

**CONSUMER GRIEVANCE REDRESSAL FORUM,
AMRAVATI ZONE, AMRAVATI.**

" Vidyut Bhavan " Shivaji Nagar, Amravati, Amravati : 444603 Tel No 0721
.2551158

Dt.21/06/2017

Complaint No. 7 / 2017

**In the matter of refund of security deposit with interest & SOP
Compensation.**

Quorum

**Shri . S. R. Chitale, Member/Secretary
Shri. D. M. Deshpande-Member (CPO)**

M/s. Indus Tower Ltd., Pune,
At Chikhaldara, Dist. Amravati
Consumer No:- LT - 350430014464

Complainant

.....Vrs.....

Executive Engineer,
MSEDCL, O&M Division,
Achalpur

Respondent

Appearances :

Complainant Representative:- Shri D. S. Talware

Non Applicant :- Shri D. S. Chaudhari, Dy. E.E.,
Chikhaldara,

1. On being aggrieved by the fact of non-implementation of order passed by I.G.R.C., Amravati issued vide SE/Amt/IGRC/5650 dated 28/09/2016, on the part of N.A. MSEDCL, Achalpur, complainant M/s. Indus

Tower Ltd. Approached this Forum with complaint for resolving the grievance.

2. The complainant's case in brief is that M/s. Indus Tower is consumer of MSEDCL at Chikhaldara having consumer No. LT - 350430014464. According to complainant they have already surrendered Electricity supply for M/s. Indus Tower and submitted application for refund of security deposit Rs. 12000/- to Sub-Divisional Officer, MSEDCL, Chikhaldara on 18th May 2015 along with all required documents. According to complainant no compliance on their part is pending as no communication whatsoever is received from N.A. MSEDCL after application for closer on 18/05/2015. According to complainant concerned S.D.O., MSEDCL, Chikhaldara have shown passive approach towards consumer grievance, as per MERC SOP regulation the said activity should have been completed within 30 days. According to complainant N.A. MSEDCL have violated guidelines, rules and SOP regulation and hence they took the grievance with IGRC, Amravati on 30/08/2016. According to complainant the matter was posted for hearing by I.G.R. C., Amravati on 22/09/2016 and no order is passed by IGRC, Amravati. According to complainant order passed by IGRC on 28/09/2016 is not received to them and SDO MSEDCL, Chikhaldara have not refunded security deposit till filing complaint to CGRF, Amravati, and prayed for refund of security deposit Rs.12000/- with interest and SOP compensation as ordered by IGRC, Amravati. Complainant annexed with complaint documents such as acknowledgement dated 18/05/2015 by SDO, Chikhaldara, IGRC complaint with call letter for hearing and acknowledgement of CGRF, Amravati and SOP regulation 2015/2014.

3. The belated reply came to be filed on 23/05/2017 by N.A. MSEDCL, Achalpur. According to N.A. MSEDCL, Achalpur, instructions to

implement IGRC, Amravati order was given to Dy. Executive Engineer, O&M Sub-Division, Chikhaldara for refunding security deposit to complainant. According to N.A. MSEDCL, Achalpur, S.D.O., MSEDCL, Chikhaldara was asked to submit explanation for not attending IG.R.C. hearing at Amravati. According to N.A. MSEDCL security deposit is not refunded as original money receipt was not enclosed by complainant with application for refund. According to N.A. MSEDCL the original application for refund of S. D. by complainant was submitted to Gaulkheda Distribution Centre and indemnity bond as mentioned in the application was not attached. According to N.A. MSEDCL, complainant was contacted on telephone and asked to submit indemnity bond in absence of original money receipt. According to N.A. MSEDCL Rs. 6280/- towards arrears and Rs. 119390.77 towards tariff difference from IP to CL category as per tariff order 121 of 2014 is adjusted against security deposit. According to N.A. MSEDCL Rs.113678.77 is outstanding and recoverable from complainant. N.A. MSEDCL Annexed with the complaint Bill revision report dated 19/05/2017, IGRC , Amravati Order dated 28/09/2016 and bill dated 31/03/2017 .

4. The complainant's Representative and Mrs. Naziya Khan Dy. E.E., Achalpur along with Mr. D.S. Chaudhari, Dy.E.E., Chikhaldara for MSEDCL were present for the hearing held on 14/06/2017, at CGRF, Amravati. Complainant's Representative brought to the notice of Forum the application dated 18/05/2015 for refund of S.D. having acknowledged by N.A. MSEDCL with endorsement of receipt of indemnity bond and electricity bill by MSEDCL with remark by MSEDCL as " please attach original money receipt". Complainant's Representative brought to the notice of Forum that they have not received any communication from MSEDCL from 18/05/2015 and MSEDCL were absent before IGRC at the time of hearing. Complainant's Representative have brought to the notice of Forum that electricity supply to

M/s Indus Tower was disconnected in 2013 and MSEDCL have not carried out any assessment for industrial to commercial before disconnection and submitted false reply before Consumer Forum. Complainant's Representative have brought to the notice of Forum that tariff order 121/2014 is not applicable to this complainant since operative from June 2015. Complainant's Representative brought to the notice of Forum that bill for Rs. 119390.77 towards tariff difference as mentioned in the reply is never issued to complainant and category of billing as per industrial tariff is correct till permanently disconnected as per tariff order.

5. Learned Representative of MSEDCL Mrs. Naziya Khan urged that original money receipt has not been surrendered by complainant hence S.D. could not be refunded, she however admitted to have disconnected the electricity supply permanently on 07/10/2013 and filed on record CPL up to March 2017. On interrogation by Forum MSEDCL Representative have admitted the fact that bill against tariff difference is not sent to complainant earlier and revision is carried out in May 2017. On interrogation by Forum MSEDCL Representative could not answer the effective date of implementation of tariff order No. 121 of 2014. MSEDCL Representative however admitted the fact that amount Rs.5712.00 is payable to complainant after adjusting arrears Rs. 6288.00 as on 07/10/2013 and will be refunded in one month.

6. Forum have gone through the complaint on record with documents, reply filed by MSEDCL and considered the deliberation by learned representative of complainant and MSEDCL. Forum is of the view that there is considerable force in the grievance filed by complainant. It is fact on record that electricity supply is permanently disconnected in October 2013 as per CPL on record and application for refund of S.D. dated

18/05/2015 along with indemnity bond is not disputed. According to tariff order 19 of 2012 effective in October 2013 when supply was disconnected permanently account should have been closed by MSEDCL after deducting outstanding arrears within 30 days. Forum is of the view that N.A. MSEDCL have violated MERC tariff order. Forum is of the view that MSEDCL have violated MERC SOP regulation 2005 amended on 2014, according to which balance of security deposit should have been refunded within 45 days of its demand on 18/05/2015. Forum have noted the adverse attitude of N.A. MSEDCL towards consumer protection as envisaged in Electricity Act 2003 in not attending the hearing before their own Consumer Redressal Cell and not complying the order of IGRC, Amravati. The order passed by IGRC, Amravati dated 28/09/2016 has not been complied by Dy. Executive Engineer, Chakhaldara as seen from the document filed on record on the directives of nodal officer MSEDCL and N.A. MSEDCL Nodal Officer in the present case did not take efforts to comply the IGRC, Amravati order and took contrary views while submitting the reply before CGRF, Amravati. N.A. MSEDCL as seen from reply have carried out assessment for change of tariff from industrial to commercial on 19/05/2017 when supply was disconnected on 07/10/2013, the plea is never taken before IGRC, Amravati and tried to mislead the Forum, The tariff order 121 of 2014 as mentioned by N.A. MSEDCL is effective from June 2015 and Forum thinks that it is deliberate attempt on the part of N.A. MSEDCL to mislead the Forum by applying the tariff order No. 121/2014 for the connection disconnected permanently on 07/10/2013. Forum arrived at the above mentioned conclusion on the fact that revision of bill is never posted to CPL of the complainant and CPL showing Rs.5712.00 as S.D. held and payable to complainant as on March 2017. Forum is of the view that interest on security deposit held on amount Rs.5712.00 from 07/10/2013 till the issue of cheque is payable to complainant at the rate of interest decided by MERC in respective tariff

order. The applicable rate of interest on S.D. for Jan. 2016 to Dec. 2016 is 10.8% and for Jan 2017 to March 2017 is 10.75%. Forum is of the view that complainant is entitled for SOP of Rs.100/- per week from 02/06/2015 till it is paid to complainant by cheque. Forum is of the view that payment of interest and compensation payable towards SOP is loss of revenue to the MSEDCL because of negligent and deliberate attitude on the part of officers of MSEDCL particularly S.D.O. MSEDCL, Chikhaldara and should be recovered from guilty officers after due enquiry as per principle laid down in Lucknow Development Authority Vs. M. K. Gupta decided by Hon'ble Supreme Court of India in 1994 SCC(i)243. With these observations Forum proceeds to pass following unanimous order:-

ORDER

1. The Complaint No. 7/2017 is hereby partly allowed.
2. The N.A. MSEDCL is directed to refund security deposit held Rs.5712.00 immediately with interest at the rate payable on S.D. as per respective MERC tariff order for the year 2013-2014 from 07/10/2013, 2014-2015, 2015-2016, 2016-2017 and 2017-2018 till date of issue of cheque.
3. The N.A. MSEDCL is directed to compensate complainant by payment of SOP at Rs.100/- per week for 104 weeks amounting Rs.10400.00 payable before 10/07/2017, payable by cheque or D.D.
4. No order as to the cost.
5. N. A. Non-applicant MSEDCL is directed to submit compliance report to Forum within a period of one month.

Sd/-
Member/Secretary

Sd/-
Member(CPO)

Contact details of Electricity Ombudsman appointed by MERC (CGRF&EO) Regulations 2006 under Regulation 10:

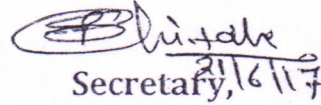
THE ELECTRICITY OMBUDSMAN,
Office of Electricity Ombudsman (Nagpur)
Plot No.12, Shrikrupa, Vijaynagar, Chhaoni,
Nagpur-440 013.
Phone : 0712-2596670

No. CGRF / AZ/ Amravati/ No 1 9 2 2 /

Dt. 21/05/2017

TO
The Nodal Officer,
Executive Engineer
MSDCL, O&M Division,
Achalpur

The order passed on 21/05/2017 in the Complaint No. 7/2017, is enclosed herewith for further compliance and necessary action.


Secretary, 21/6/17

Consumer Grievance Redressal Forum,
MSDCL, Amravati Zone, Amravati

Copy to:

The Superintending Engineer , MSDCL, O&M Circle, Amravati

Copy to :-

M/s. Indus Tower Ltd., Pune , At Chikhaldara, Dist. Amravati

Consumer No:- LT - 350430014464