



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

Case No. 35/2017

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, 2nd floor,
Marvel Edge, Vimanagar,
Pune - 411014.

Complainant

(Herein after referred to as Consumer)

Versus

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

Respondent

(Herein after referred to as Licensee)

Quorum

Chairperson

Member Secretary

Member

Mr. S.N.Shelke

Mrs. B.S.Savant

Mr. S.S.Pathak

Appearance

For Consumer

Mr.Sachin Mahangade

Mr.D.S.Talware (Representative)

For Respondent

Mr.Lakhe,Dy.Managaer, Nagarroad Dn.

- 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, Rastapeth Urban Circle on 19.9.2016. 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.,Padmavati Division, Pune vide letter no. EE/CGRF/PZ/Notice/05 of 2017/15 dtd.09.01.2017. Accordingly the Distribution Licensee i.e. MSEDCL filed its reply on 04.02.2017.
- 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.160230573694 with connected load 34.50 KW was connected on 31.05.2003 in the tariff category LT-V B II. 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.11210/- on 01.09.2016 to the S.D.O Nagarroad. 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 19.09.2016. 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.Lakhe, Dy.Manager, Nagarroad Dn. submitted that the above named consumer having consumer No. 160230573694 has surrendered the connection & then applied for refund of security deposit of Rs.11210/- on 01.09.2016. 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 19.09.2016. 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.Lakhe, Dy.Manager, Nagarraod dn. submitted that the present consumer made application for refund of S.D. on 29.7.2016 for Rs.4385/- But the said consumer is in arrears of Rs.66975/- therefore no any question arises for refund of S.D.
- 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 consumer has made application of refund of S.D. of Rs.11210/-. It is seen from the say of the Licensee that they have adjusted the said S.D. amount against the arrears of said consumer. After having adjusted the S.D. amount, the amount of Rs.66975/- is outstanding against the

consumer towards energy bill amount. Hence the grievance is liable to be dismissed.

Hence the order

ORDER

1. The grievance of the consumer stands dismissed with cost.

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.