



Consumer Grievance Redressal Forum, Kalyan Zone

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No. **K/E/1093/1314 of 2015-16**

Date of Grievance : 02/01/2017

Date of order : 07/04/2017

Total days : 96

IN THE MATTER CASE OF GRIEVANCE NO. K/E/1093/1314/2015-16 IN RESPECT OF SHRI KISHOR N. TANWANI, BARRACK NO.676, ROOM NO.3 ULHASNAGAR-03, PIN CODE 421 003, REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING BILLING DISPUTE.

Shri Kishor N. Tanwani,
Barack No. 676, Room Nos.3,
Ulhasnagar-03,
Dist. Thane.

(Consumer No. 021510419143/4)

..... (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited
through its Nodal Officer,
MSEDCL, Kalyan Circle-II,

..... (Hereinafter referred as Licensee)

Appearance : - For Licensee : Shri Gawali EE, Ulhas-II S/Dn.
Shri Mahajan- AA

For Consumer- Shri Rajput- Consumer's Representative.

[Coram- Shri A.M.Garde-Chirperson, Shri L.N.Bade-Member Secretary and
Mrs.S.A.Jamdar- Member (CPO)].

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] This is a short case with respect to refund of security deposit on closure of account and permanent disconnection.

3] As per the application made by consumer on 12/8/15, the permanent disconnection was made, however, the security deposit was not refunded within time. On 26/12/16, an amount of Rs.2630/- was refunded to the consumer, after necessary deductions. The consumer claimed the interest at the rate of 18% per annum and also SOP compensation.

4] The consumer relied on the circular and pointed out the section 18.10 therefrom.

5] MSEDCL filed the reply wherein they contended that as per application dated 12/8/ permanent disconnection was made. Thereafter vide letter dated 22/8/13, the consumer was asked to produce deposit receipt but consumer did not comply. It is further contended that thereafter on 10/8/16 the consumer produced a bond and then the deposit amount was removed from the system and vide letter No. Addl. EE/UHL SDN II/Tech /3162 did

28/11/16 the matter was followed up for refund and thereupon divisional Office refunded the amount of Rs.2630/- on 26/12/16 by RTGS.

6] We have heard both the sides. At the outset, the Circular and Para 18.10 is not relevant, in fact it is applicable where a consumer has deposited excess amount of security deposit. The applicant/consumer has contended that the Licensee was required to refund the security deposit within 30 days. There are also SOP Regulation 2014 which speaks about the time period for payment of final dues to the consumer from the date of receipt of application for closure of account. The time period provided for Clause –I cities and Urban areas is 30 days while for Rural areas 45 days. The consumer comes from Ulhasnagar city which is not Class-I city but near to an Urban area. The time period is accordingly considered between 30 days to 45 days and consumer is entitled for simple interest at the rate of 18% per annum. As there appears some substance in the contention of Licensee, SOP compensation may not be awarded in this case.

7] Licensee has contended that a letter was sent to consumer to produce deposit receipt but he did not turn up. Later-on he again made application on 26/7/16 and also produced a bond instead of receipt and then the amount was refunded on 26/12/16. It is a fact that consumer did not follow up for three years. There appears some substance in the contention of the Licensee.

This matter could not be decided within time because of heavy work load as against want of staff and proper infrastructure and therefore, delay is caused.

Hence the order.

ORDER

- 1] Grievance application of consumer is allowed.
- 2] The Licensee to pay to the consumer simple interest at the rate of 18% per annum on Rs.2630 from 1/10/2013 to 26/12/2016.
- 3] Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 07/04/2017.

(Mrs.S.A.Jamdar)
Member
CGRF, Kalyan

(L.N.Bade)
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.