

REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/ 965

Date: 21.01.2019

Hearing Date: 13.11.2018

CASE NO. 219/2018

In the Matter interest on security Deposit

Shri. Shailendra M. Jaiswal,
(Prem Industries),Gala No.B-9Aeve Complex,
Kothari Complex,Naupada,
Thane (W)-400607..

. . . . (Hereinafter referred as Applicant)

Versus

Maharashtra state Electricity Distribution Company Ltd
Through it's Nodal Officer,
Thane Circle,Thane (Hereinafter referred as Respondent)

Appearance

For Consumer – Hemant Hatkar Consumer representative
For Respondent - Shri. Vijay Ragunath Sonawale Additional Executive
Engineer Kolset Subdivison Mulund.

[Coram- Dr. Santoshkumar Jaiswal - Chairperson, Shri. R.S.Avhad -Member Secretary and Sharmila Ranade - Member (CPO)].

Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003 (36/2003). Hereinafter for the sake of brevity referred as 'MERC'. This Consumer Grievance Redressal Forum has been established as per the notification issued by MERC i.e. "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of

consumers vide powers conferred on it by Section 181 read with subsection 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is referred as 'Regulation'. Further the regulation has been made by MERC i.e. Maharashtra Electricity Regulatory Commission. [Electricity Supply Code and other conditions of supply Regulations 2005] Here in after referred as 'Supply Code' for the sake of brevity. Even, regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply & Determination of Compensation) Regulations, 2014.' Hereinafter referred 'SOP' for the sake of convenience.

Being aggrieved with order of IGRC Thane applicant filed grievances in form "A" to this Forum. The IGRC passed the order that as per MERC Regulation -2006, Clause no 6.6. The applicant application rejected as time barred.

The applicant herein was Shri. Shailendra M. Jaiswal, bearing consumer No.000089025260. The applicant submit that his electricity connection was permanently disconnected . The applicant further submits that he has submitted the application to Kolshet subdivision for refund of interest on security Deposit but no action taken by the Respondent . The applicant prayed to direct the Respondent to award interest on security Deposit held and not paid since date of connection

The Notice was issued to the Respondent to submit parawise reply, the Respondent has filed the reply stating that grievance submitted by Shailendra M Jaiswal (M/s Prem Industries) for Interest on Security Deposit is given as below. Shailendra M Jaiswal (M/s Prem industries) is our P.D. consumer bearing consumer No. 000089025260, PC-0. The above mentioned consumer is permanently disconnected on dt.27/10/2009 vide consumer request P.D. letter dt. 27/10/2009.The Security Deposit held on consumer after adjustment of energy bill against Security Deposit was Rs. 95,000/- The security

Deposit of Rs. 95,000/- is already refunded to consumer on dt. 25/04/2018. The consumer submitted grievance for refund of security deposit with interest vide letter dt. 02/12/2017 to CE, Office, Bhandup and letter dt. 12/12/2017 to Kolshet S/dn office. Before this consumer request only for Refund of Security Deposit and not for any interest on security deposit.

The Respondent further submit as per Regulation no. 6.6 of MERC (CGRF and OMBUDSMAN) Regulations, the grievance shall not admit unless it is filed within two (2) years from the date on which the cause of action has arisen.

In this case consumer approached to this office vide letter dt. 27/10/2009 & letter dt. 18/11/2009 for permanent disconnection of power supply and request to adjust the energy bill against security deposit. The Security Deposit held on consumer after adjustment of energy bill against Security Deposit was Rs. 95,000/- which is already refunded to consumer on dt. 24/04/2018.

The Respondent prayed the grievance being time barred is hereby rejected.

I have given opportunity to consumer and his representative to appear before the Forum for hearing. I also gave equal and fair opportunities to representative of the Respondent utility and the dispute was heard. This Forum considered all the relevant point for determination of dispute. Here is the dispute of refund of interest on security deposit from the date of connection 13.09.2006. On hearing both side, I gone through the provisions of law, SOP, MERC (CGRF and OMBUDSMAN) Regulations 2005 and documentary evidence on the record that admitted fact is that the applicant submitted request applicant for Permanent disconnection of electricity supply to his premises. Accordingly as per Respondent the energy bill adjusted again Security deposit. Security Deposit was Rs. 95,000/- which is already refunded to consumer on dt. 24/04/2018. Now by this application consumer claiming interest of security deposited

which he has deposited at the time of initial connection dated 13/09/2006. It is clear from the say of the Respondent that consumer has given security deposit but they have not sated anything about the interest was paid on it or not to the consumer ,Hence it is held that when the fact of payment of interest not denied by the utility means they have admitted that they not paid the interest on the security deposit .It is clear from the rules that the consumer are entitle for the interest to the amount of security deposit at the rate of interest provide by RBI rules for every year . Hence it is held that applicant /consumer applicant entitle for the interest amount of security deposit from date of connection 13/09/2006 till this date by deducting any amount on the ground of interest on the security deposit paid to the applicant by any point of time. if any. Hence i accept the argument forwarded by the applicant .Hence I passed following order.

ORDER

This application in case 219/2018 hereby allowed.

The Respondent shall pay the interest on security deposit by the applicant 13/09/2006 till this date as per rule by deducting any amount on the point of interest if any paid to the consumer/applicant by the Respondent till this time.

The refund be paid by the Respondent within 60 days to the applicant

No order as to be cost

Both the parties should be informed accordingly.

The compliance should be report within one week.

I Agree/Disagree

I Agree/Disagree

**MRS. SHARMILA RANADE,
MEMBER
CGRF, BHANDUP**

**Dr. SANTOSHKUMAR JAISWAL
CHAIRPERSON
CGRF, BHANDUP**

**RAVINDRA S. AVHAD
MEMBER SECRETARY
CGRF, BHANDUP**

The order is issued under the seal of Consumer Grievance Redresses Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, and Bhandup.

Note:

a) The consumer if not satisfied, may file representation against this order before the Hon. Ombudsman within 60 days from the date of this order at the following address. " Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission,606, Keshav Building,Bandra - Kurla Complex, Bandra (E),Mumbai - 400 051"

b) b) consumer, as per section 142 of the Electricity Act, 2003, can approach Hon'ble Maharashtra electricity Regulatory Commission for non-compliance, part compliance or

c) Delay in compliance of this decision issued under" Maharashtra Electricity Regulatory Commission (consumer Redressed Forum and Ombudsman) Regulation 2003" at the following address:-

"Maharashtra Electricity Regulatory Commission, 13th floor,world Trade Center, Cuffe Parade, Colaba, Mumbai 05"

d) It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.