

BEFORE CONSUMER GRIEVANCE REDRESSAL FORUM NANDED ZONE  
NANDED

Case No. 3/2018

Complaint received on 11<sup>th</sup> April, 2018

Complaint decided on 30<sup>th</sup> May, 2018

|                              |   |              |
|------------------------------|---|--------------|
| M/s Indus Tower Pvt.         | } | -- Applicant |
| R/o Marvel Edge, Viman Nagar | } |              |
| Pune-411014                  | } |              |

Vs.

|  |   |                  |
|--|---|------------------|
| The Executive Engineer,<br>MSEDCL, O&M Division,<br>Bhokar | } | -- Non-applicant |
|--|---|------------------|

Quorum

: Shri M.V.Yeotikar, Chairman CGRF  
Smt. Anita Ostwal, Member  
Shri V.S. Tekaday Member Secretary

**JUDGMENT**

1) Being aggrieved by the no judgment of Executive Engineer, MSEDCL, and Chairman IGRC Nanded Circle the appellant consumer bearing consumer No.565010589409 B.U.7421 Kinwat sub-division Bhokar division preferred appeal before this forum, the Secretary Executive Engineer, CGRF issued notice to respondent, in response to notice the respondent appeared and defended through reply.

2) Briefly, the grievance as narrated in form A, are as under:-

- (a) The consumer run business of mobile tower on the site mentioned above already surrendered, applied for refund of security deposit along with all requisite documents on 17.5.2017. Such application was made to SDO Kinwat since the application no query made to the consumer in fact no compliance pending from the side of consumer, it was obligatory as per the MERC SOP directives the activity ought to have been completed within 30 days from the date of receipt of application for closure of account, the approach of SDO was passive towards the consumer. Thus, the respondent despite of knowledge of directives as per rules, regulation guidelines and SOP regulations. The matter was informed to IGRC Nanded on 15.1.2018 the acknowledgement was received, it is attached with form no.A. IGRC Nanded not conducted the hearing so the nature of relief sought from

The forum are such that, to direct the respondent for refund of security deposit alongwith interest at the rate declared by MSEDCL from time to time at the earliest in favour of consumer and order to compensation as per SOP regulation item Sr. No.(II ) of Appendix A attached.

- (b) In reply the respondent submitted that, on 17.2.2017 proposal was sent by Sub-divisional Office, Kinwat relating to consumer was received on 22.8.2017 but the Head Office as per it's circular, the delay was caused for refund of security deposit through SAP. The cheque was bearing 399381 dtd. 8.5.2018 for amount Rs. 20000/- ( Rs. Twenty thousand only) was dispatched under the outward Number of the concerned office bearing No. 1302 dtd. 14.5.2018 to the consumer for payment at Pune.

3) Shri D.S. Talware the representative of the consumer has submitted his oral argument which is noted revealed that yet amount of Rs. 20000/- not received no intimation of such security refund bill inform. It is further submitted that, MSEDCL on its own accord as per conditions of supply item No. 18/11 within a period of 90 days account ought to have been closed and on the date of PD an amount of Rs.35477.33 were on credit side from the consumer's side was supposed to have been paid to the consumer with interest and item No.14.4 SOP within 14 days from the date of application of the consumer was to repay the amount which is on credit side to the consumer the respondent pay to do so. Similarly item No.18.13 of conditions of supply refundable amount with interest should have been paid to the consumer from the date of PD (i.e.) from March 2016 as per the rate of interest for the year 2015-16. On 17.5.2017 application for refund of security deposit was made, security deposit as per SOP was to be paid within 45 days from the date of application, it was not done so the compensation deserves to be awarded. Shri P.C. Choure in reply submitted that on 21.8.2017 the divisional office received the proposal as per circular no.217 dtd. 07.10.17 the security deposit for refund is received, IT department of sub-divisional office complied such proposal in April 2018, security deposit refunded through SAP system because of technical difficulty the amount could not be refunded earlier. It is admitted that Rs.35477.33 amount shown towards credit side of consumer bill in bill revision so prayer made that, because of technical difficulties as per circular no.217 the security deposit refunded so the penalty may not be ordered.

In reply to reply Shri D.S. Talware the representative of consumer has further stated the question of ERP raised by the respondent is denied the above ERP is not technical difficulty. The respondent was under obligation to close the account within 45 days as per MERC regulation so the explanation as to technical difficulties, is not considerable. As per item 17.4 of conditions and supply 2010 is relevant, bill revision not considerable so submitted that, explanation in reply is irrelevant.

4) As per the grievance in form No.1 and reply, submissions and the Conditions of Supply 2005 as revised in year 2010 as pointed out items 17.4, 18.11, and 18.13 following points as per determinations for the reasons given below findings are recorded as against each of the point as under.

| Sr.No. | Point  | Findings            |
|--------|--|---------------------|
| 1      | Whether IGRC Nanded passed legal order ?                             | No                  |
| 2      | Whether the consumer is entitled to security deposit with interest ? | Yes                 |
| 3      | What order in the interest of natural justice ?                      | as per final order. |

#### **REASONS**

**4) Points 1 to 3** Undisputedly the respondent could not satisfy that the IGRC Nanded pronounced the judgment. IT was obligatory on the part of IGRC to decide the matter as per the rules and regulations, it has failed to discharge its duty, as it being matter of Jurisdiction vested in it committed illegality.

The date of permanent disconnection was in the month of March-2016. The respondent did not dispute this aspect in argument. The respondent admitted the credit amount of consumer Rs 35477.33 and security amount of Rs. 20000/- received from the consumer due to be paid after permanent disconnection. The only aspect that the amount of Rs. 35477.33 stated to have been revealed at the time of revision. This is disputed by the consumer and consumer has further stated that at the time of disconnection this was due.

In this particular case considering the undisputed amount of Rs.35477.33 credit side of the consumer as per the amount to be paid by the MSEDCL on the date of PD itself it is required to refund to the consumer with interest as per Bank rate on the date of PD i.e. Mar-2016, likewise the rate of interest for such security deposit shall also be required to be paid by the respondent from the date of permanent disconnection. The consumer is entitled to SOP as per Appendix A, 7(iii) the consumer is entitled to Rs 100/- per week from the 17.06.17 onwards upto the date of cheque issued on 08.05.2018.

Accordingly points 1 is answered in negative, point no.2 in affirmative and point no. 3 as per final order.

In the result we proceed to pass final order.



### ORDER

The complaint filed by consumer/ applicant is hereby allowed as under.

- 1) The respondent is directed to pay the amount of Rs. 35477.33 to the consumer with interest at the bank rate from the date of permanent disconnection upto the date of payment.
- 2) The respondent is further directed to pay the amount of security deposit of Rs20000/- with interest at the bank rate from the date of permanent disconnection till 08.05.2018
- 3) The payment be made within two months, with bank rate from the date of PD till 08.05.2018,
- 4) The respondent is directed to pay the SOP to the consumer at the rate of Rs.100/- per week from 17.6.17 to 08.05.18
- 5) If the consumer is not agree with the judgment given by the forum then the applicant can file his representation within 60 days from the date of decision in "B" form before the Ombudsman on the following address. Form "B" is available with free of cost in this office.

Address :

The Ombudsman  
Maharashtra Electricity Regulatory Commission,  
Plot No.12, Shri Krishnavijay Nagar Chavani,  
Nagpur-440 013.  
Phone No. 0714-2022198

Date :-30/05/2017

Place : Nanded.

*(Anita Ostwal)*  
30.5.2018  
(Anita Ostwal)  
Member  
CGRF Nanded

*(M.V. Yeotikar)*  
30.5.2018  
(M.V. Yeotikar)  
Chairman  
CGRF Nanded

*(V.S. Tekaday)*  
30.5.18  
(V.S. Tekaday)  
Member Secretary  
CGRF Nanded.