



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

Case No.62/2017

Date of Grievance : 06.11.2017

Date of Order : 04 .01.2018

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

Mr. Prakash Shivaji Thakkar,
S.No.38/297, Laxminagar,
Parvati,
Pune - 411009

Complainant

(Herein after referred to as Consumer)

Versus

The Executive Engineer,
M.S.E.D.C.L.,
Parvati Division,
Pune -411030.

Respondent

(Herein after referred to as Licensee)

Quorum

Chairperson
Member Secretary

Mr. B.D.Gaikwad
Mrs. B.S.Savant

Appearance

For Consumer

Mr.Prakash S.Thakkar,
Mr.Kishor B.Dhotre, Representative

For Respondent

Mr.V.s.Nale, AEE, Swargate S/ dn.
Mr.R.N.Adagale, UDC, Swargate S/ dn.

- 1) The Consumer has filed present Grievance application under regulation no. 6.4 of the MERC (CGRF and E.O.) Regulations 2006.
- 2) Being aggrieved and dissatisfied by the order dated 10th Oct. 2017 passed by IGRC Rastapeth Urban Circle, 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 Executive Engineer, M.S.E.D.C.L., Rastapeth Urban Circle, Pune vide letter no.EE/CGRF/PZ/Notice/62 of 2017/322 dtd.09.11.2017. Accordingly the Distribution Licensee i.e. MSEDCL filed its reply on 28.11.2017.
- 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. On its basis following factual aspects were disclosed.
 - i) The concern Ex. Engineer, Parvati is respondent in this case and he has not attended the hearing on the scheduled date and due to this reason the consumer has taken the objection.
 - ii) Consumer namely Mr. Prakash Shivaji Thakkar bears consumer No. 160240580630 connected on 12.06.2008 and his its sanctioned load was 2.0 KW under LT-II category. The above consumer no. is in the premises of 38/297, Laxminagar, Parvati and consumer has applied the said connection for permanent disconnection of said connection on 25.5.2016 to the concern section and sub/dn. office also.
 - iii) The another consumer no. 170012694191 was having residential connection and its address is 41/318, Laxminagar, Parvati, Pune and he has applied for the conversion of said sonnection from Residential to Commercial.
 - iv) As per the consumers request of P.D., the system generated bill amounting to Rs.130 was issued by MSEDCL for the consumer No. 160240580630 and accordingly it was paid on 11.6.2016 whereas MSEDCL official concerned/representative has issued the bill amounting to Rs.190/- and its permanent disconnection was done on 25.5.2016.
 - v) The consumer has applied for refund of security deposit amount against the Permanent disconnection of consumer no. 160240580630 or the said amount shall be adjusted against the consumer no.

- 170012694191 which was to be converted from residential to commercial.
- vi) No any action has been taken by the Licensee and hence consumer has approached to the IGRC, RPUC, Pune on 16.07.2016.
 - vii) The IGRC had been given the decision on 12.9.2016 but no any cognizance was taken by the Licensee against the decision of the IGRC.
 - viii) Once again the consumer has approached to the Licensee on 10.8.2017 with the order of IGRC, RPUC, Pune dated 12.9.2016. Considering the facts and situations as above, the IGRC, RPUC, Pune has given second decision order dated 10.10.2017.
 - ix) It is seen from the CPL record that the security deposit was not yet transferred from July-2016 onwards till date. It is not understood that on which account the security deposit was transferred or what happened with the said amount. Also, it was stated that, even though all the records/ documents was already in the custody of the Licensee and therefore it was not necessary to hand over the original receipts of security deposit to transfer the said amount.
 - x) The IGRC, RPUC Pune has passed order on 12.9.2016 but no any action has been taken by the Licensee regarding this matter.
 - xi) The Licensee stated that the security deposit amount has been deposited against the energy bills and in accordance of this response consumer asked on which account this amount was adjusted in the month of Oct.2017. As per the consumers say the SD shall be transferred to SD account only. He also submitted as to how the said amount has transferred to the account without any submission of bond.
 - xii) The consumer has claimed the SOP compensation from 24.6.2016 to this month and interest on security deposit.
- 5) On the other hand Mr.Vijay Nale, AEE, Swargate Sub-division submitted that the consumer No. 160240580630 is in the name of Shri.Prakash Shivaji

Thakkar for commercial purpose. The said connection was permanently disconnected on the month of June-2016 also the other residential connection was available in another premises in the name of Shri. Prakash Shivaji Thakkar and consumer has requested to change the tariff from Residential to Commercial purpose to start business in the said premises. The consumer has applied on 29.6.2016 for refund/adjustment of Security Deposit of consumer No.160240580630 to 170012694191 in the due energy bill. Hence Licensee has given a letter to the consumer for submitting the original receipt of Security Deposit or undertaking on bond of Rs.100/-.

- 6) It is necessary to take into consideration provisions of supply code Regulations, 2005 regarding refund of security deposit. Regulations No.11.9, 11.11 and 11.12 of MERC (Electricity supply code and 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”.

- 7) The IGRC, RPUC, Pune has given the decision order on 12.9.2016 and it is stated that, after submission of relevant documents the security deposit amount shall be adjusted into the another consumer nos. energy bill. Hence the SOP shall not be applicable due to non-submission of the relevant documents.

- 8) The PD connections (consumer No.160240580630) security deposit shall be adjusted against the energy bill of ongoing consumer (consumer No. 170012694191) by feeding B-80 by the revised ID No. 7042619.
- 9) The said consumers another ongoing connection having consumer No. 170012694027 was in arrears of energy bill from 11.6.2016 and consumer has demanded that, the energy bill shall not be paid unless there is refund of security deposit. Hence the interest amounting of Rs.120/- was shown in the consumer account for the month of Sept.2017 which was deducted in the month of Oct.2017 by feeding the B-80 vide revised ID NO.7119008.
- 10) Considering the above facts and situations, the refund of security deposit issue was already over as per MSEDCL Rules and Regulations and there is no any failure of employee. Hence, the consumer is not entitled to get any compensation and present grievance is dismissed.

Lastly we proceed to pass following order:

ORDER

1. Grievance of the consumer stands dismissed with cost.

Sd/-

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

Sd/-

B.D.Gaikwad
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.