

**REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/ 1071**

**Date: 06.03.2019**

**Hearing Date: 04.12.2018**

**CASE NO. 208/2018**

**IN THE MATTER OF INTEREST ON SECURITY DEPOSITE AND TDS  
CERTIFICATE**

M/s. Mile Store Const,  
Hissa No.1&2,Sr. No.49,  
Office-5,pattwadi,  
Kalwa -400605.. . . (Hereinafter referred as Appellant)

Versus

Maharashtra State Electricity Distribution Company Limited  
through its Nodal Officer,  
Thane Circle, Thane

. . . . (Hereinafter referred as Respondent)

Appearance :

For Consumer – Hemant Hatkar Consumer representative  
For Respondent - Nilesh Survansi Additional Executive Engineer. Kalwa  
House Subdivision M.S.E.D.C.L

[Coram- Dr. Satishkumar 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 if IGRC Thane the appellant filed his grievance is schedule ‘A’ to this Forum .The appellant herein is Regency Hotel and Manjushree Hotel bearing consumer No. 00020440902of Kalawa sub-division . Grievance rose of interest on security deposit from year 2005 and T.D.S. Certificate not issue as per provision of income Tax Act 1961. The appellant prayed for interest in security deposit, TDS certificate and appropriate action on defaulter staff of Mahavitarn.

The Notice issued to the Respondent to submit para wise reply and to appear before Forum. The Respondent submit reply on 29 September 2018 stating that the applicant has applied for refund of interest on security deposit and interest is given to the consumer every month of May/Jan by IT centre in consumer bill.

The Respondent further submits that letter regarding issuing TDS certificate already forwarded to competent authority i.e Executive Engineer Thane. The Respondent referred the Regulation no 6.6 of MERC (CGRF and Ombudsman) regulation “The

Forum shall not admit any Grievance unless it is filed within two (2) years from the date on which the cause of action has arisen.” The Respondent further submit that as per regulation 6.6 The Forum is empowered to entertained the Grievance which is filled within 2 years from the cause of action and as the 2 years interest on SD has been already credited to consumer there is nothing pending with said grievance .

The applicant firstly approached IGRC Thane, passed order No.004169 dtd.29Sept 2018 with following decision per regulation 6.6 of MERC(CGRF and Ombudsman) regulation , the IGRC is empowered to entertained the Grievance which is filled within 2 years from the date of cause of action .In present case , the Respondent already given the interest on SD for the last two years ,which is within limitation . If interest on S.D. not given for last two years , Respondent is directed to grant interest The prayed for earlier period prior two years regarding grant of interests is clearly time barred, Hence it is here by rejected . Executive Engineer is hereby directed to issue TDS certificate to consumer for the said period.

We have heard both sides. I have gone through documentary evidence submitted by parties and their argument, MERC (CGRF and Ombudsman) regulation 2005, Electricity act 2003. I have made my observation as per section 42 (5) mandates the petitioner to establish a Forum within 6 months from the appointed date or the date of grant of license, whichever is earlier, for the redressal of the grievances of the consumers. Section 42(6) enables a consumer to approach the Ombudsman if he is aggrieved by the decision of the Forum. Regulation 2(2.1) (d) defines the “Cell” as under:

“Internal Grievance Redressal Cell” or “IGR Cell” means such first authority to be contacted by the consumer for redressal of his/her Grievance as notified by the Distribution Licensee.”

Regulation 2(2.1) (e) defines a “Forum” as under:

“Forum” means the forum for redressal of grievances of consumers required to be established by Distribution Licensees pursuant to sub-section (5) of section 42 of the Act and these Regulations.”

Regulation 6.6 “The Forum shall not admit any Grievance unless it is filed within two (2) years from the date on which the cause of action has arisen”. In the above backdrop, it appears that a consumer may have the option of approaching the Cell before approaching the Forum. However, the language used in Regulation 6.7(a) indicates that the Forum 'SHALL NOT' entertain a grievance unless the consumer has complied with the procedure under Regulation 6.2. It was, however, concluded in paragraph No.16 that, "Internal Consumer Grievances Cell” is not the Forum for redressal of the grievances of the consumer as contemplated by Section 42(5) of the Act but the C.G.R.F. is the said Forum established under sub section 5 of Section 42. The Regulation 6.6 uses the word "Forum" which obviously means C.G.R.F. and not the I.G.R.Cell of the Distribution.

In this case IGRC already order to issue the TDS certificate interest on security deposit for last year if not given. The applicant claimed on interest from 2006 after lapsed of 13 years. It is duty of the appellant to approach the Respondent if he had observed that he is not getting interest on Security Deposit if Respondent not performing their duties. During the hearing forum asked appellant to prove that he is not getting interest on security deposit but he fails to produce any documents about that .The applicant not approached to this forum within period of two years as per regulation 6.6. But as per Respondent circular the interest on security deposit credited in the bill in the Month of May of each year .Hence CGRF is bound to give protect interest. if the Appellant entitle to receive interest for last two years from the date application filed to Forum

ORDER

The application no 208/2018 is partly allowed.

The Respondent directed to verify the record and credit interest for last two years in the appellant bill.

No order as to cost

Both the parties should be informed accordingly.

**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, 13<sup>th</sup> 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.