



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

No. K/E/1197/1420 of 2017-18	Date of registration	: 17/05/2017
	Date of order	: 20/12/2017
	Total days	: 217

IN THE MATTER CASE OF GRIEVANCE NO. K/E/1197/1420 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.001901026960) (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** - 1) Shri. S.V.Mahajan, AEE
2) Shri. Rajesh Laddha, AA.

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 grievance application are that :-

The contention of the Consumer is that it has applied to the Licensee on 13/05/2015 for refund of S.D. amount, after following a due procedure and completing all the formalities.

The Consumer further submitted that despite his compliance Licensee had not refunded its S.D.amount within a stipulated time, hence Consumer is entitled for interest.

The contention of the Consumer is that, for getting the S.D. refunded, Consumer approached to the concerned official of the Licensee for several times but Licensee failed to do so.

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 S.D. 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 13/05/2015 and as per the procedure Licensee was bound to refund the SD amount to the Consumer on or before 13/06/2015. However, Licensee has not refunded the SD amount till date, which is not correct as per the MERC direction. Such being the position, Consumer claimed for SOP.

3) 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.

4) On receiving grievance its copy along with it accompaniments sent to the Nodal Officer vide letter no. EE/CGRF/Kalyan/235 dt.19/05/2017 in response to it Licensee appeared and contended that the Consumer has made the last payment on 29/05/2017, hence a P.D. final bill has been issued to the Consumer showing adjustment of S.D.amount against the arrears.

Licensee further submitted that an intimation of recovery and S.D.amount has been given to the Consumer representative and assured that S.D.amount will be refunded, as soon as the payment of recovery bill is made by the Consumer.

According to the Licensee the S.D.amount of Rs.7710.00 is already adjusted from arrears amount of Rs.16169.00 and a recovery bill of Rs.8460.00 is issued to the Consumer. Hence the claim of the Consumer be rejected.

5) We have gone through the documents placed on record and arguments heard from both sides. Following points are noted by us:

- a) Consumer had given application for refund on 13/05/2015.
- b) Record shows that S.D.amount is adjusted and a recovery bill of Rs.8460.00 is issued to the Consumer.
- c) However record shows that Licensee has made these adjustment and issued a final bill on 21/02/2017. In our opinion Licensee in fact should have done all these adjustment within one month from after receiving the application of the Consumer for refund of S.D. i.e. on or before 13/06/2015 as per the provisions Hence Consumer is entitled for compensation.
- d) CPL shows that last payment is made by the Consumer on 29/05/2014 of Rs.7570.00, an amount of Rs.15979.00 is shown as arrears from june-2014 to Dec-2014. Hence we upheld the submission made the Licensee for recovery of amount for Rs.8460.00 as per CPL.

6) The delay is due to both parties have to produce some documents, Also there was heavy work loan on forum due to ACE/FAC cases

Hence the order.

ORDER

- 1) Grievance application of consumer is hereby partly allowed.
- 2) However Licensee is directed to give compensation to the tune of Rs.500.00 as explained in para '4C' to the Consumer.
- 3) Prayer for refund of security deposit along with interest is rejected being adjusted towards arrears.
- 4) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 20/12/2017.

(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, KeshavBldg, BandraKurlaComplex, 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.*