

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM  
AURANGABAD ZONE, M.S.E.D.C.L., AURANGABAD.

( Case No: CGRF/ AZ /AUR/U/ 414 / 2012 /47 )

Date of Filing: 20.11.2012

Date of decision 05.02.2013

01) *M/s Amarpreet Hotel,*  
CTS No.13167, Jalna Road,  
Aurangabad Complainant.  
( Consumer No.490019046120 )

V/s

02) The Executive Engineer (Admn.) Respondent .  
Nodal Office, O/O The Superintending Engineer,  
O&M Urban Circle, MSEDCL,  
Aurangabad.

03) The Dy .General Manager(Planning)  
GTL Ltd., MIDC, Chikalthana,  
Aurangabad.

Coram:

Shri V.B. Mantri	President
Shri V.S. Kabra	Member
Shri S.K.Narwade,	Member/Secretary

DECISION.

- 01) The complainant Hotel Amarpreet Pvt .Ltd., has submitted this complaint for multi prayers and directions to respondents, as per prayer clause of the complaint.
- 02) It is the case of the complainant that, initially there were three number of LT connections released by MSEDCL. One was in the name of Priti Mangal Karyalaya, bearing consumer No.490011035181, the second was in the name of Harpreetsing Avatarsing bearing consumer No.490010614675 and the third one was in the name of Avatar Motel Pvt. Ltd. bearing consumer No. 490010336021. The respective consumers have paid their respective bills. There were no arrears of bills for LT connections.

- 03) The consumers then applied for HT connections on 15.12.2011 for contract demand of 300 KVA and connected load of 500 KW. The respondents sanctioned the HT connections vide letter dated 24.01.2012.
- 04) It is the case and grievance of the complainant that, before to release of fresh HT connection, the respondent has issued a bill of Rs, 4,67,520/- for consumer No. 490010336021 in which 29592 units were shown as adjustment however details of adjustment units were not provided till 15.12.2012. The complainant has therefore paid the sum of Rs.2,50,000/- under protest for release of HT connection. The complainant has submitted that, final bill should have issued on deducting security deposit amount of Rs.23,600/-.
- 05) With respect to consumer No. 490010614675 Harpreetsing Awatarsingh, it is submitted that final bill is not issued till today. Final bill is required to be issued on deducting security deposit amount of Rs.36,970/-. The respondent No.2 is therefore required to refund excess payment (Rs. 1,05,600 – 56,107) = 49,493 along with interest @ Rs.18% p.a.
- 06) The complainant has further submitted that, with respect to consumer Avtar Motels Pvt. Ltd. consumer No.490010336021, that the meter installed to this consumer is of TOD type. The incoming cable was burnt on 06.06.2012. The inspection report dated 06.06.2012 confirms that there was no supply on 06.06.2012 while carrying out testing of meter. There were no abnormalities found at the time of monthly meter reading dated 02.04.2012, 02.05.2012 and on 02.06.2012. The meter was found recording correctly during the said three months. There was loose contact developed in PT wires, which was noticed to testing team on 06.06.2012 and on 07.06.2012. The assessment bill issued for the period 04.04.2012 to 07.06.2012 is therefore incorrect, wrong and the same can not be accepted. It is submitted that assessment details were provided to complainant on 02.11.2012. Respondent No.2 has shown additional 29592 units based on 2/3<sup>rd</sup> methodology. Which can not be accepted. The complainant has given the details of last six months consumption to show that average consumption is 9197 units only. However the respondent has charged for 20573 units per month. The respondent further more has issued bills as per higher tariff rates. The complainant therefore prays that the bills are therefore required to be set aside.
- 07) The complainant submitted that, tariff has been revised w. e. f. 01.08.2012. The bills issued for two months i.e. for period **08.07.2012 to 27.08.2012** are required to be issued separately as per applicable tariff. The respondent has wrongly shifted disputed amount of one consumer to another consumer. The respondent has wrongly shown debit bill adjustment of Rs. 828447=86 in the month of October 2012. It is therefore prayed by the complainant that, respondents are directed to issue separate bill without levying DPC & interest. The respondents be directed to deduct security deposit from the final bills of L.T. connection. Revised bills for HT connections are issued. It is further prayed that assessment bill

- for 29353 units be quashed and respondents be directed to refund Rs.2.50 lacs paid by the complainant under protest with 18 % interest thereon.
- 08) The complainant prayed for interim relief to restrain respondent from disconnecting power till redressal of grievance. This Forum was pleased to grant ex parte interim relief on 20.11.2012 till 4<sup>th</sup> December 2012.
  - 09) In response to the notice to the respondents, the Nodal Officer has submitted reply and contested the prayers of the complainant. It is submitted that, LT connection of consumer No.490011035181 was converted to PD on 08.07.2012. The consumer has made payment of Rs.67,140 = 00 as against the outstanding bill. The said amount as such is not refundable for refund of security deposit, the consumer is supposed to apply, and by producing the receipt, which consumer failed to do.
  - 10) The respondent GTL has submitted that, with respect to consumer No.490010614675, the consumer was in arrears of bill for Rs. 1,05,600. The connection was converted to P.D. on 08.07.2012 . The consumer is required to follow requisite procedure for refund of RLC and security deposit. It can not be deducted from outstanding bills. The prayer of complainant can not be thereby granted.
  - 11) Regarding consumer No. 490010336021 it is submitted that, only 1/3<sup>rd</sup> energy was being recorded due to absence of R&Y phase voltages to the meter. Connection checking report dated 06.06.2012 & 07.06.2012 along with CTR has been filed. The consumer has been charged as per actual energy consumed on the basis of scientific testing report. The consumer as such was found to be in arrears of Rs. 5,65,150, when connection was made P.D. It is further pleaded that, the consumer has paid Rs.1,05,600 and Rs.67,140 the said amount would be credited to the bill in his next cycle of billing. The bill issued in August 2012 has been issued as per actual consumption. The grievance is devoid of any merit so it is submitted that, the complaint be dismissed.
  - 12) This Forum heard submissions of Mr. Kapadiya representative of the complainant. The Nodal Officer for GTL has argued for respondent GTL. The Nodal Officer for MSEDCL submitted the reply and argued that, application for refund of security deposit is not received by MSEDCL in format, accompanied with PD report and with original receipt. The S.D. would be refunded on due compliance and on due scrutiny. The balance RLC would be refunded on due verification and application.
  - 13) There is no dispute regarding outstanding bill of 67,140/- with respect to consumer No. 490011035181. The consumer has paid the said sum of Rs.67,140/-. The only grievance with respect to said consumer No. 490011035181 is that security deposit of Rs. 23,600/- has not been deducted. It is however equally undisputed fact that, the complainant did not apply for refund of S.D. He did not produce original S.D. receipt to MSEDCL. The Nodal Officer for MSEDCL stated that the amount of S.D. would be refunded on production of receipt of S.D. or by executing indemnity bond in case receipt is not available. It is thus clear that there is no substance in grievance on this point. Same is the case with respect to

consumer No. 490010614675. The consumer did not apply to MSEDCL for refund of S.D. The receipt of S.D. is not produced. The sum of S.D. can not be automatically deducted. The Nodal Officer for MSEDCL has submitted that S.D. would be refunded to consumer, in case consumer files application with PD report and receipt of S.D. Hence there is no substance in the grievance of the complainant on this point.

- 14) Mr. Kapadiya has produced statement of account for GTL connection and argued that excess amount of Rs. 170368 has been paid by complainant. He placed reliance up on clause 11.9 and submitted that S.D. is required to be refunded, to the person, who deposited the security.
- 15) There is no & dispute regarding refund of deposit. The said clause does not speak that the amount of S.D. is to be deducted as prayed for Refund of S.D. is different from deduct of S.D.
- 16) With respect to next grievance, it reveals from connection checking report dated 06.06.2012, that, box glass was found open. The Y phase supply wire having blue color is cut i.e. not connected to meter. It is also found that, R phase wire was loose. The energy meter was found slow by 67.38 %. The respondent has thereby assessed bill at 29592 units. The fact of loose wire of R phase and cutting of blue wire of Y phase and the fact of broken glass is not disputed by complainant. Hence assessment made by respondent can not said to be illegal giving rise to grievance. The respondents have already given credit of the sum of Rs.1,05,600 and of Rs.67,140 in the bills. Hence this Forum finds no substance in any of the grievance put forth by the complainant. The complaint of joint grievance of three consumers filed for any of the relief as prayed for is without any merit. Hence complaint should be dismissed. This Forum therefore proceed to pass the following order.

#### ORDER

- 01) The complaint is dismissed.

Sd/-  
(V.S.Kabra)  
Member

Sd/-  
(S.K.,Narwade)  
Member/Secretary

Sd/-  
(V.B.Mantri)  
Chairperson

ORDER

The respondent GTL is restrained from disconnecting the supply to the complainant till 20.02.2013.

Intimate the order to the GTL.

Sd/-

(V.S.Kabra)  
Member

Sd/-

(S.K.,Narwade)  
Member/Secretary

Sd/-

(V.B.Mantri)  
Chairperson