

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

Case No. 36/2017

Date of Grievance : 18.03.2017

Date of Order : 16.05.2017

In the matter of refund of Security Deposit alongwith penalty, interest & compensation.

Mr. Eknath Gabaji Dongre, ----- Complainant
Ballalwadi, Tal.- Junnar, (Herein after referred to as Consumer)
Dist.- Pune

Versus

The Executive Engineer, ----- **Respondent**
M.S.E.D.C.L., (Herein after referred to as Licensee)
Manchar Division,
Pune.

Quorum

Chairperson	Mr. S.N.Shelke
Member Secretary	Mrs. B.S.Savant
Member	Mr. S.S.Pathak

Appearance

For Consumer	Mr.E.G.Dongre
For Respondent	Mr. Praksh Khandekar, EE, Manchar Dn. Mr.Getme, Dy.E.E., Junnar Sub/ dn. Mr. Narekar, UDC, Manchar 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, Pune Rural Circle on 15.12.2016 for refund of security deposit (S.D.). The IGRC vide order dated 17.01.2016 passed following order :

The Ex.Engineer, Manchar Dn. will carry out enquiry of the following matter, & if connection is not released, payment made by Shri. Eknath G. Dongre should be returned to him as per MSEDCL rules.

- 3) The papers containing the above grievance were sent by the Forum to the The Executive Engineer, M.S.E.D.C.L., Manchar Division, Pune vide letter no. EE/CGRF/PZ/Notice/36 of 2017/147 dtd.20.03.2017. Accordingly the Distribution Licensee i.e. MSEDCL filed its reply on 09.05.2017.
- 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 may be stated as under :

The consumer namely Mr.Eknath Gabaji Dongre, resident of Ballalwadi, Tal. Junnar, applied for releasing of 7.50 HP electric supply for agricultural pumpset at Gat No.730 of village Ballalwadi & deposited quotation amount (including S.D.& CRA) of Rs.1235/- on 2.9.1989. He deposited additional security deposit of Rs.1935/- on 19.3.1996. The consumer could not get electric supply for more than 25 years. He made follow up with Licensee till 20th Nov.2010. He suffered financial losses due to non releasing of supply. The consumer gave up his demand of supply due to lack of water to his well in the said land. The consumer made complaint to IGRC for refund of S.D. alongwith interest, penalty & compensation. The IGRC directed the Licensee to carry out necessary enquiry for not releasing of supply to the consumer & refund of S.D. as per MSEDCL rules vide impugned order dated 17th Jan.2017. The consumer approached to CGRF for non receipt of S.D. & claiming it alongwith interest, penalty & compensation.

6. The consumer Mr.Eknath Dongre, submitted that he submitted application to Licensee for releasing of supply for agricultural pumpset depositing amount of Rs.1235/- on 2.9.1989. He deposited additional S.D. of Rs.1935/- on 19.3.1996. He could not get supply, therefore he approached to member of Parliament (MP) Mr.Navale, who made telephonic call to the Superintending Engineer about the same then the Superintending Engineer, directed the concerned Ex. Engineer vide letter dated 4.7.1992 for

taking necessary action in the matter. Thereafter the consumer vide application dated 21.7.2003 requested the Licensee for releasing of supply. Thereafter on 23.8.2010 he wrote a letter to Energy Minister, State of Maharashtra for releasing of supply for Ag. Pump. Again he sent letter dated 4.11.2010 to Ex.Engineer, Manchar Division. Then sent letter dated 20th Nov.2010 to Asstt.Engineer, Alephata, for releasing of supply for Ag. pump. The consumers submits that he made complaint to IGRC for refund of S.D.alongwith interest, penalty & compensation. He states that presently he does not require the said Ag. connection for want of water to his well. He states he is not aware whether the Licensee credited amount of S.D. alongwith interest, penalty & compensation in his Bank Account. He lastly submits he suffered financial losses due to non releasing of supply in time, therefore S.D.amount be refunded alongwith interest, penalty & compensation.

7. On the other hand, Mr.Khandekar, Ex.Engineer, Manchar Dn. submitted that as per order passed by IGRC, the necessary enquiry was conducted at Sub-division level & the said committee submitted its report on 27.3.2017 that the said consumer has not supplied with the electric connection. The concerned sub-dn. officer personally met to the consumer for refund of S.D. but the consumer refused the to accept the S.D. amount on the contrary, insisted for augmentation of LT Line from his land. Accordingly the concerned staff was directed to repair the said L.T.Line & consumer was again called on 21.4.2017 to accept the amount of S.D. but again he refused to do so. Thereafter the amount of S.D. of Rs.3093/- was sent to the consumer by RTGS in his bank Account. The said consumer was not reflected in the list of '**paid pending consumers**', therefore the supply could not be released. He further submitted that the consumer has not filed said grievance within the period of 2 years & therefore the grievance is not tenable as per Reg.No.6.6 of MERC CGRF Regulations, 2006. He placed reliance to CGRF Pune Zone Case No.6/2017 & Electricity Ombudsman (Mumbai) Representation No. 5/2017. He lastly submitted

the consumer has deposited S.D.amount prior to commencement of Electricity Act, 2003 therefore he is not entitled to get interest, penalty & compensation as per the said Act.

8. The consumer is seeking refund of S.D. alongwith interest, penalty & compensation for financial losses. It is necessary to take into consideration necessary provisions of supply code Regulations, 2005 regarding refund of security deposit (S.D.).

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. In the present case, the consumer applied for releasing of Ag. supply 7.5 HP and deposited amount of Rs.1235/- on 2.9.1989. He deposited additional S.D.of Rs.1935/- on 19.3.1996. He made follow up with Licensee till 20th Nov.2010 but he could not get the supply. Presently due to change of circumstances the consumer gave up demand of electric connection for Ag.Pump due to lack of water to the well in his land. But he claims refund of S.D. alongwith interest penalty & compensation since he suffered financial losses due to non releasing of supply in time. Since the consumer gave up his demand of releasing of supply from 2010, he is not entitled to get SOP compensation but for other compensation he may seek remedy in

the civil court. According to the licensee claim of consumer is time barred since not filed within 2 years but we do not found substance in the said submission as the claim of consumer subsists till the refund of S.D. The consumer applied to IGRC for refund of S.D. on 15.12.2016 & the IGRC directed the Licensee to refund the S.D. with carrying necessary enquiry for not releasing of supply. The Bank statements (Bank of Maharashtra) submitted by Licensee reflects that amount of Rs.3093/- credited in the account of consumer vide cheque No.69913 dated 6.5.2017 by RTGS. However, it is seen that the Licensee has not paid interest as per Bank rate of RBI on said amount as per Reg.No.11.11. The said interest to be paid on S.D. from the date of deposit by the consumer till the date of dispatch of the refund of S.D. i.e. still 6.5.2017 as per Reg.No.11.12. Hence the Licensee to recalculate the amount of S.D. & interest accordingly and the said amount be paid to the consumer.

10. Lastly, we proceed to pass the following order

ORDER

1. The grievance of the consumer is allowed with cost.
2. The Licensee to refund amount of S.D. of Rs.3170/- (excluding amount of CRA) alongwith interest as per Bank rate of RBI from the date of deposit till the dispatch of S.D. vide Reg .No. 11.9, 11.11& 11.12 of MERC supply code Regulations, 2005.
3. The Licensee to report compliance within one month from the receipt of this order.

Delivered on: - 16.05.2017

S.S.Pathak
Member
CGRF:PZ: PUNE

B.S.Savant
Member/Secretary
CGRF:PZ: PUNE

S.N.Shelke
Chairperson
CGRF:PZ:PUNE

Note: - The consumer if not satisfied may file 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.