



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No. K/E/849/1037 of 2014-15

Date of Grievance : 02/03/2015

Date of order : 25/03/2015

Total days : 23

FURTHER ORDER TOWARDS NON EXECUTION OF THE ORDER PASSED IN THE MATTER OF THE CASE OF GRIEVANCE NO. K/E/832/1010 OF 2014-15 IN RESPECT OF DATTARAM SAHADEO DHANAWADE, VANDRE, POST ASROLI, TAL. MURUD, DIST. RAIGAD-402401 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING INTEREST ON REFUND AMOUNT AS PER SBI BANK RATE.

Dattaram Sahadeo Dhanawade,
Vandre, Post: Asroli,
Tal. Murud,
Dist. Raigad- 402 401
(Consumer No. 048244000404) ... (Hereinafter referred to Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through it's
Executive Engineer, MSEDCL,
Pen Circle, Pen &
Dy. Executive Engineer,
Murud Sub/Divn., Murud
Licencee)

..... (Hereinafter referred as

Appearance : - For Licensee Ganesh Landge, Asst. Engineer

For Consumer– Shri Dhanawade – In person.

(Per Shri. Sadashiv S. Deshmukh, Chairperson)

This matter is taken up considering the communication of consumer dated 28/2/2015. It is arising out of the order already passed by the Forum in Grievance No. 1010 dated 23/12/2014. Consumer complained that order is not complied by the Licencee as per its mandate. It being in continuation of said grievance No. 1010 it is allotted with grievance No.1037 as noted above and tagged with grievance No.1010.

2] On receiving the letter of consumer about non compliance, it's copy along with accompaniments, was sent to the concerned Officer vide this Office letter No. EE/CGRF/Kalyan/043 dated 2/3/2015. Even consumer was provided with it's copy.

In response to the letter of this Office, Licencee filed reply dated 14/3/2015 on 16/3/2015. In the said reply, contention is taken that order is complied, refund is worked out, part of it paid by cheque and other part is being adjusted in the bills of consumer.

3] Matter was taken up for hearing. Both sides attended and they canvassed in terms of their respective contentions. Before dealing with their disputed contentions, it is necessary to consider the order passed by this Forum in Grievance No., towards compliance of which, both sides are now before this Forum. Said order reads as under:-

“ ORDER

*Grievance of consumer is hereby allowed.
Bill issued by the Licencee in the month of
November 2013, towards the period from July 2012 to
October 2013 hereby stands set aside. Amount*

deposited by the consumer, towards the said claim be refunded by Licencee with interest as per the RBI Bank Rate u/s. 62 of Electricity Act from the date of deposit till to the date of payment. The bills issued from July 2012 to October 2013 showing 83 units per month are not interfered.

Licencee to pay to the consumer compensation as per SOP @ 100/- for the month of July 2012 and @ Rs.200/- per month from August 2012 to October 2013.

Licencee to pay to the consumer an amount of Rs.1000/- as discussed above under MERC (CGRF & Electricity Ombudsman) Regulation 8.2 (e).

Above payments be done by the Licencee issuing cheque within 45 days from the date of this order and submit compliance report thereafter within 15 days.

Dated: 23/12/2014.”

4] From submissions of both sides, it is admitted fact that above order of this Forum dated 23/12/2014, Licencee ought to have complied it by 6/2/2015. However, on 12/3/2015 dues are worked out by Licencee towards SOP for Rs.3100/-and cheque for it dated 12/3/2015 handed over to the consumer on 13/3/2015. Further they have worked out the refund dues to the tune of Rs.15,590/-, on 11/2/2015 and transferred it towards the consumer's bill account. Further Rs.5,500/- refund is also worked out on 13/2/2015 and it is further submitted that it's credit will reflect in the bill of March 2015 and thereafter amount in fact was to be refunded by cheque ,as per the order of this Forum. But it is decided by Licencee to give credit per month in ensuing bills. Accordingly, from the bill of March 2015 Rs.5500/- is being credited and will reflect in the bill. No doubt, details to that effect were intimated by Licencee to the consumer on 12/2/2015. However, consumer is dissatisfied with it, he approached this Forum on 28/2/2015.

It is clear from the aforesaid facts that there is a breach of order towards not paying compensation of Rs.1000/- and not refunding other amount by issuing cheque which Licencee decided to adjust in ensuing bills. Considering the monthly bill of consumer which is hardly of Rs.500/-, course chosen, by the Licencee towards refund by adjusting in ensuing bills is in breach of order of this Forum and will make consumer to suffer for further 30 months or so, which is not correct.

5] During the hearing Officers of Licencee submitted that already they have approached their Higher Authorities for giving approval to pay the amount by cheque but approval is awaited. It is submitted that as soon as an approval is received said amount will be refunded by cheque. We tried to find out, how much time it will require and in response they submitted that payment by cheque will be done on or before 20/4/2015.

Though payment of said refund is now admitted to be paid by cheque on or before 20/4/2015. It is to be paid with interest till that date as per order passed in Grievance No.1010/2014-15. The compensation of Rs.1000/- which is not yet paid is also to be complied prior to 20/4/2015. Towards nonpayment of Rs.1000/- there is total breach.

As noted above, there is the breach of order of this Forum. Partially compliance is there for issuing cheque of Rs.3,100/-, but other parts not complied by issuing cheque. **When cheque was issued for Rs.3,100/- even for the other part it ought to have been paid by issuing cheque.** In respect of compensation of Rs.1000/-, it is totally ignored and an attempt is done to contend, it covers in the aforesaid calculation, but their contentions found without any merit and said amount is yet to be paid. Accordingly, this aspect is not only the breach of order of this Forum, but it forced the consumer to approach this Forum caused harassment to him, it needs to be

considered while passing order. We are required to pass the order towards this non compliance and it will be in the light of MERC Regulation 8.7, 8.6 read with Section 8.2(e). Already Hon'ble MERC in Case No.23/2006 dated 11/10/2006, observed and laid down that CGRF is to deal the aspect of non compliance. In this regard those observations are relevant, those are as under: In Para Nos. 6 and 9.

“6----Considering the submissions of complainant and counter reply by MSEDCL made on affidavit the commission is of the view that the appropriate course of action under Law would be for the complainants to move the concerned CGRF which passed the orders, on a new motion in the same proceeding (which culminated into the respective orders) are initiate proceeding afresh under the CGRF & E.O. for proper implementation of the orders passed by the CGRFs or for issue of clarificatory orders by the concerned CGRF.---

9 -- In view of the above the commission does not deem it fit to examine the specific cases of complainants and factual aspect there-under since the jurisdiction to do so vests with the concerned CGRF or Electricity Ombudsman as the case may be. The complainant may pursue their grievance and worked out the remedies with the concerned CGRF including issues with respect to the binding nature of orders passed by CGRF as provided in the CGRF and E.O. Regulations. There is no difficulty on the concerned CGRF to entertain the present complaints in exercise of powers vested in them u/s. 8.7 of the CGRF and EO. In fact, the said Regulation empowers the concerned CGRF to take suitable action, not being in consistent with E.A. 2003 or Rules and Regulations made there-under----“

Accordingly, we find in the light of aforesaid observation of Hon'ble MERC, this Forum can consider the application of consumer

towards non compliance and issue directions as per Clause 8.7 read with 8.2 (a) and (e) of MERC Regulations, (CGRF and E.O.).

We find that Officers of Licencee already perceived the aspect of non compliance of the order which is not done in required spirit and even agreed to cure it by issuing cheque prior to 20/4/2015 including that of compensation of Rs.1000/-. However, this will not totally cured the aspect of non compliance committed and it driven the consumer to approach this Forum for relief, he appeared, gave a vent to his feelings and accordingly, we find as per the aforesaid provisions, it is necessary, now to direct the Licencee to pay an amount of Rs.1500/-which is also to be paid as far as possible on 20/4/2015, by issuing cheque.

Hence the order.

ORDER

Application of consumer is allowed.

As agreed by the Licencee, Licencee to refund the balance amount as discussed above by issuing cheque on or before 20/4/2015. Further Licencee to pay Rs.1,500/- towards non compliance of order by issuing cheque as far as possible on or before 20/4/2015 and positively prior to 31/5/2015.

Licencee to submit compliance of the above on or before 31/5/2015.

Dated: 25/3/2015.

I agree

I agree

(Mrs.S.A.Jamdar)

(Chandrashekhar U.Patil)

(Sadashiv S.Deshmukh)

**Member
CGRF, Kalyan**

**Member Secretary
CGRF, Kalyan**

**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”