

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

**Case No.01/2017**

**Date of Grievance : 05.01.2017**

**Date of Order : 20.02.2017**

In the matter of getting SOP compensation for failure to meet standards of performance regarding refund of security deposit.

Dr.Amod Laxman Rairikar,  
209/2, Navipeth, Shastriroad,  
In front of Bharat Petrol Pump,  
Pune - 411030.

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

**Versus**

The Executive Engineer,  
M.S.E.D.C.L.,  
Rastapeth 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>	<b>Mr.Amod L.Raikar</b>
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<b>For Respondent</b>	<b>Mr.B.K.Shinde,A.E.E.,Peshavepark Sub/dn. Mr.Deepak Jadhav, Dy.M. F&amp;A, Mr.Shirke, Asstt. Accountant</b>
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- 1) The Consumer has filed present Grievance application under regulation No. 6.4 of the MERC (CGRF & E.O.) Regulations, 2006.
- 2) Being aggrieved and dissatisfied by the order dated 21.11.2016 passed by IGRC Rastapeth Urban Circle, Pune, thereby rejecting the grievance, the

consumer above named prefers present grievance application on the following amongst other grounds.

- 3) The papers containing the above grievance were sent by the Forum to the The Executive Engineer, M.S.E.D.C.L., Parvati Division, Pune vide letter no. EE/CGRF/PZ/Notice/01 of 2017/02 dtd.06.01.2017. Accordingly the Distribution Licensee i.e. MSEDCL filed its reply on 19.01.2017.
- 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 above named consumer made application to the SDO Peshavepark Sub-division dated 11.9.2015 for refund of security deposit of Rs.10,000/- paid by him against the consumer no.170012713153. At that time final bill of Rs.1290/- was due. After receipt of proposal for refund of security deposit, the sub-division office forwarded the same to the division office, Parvati for necessary action vide letter no.1295 dtd. 3.11.2015. The said proposal alongwith documents was handed over to the consumer for submitting it to the division office. However the consumer only submitted the covering letter to the said office on 12.1.2016. He failed to present necessary documents enclosed with covering letter. Latter on the consumer submitted said documents on 18.6.2016. Thereafter the consumer received refund amount of security deposit of Rs.10,000/- on 13.10.2016 by cheque. There is delay of 117 days for receiving of refund of security deposit. But the consumer claims SOP compensation for only 87 days i.e to the tune of Rs.1300/- only.

6. The consumer Dr.Amod Rairikar submits that he had obtained the said connection for construction purpose. After the construction work was over he paid final bill and demanded refund of security deposit of Rs.10,000/- vide application dated 11.9.2015. The sub-division office

made proposal of refund of security deposit for forwarding it to the division office. The said proposal was handed over to him for presenting the same to the division office (Hand delivery). However due to oversight he failed to submit the proposal immediately to the division office but latter on submitted only covering letter on 12.1.2016 & thereafter necessary documents on 18.6.2016. Thereafter he received security deposit on 13.10.2016. Mr.Amod further submits that he is not claiming SOP compensation from the date of application for refund of security deposit but from the date of submission of documents i.e. from 18.6.2016 to 13.10.2016. The said period is for 117 days & deducting 30 days of standards of performance, he claims compensation of only for 87 days i.e. Rs.1300/- as per MERC SOP Regulations, 2014.

7. On the other hand Mr.B.S.Shinde, A.E.E., Peshavepark Sub/dn. submitted that the said consumer had submitted proposal for refund of security deposit in respect of Consumer No.170012713153 in the month of June-2016. After scrutiny of proposal it was noticed that arrears were shown as "Nil" in the CPL but on the copy of the 'final bill' there was remark as, "provisional final bill". Therefore the sub division office had submitted incomplete proposal to the division office. The said proposal was further sent to Account Section. The Account Section kept the said proposal pending due to remark on the final bill as "provisional final bill". Thereafter the sub division office informed to Account Section that "provisional final bill" is the "final bill". Thereafter Account Section refunded security deposit of Rs.10,000/- to the consumer by cheque dated 13.10.2016. The amount of security deposit is to be refunded after availability of funds from the Head Office, Mumbai and for this process time of 1.5 to 2.00 months is required. And as such no any delay was caused, hence application be rejected.
8. IGRC, Rastapeth Urban Circle rejected the grievance application of the consumer vide impugned order dated 21.11.2016 stating that the

consumer has received the amount of security deposit & hence the complaint was disposed off.

9. It is necessary to take into consideration provisions of supply code Regulations, 2005 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 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.*

10. The licensee in its reply dated 19.1.2017 tried to justify delay for refund of security deposit on the ground that the account section of the Licensee raised objection as to remark on final bill as "provisional final bill" of the consumer and therefore kept the proposal pending. The said explanation is not acceptable because there is no any such provision in the electricity laws and moreover it is a administrative matter.
11. Now, as regards quantum of compensation payable to the consumer, the consumer submitted proposal for refund of security deposit on 11.9.2015. But the consumer submitted necessary documents in the division office pertaining to refund of S.D. on 18.6.2016. He received refund of security deposit on 13.10.2016. Therefore the said period comes to of 117 days. From this period 30 days are excluded for performing of standards of

performance. Therefore 87 days delay was caused for refund of security deposit. As per Appendix-A, item no.8, other services (ii) of MERC SOP Regulations, 2014 compensation payable is Rs.100/- per week or part thereof. Therefore for 13 weeks compensation calculates to Rs.13 x 100 =1300/-. The consumer is also entitled to get said interest on S.D.at the rate equivalent to the Bank rate of RBI as per the provisions of 11.11 & 11.12 of the supply code regulations cited supra.

Lastly we proceed to pass following order:

### **ORDER**

1. Grievance of the consumer stands allowed with cost.
2. The Licensee to pay SOP compensation of Rs.1300/- to the consumer vide Appendix-A, Sr.No.8 (ii) MERC (SOP) Regulation, 2014.
3. The Licensee to pay interest on S.D. of Rs.10,000/- from 11.9.2015 to 13.10.2016 i.e. from the date of application for refund of S.D. to the date of payment of S.D.
4. The Licensee to recover above mentioned compensation and interest from the defaulting employees by making necessary enquiry.
5. The Licensee to report compliance within one month from the date of receipt of this order.

Delivered on: - 20.02.2017

**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.