

**CONSUMER GRIEVANCE REDRESSAL FORUM  
M.S.E.D.C.L., PUNE ZONE, PUNE**

**Case No.22/2017**

**Date of Grievance : 10.01.2017**

**Date of Registration: 01.03.2017**

**Date of Order : 09.03.2017**

In the matter of refund of security deposit alongwith SOP Compensation.

M/s. Indus Towers Limited,  
2010, E-Core, 2<sup>nd</sup> floor,  
Marvel Edge, Vimanagar,  
Pune - 411014.

**Complainant**  
(Herein after referred to as Consumer)

**Versus**

The Executive Engineer,  
M.S.E.D.C.L.,  
Bhosari Division,  
Pune.

**Respondent**  
(Herein after referred to as Licensee)

**Quorum**

<b>Chairperson</b>	<b>Mr. S.N.Shelke</b>
<b>Member Secretary</b>	<b>Mrs. B.S.Savant</b>
<b>Member</b>	<b>Mr. S.S.Pathak</b>

**Appearance**

<b>For Consumer</b>	Mr.Sachin Mahangade Mr.D.S.Talware (Representative)
---------------------	--

<b>For Respondent</b>	<b>Mr.Shinde, Ex.Engineer, Bhosari Dn.</b>
-----------------------	--

- 1) The Consumer has filed present Grievance application under regulation No. 6.4 of the MERC (CGRF & E.O.) Regulations, 2006.
- 2) The present consumer had filed grievance before IGRC, Ganeshkhind Urban Circle on 17.9.2016. But the IGRC did not decide the said grievance within stipulated period of two months, therefore the consumer filed grievance before this forum on 10.1.2017.

- 3) The papers containing the above grievance were sent by the Forum to the The Executive Engineer, M.S.E.D.C.L.,Bhosari Division, Pune vide letter no. EE/CGRF/PZ/Notice/04 of 2017/14 dtd.11.01.2017. Accordingly the Distribution Licensee i.e. MSEDCL filed its reply on 01.02.2017.
- 4) We heard both sides at length and gone through the contentions of the consumer and reply of the respondent and the documents placed on record by the parties.
- 5) Facts giving rise to the grievance are stated as under :

The consumer M/s. Indus Towers Ltd. having consumer No.170140437185 with connected load 09.00 KW was connected on 06.10.2011. The said consumer surrendered the connection since its business at the said location was stopped. Then the consumer applied alongwith required documents for refund of security deposit of Rs.12,000/- on 29.06.2015 to the S.D.O Bhosari-II. However the Licensee did not give any reply despite no any compliance was pending on the part of consumer. Thereafter the consumer approached to the IGRC for refund of security deposit vide complaint dated 17.09.2016. The IGRC failed to decide the said grievance within stipulated period. Therefore the consumer approached to Forum with this grievance for refund of security deposit with SOP compensation as per rules.
- 6) The consumer representative Mr.D.S.Talware, submitted that the above named consumer having consumer No. 170140437185 has surrendered the connection & then applied for refund of security deposit of Rs.12000/- on 29.06.2015. However the Licensee did not give any reply or taken any action for refund of S.D. Thereafter the consumer approached to the IGRC with complaint for refund of S.D. on 17.09.2016. However the IGRC failed to decide the grievance within stipulated time. Therefore the consumer filed this grievance before the Forum against the Licensee for claiming refund of S.D. alongwith interest & SOP compensation for delay in refund

of S.D. The consumer did not get refund of S.D.till date. Therefore Mr.Talware submits that the grievance be allowed with cost.

- 7) On the other hand Mr.Shinde, Ex.Engineer, Bhosari Dn. submitted that the action of refund of security deposit is in process & it will be refunded in short period.
- 8) It is necessary to take into consideration provisions of supply code Regulations, regarding refund of security deposit.

*Regulation No.11.9, 11.11 and 11.12 of MERC (Electricity supply code & other conditions of supply) Regulations, 2005 herein after referred to as supply code, 2005 read as under :*

***11.9 Upon termination of supply, the Distribution Licensee shall, after recovery of all amounts 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.***

***11.11 The Distribution Licensee shall pay interest on the amount of security deposited in cash (including cheque and demand draft) by the consumer at a rate equivalent to the Bank rate of the Reserve Bank of India:***

***Provided that, such interest shall be paid where the amount of security deposited in cash under this Regulation 11 is equal to or more than rupees fifty.***

***11.12 Interest on cash security deposit shall be payable from the date of deposit by the consumer till the date of dispatch of the refund by the Distribution Licensee.***

- 9) The Licensee in its reply dated 01.02.2017 has contended that the action of refund of security deposit is in process. Therefore it is clear that the Licensee has not refunded the security deposit to the consumer till date.
- 10) The Licensee is liable to pay security deposit to the consumer upon termination of supply. The consumer applied for refund of S.D. of Rs.12000/- on 29.06.2015. The Licensee has not refunded S.D. of the said consumer till date. Therefore the consumer is entitled to get refund of S.D.

upon termination of supply. At the same time the Licensee can refund the S.D. after recovery of all amounts due as per Reg.No.11.9 of supply Code,2005. Since the Licensee failed to process application of the consumer immediately after termination of supply, the consumer is entitled to get interest on the S.D. at the rate equivalent the Bank rate of RBI as per Reg.No.11.11 of supply code 2005. The consumer is entitled to get the said interest from the date of application for refund of S.D. till the date of dispatch of the refund amount by the Licensee.

- 11) The consumer after having stopped its business at the said locality, applied the Licensee for refund of S.D. The Licensee received said application on 29.6.2015 but did not act immediately for refund of S.D. as per Regulation No. 11.9 of supply code, 2005. Therefore, under this circumstances the consumer is entitled to get SOP compensation. As per Appendix-A, item No.8 (ii) of MERC SOP Regulations, 2014, the Licensee is liable to pay compensation of Rs.100/- per week or part there of delay. The refund of S.D. was due in the second billing cycle from the application dated 29.06.2015. The Licensee has not refunded S.D. till date. Therefore now Licensee is required to calculate SOP Compensation from the date of application of the consumer from second billing cycle till the date of payment of S.D. & further to calculate interest on S.D. as mentioned above.
- 12) According to consumer, they have made grievance before IGRC, for refund of S.D. on 17.9.2016. The said application was received by the Licensee on 17.9.2016. But the IGRC failed to decide the said grievance within stipulated period. Therefore the consumer required to approach before CGRF with the present grievance. The consumer produce the copy of the said application which shows the endorsement of the Licensee having received the said application on 17.9.2016 with seal of Licensee impressed on it. On the contrary, the Licensee submitted in the course of hearing that the consumer has not filed said grievance directly to the office of IGRC, but in the other department of Licensee. Therefore it was not received by the

IGRC. In this regard it is necessary to reproduce provisions of Reg.No.6.2 of MERC (CGRF & EO) Regulations, 2006 which reads as under :

*A consumer with a Grievance may intimate the IGR Cell of such Grievance in the form and manner and within the time frame as stipulated by the Distribution Licensee in its rules and procedures for redressal of Grievances. Provided that where such Grievance cannot be made in writing, the IGR Cell shall render all reasonable assistance to the person making the Grievance orally to reduce the same in writing. Provided also that the intimation given to officials (who are not part of the IGR Cell) to whom consumers approach due to lack of general awareness of the IGR Cell established by the Distribution Licensee or the procedure for approaching it, shall be deemed to be the intimation for the purposes of these Regulations unless such officials forthwith direct the consumer to the IGR Cell.*

- 13) Therefore as per Reg.No. 6.2 of MERC CGRF Regulations, 2006 the intimation given to officials for not part of IGRC, it shall be deemed to be the intimation to the IGRC. Hence the IGRC should have been decided the said application of the consumer within stipulated period. The IGRC failed to decide the grievance within such time. Therefore the Licensee to make enquiry why the said grievance was not decided within the time and thereafter to take necessary action against the defaulting officials of the Licensee & to submit its report to the Forum.
- 14) The grievance is liable to be allowed.
- 15) Hence we proceed to pass following order.

### **ORDER**

1. Grievance of the consumer stands allowed with cost.
2. The Licensee to refund SD of Rs.12,000/- to the consumer alongwith interest equivalent to the Bank rate of RBI from the second billing cycle of the application dated 29.6.2015 till the date of dispatch of the refund.
3. The Licensee to pay SOP compensation to the consumer from date of

application till the date of refund at the rate of Rs.100/- per week for part there of delay as per Appendix -A item no.8 (ii) of MERC (SOP) Regulations,2014.

4. The Licensee to make enquiry why the grievance of the consumer was not decided by the IGRC within stipulated period & to take necessary action against the defaulting officials & to submit report thereof to the Forum.
5. The Licensee to report compliance within one month from the date of receipt of this order.

Delivered on: - 09.03.2017

**Sd/-**  
**S.S.Pathak**  
Member  
CGRF:PZ: PUNE

**Sd/-**  
**B.S.Savant**  
Member/Secretary  
CGRF:PZ: PUNE

**Sd/-**  
**S.N.Shelke**  
Chairperson  
CGRF:PZ:PUNE

Note: - The consumer if not satisfied may filed representation against this order before the Hon'ble Ombudsman within 60 days from the date of this order at the following address.

Office of the Ombudsman,  
Maharashtra Electricity Regulatory Commission,  
606/608, Keshav Bldg.,  
Bandra Kurla Complex,  
Bandra (E), Mumbai-51.