.a. and SOP.
- 3) Licensee in reply contends that P.D. was done in jan-2013. Consumer submitted application for refunded of S.D. amount on 06/09/2016. The application was processed and refund was made on 19/01/2017. It is contended that there was no delay. About wrong billing and recovery Licensee submit that the refund proposal with interest is already been processed.
- 4) We have heard both sides. There appears no dispute about some dates. Consumer had given this application for P.D. on 06/09/2011. But P.D. was made on 15/01/2013 Consumer applied for refund of S.D. on 06/09/2016 refund of S.D. was made on 19/01/2017.
- 5) Regulation 11.9 of MERC (Electricity Supply Code and Other Condition of Supply) Regulation 2005 read thus:-

“ Upon termination of Supply, the distribution Licensee shall, after recovery of all amount due refund the remainder amount held by the distribution Licensee to the person who deposited the security, with an intimation to the consumer, if different from such person”.

This provision puts an obligation on the distribution company to refund the amount of S.D. after disconnection. Even as per SOP Regulation after closure of the account the time period has been fixed within which dues are to be paid to the Consumer. For class-I city it is 30 days and rural areas it is 45 days. The period is to be calculated from the date of receipt of application for closure of account.

In the present case application for closure of account was made on 06/09/2011. Licensee was supposed to refund the dues within 45 days there from which has not been done . No where the provision 11.9 mentioned above says about production of any receipt nor does it speak about making one more application for refund of S.D. amount. Refund just follows from the application for disconnection. As such Consumer is entitled to interest at the rate of RBI interest rate from 06/09/2011 to the date of payment i.e.19/01/2017

- 6) So far as SOP is concerned before proceeding to the appendix A is the MERC (Standard of performance of Distribution Licensee period of giving supply and Determination of Compensation) Regulation 2014 we have to see Regulation 12 thereof.
MERC SOP Regulation 12.2 read thus:-

12.2 The Distribution Licensee shall be liable to pay to the affected person, such compensation as provided in Appendix A to these Regulations :

Provided that any person who is affected by the failure of the Distribution Licensee to meet the standards of performance specified under these Regulations and who seeks to claim compensation shall file his claim with such a Distribution Licensee within a maximum period of sixty (60) days from the time such a person is affected by such failure of the Distribution Licensee to meet the standards of performance :

Provided further that the Distribution Licensee shall provide information to consumers with regard to its offices/ competent authority to settle claims for compensation :

Provided further that the Distribution Licensee shall compensate the affected person(s) within a maximum period of ninety (90) days from the date of filing his claim.

In the present case consumer gives the application for permanent disconnection on 06/09/2011 and forgets. He then wakes up on 06/09/2016 to make an application for refund. As such, he is not entitled for SOP compensation .

- 7] So far as wrong billing and recovery is concerned the same has been admitted by Licensee and proposal will be submitted to division for refund.

ORDER

- 1) Grievance application of consumer is here by partly allowed.
- 2) Licensee do pay interest to Consumer on the S.D. as per RBI rate from 06/09/2011 till 19/01/2017.
- 3) Licensee also do refund wrong billing and recovery made along with interest at RBI rate from the date of recovery till date of refund.
- 4) Prayer of SOP rejected.
- 5) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 07/12/2017 .

(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.