

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

(Case No: CGRF/ AZ / Aur / U / 377 / 2012 /10)

Date of Filing: 14.02.2012

Date of Decision: 21.05.2012

01) M/s Yashanand Filaments Pvt.Ltd.
10/11, Pannalal Nagar,
New Osmanpura,
Aurangabad. Consumer Complainant.
(Consumer No490019007399).

V/s

02) The Superintending Engineer, Respondent No.1
Nodal Office, Urban Circle, MSEDCL,
Aurangabad.

03) The Dy. General Manager, Respondent No.2
GTL Limited, CIDCO,
Aurangabad.

Coram:

Shri V.B. Mantri President

Shri V.S. Kabra Member

Sub:- Refund of Security Deposit amount .

JUDGEMENT

01) The consumer is seeking redressal of his grievance for adjustment of security deposit and refund of RLC against the pending bills along with 12 % interest.

- 02) The case of the complainant in brief is that, the complainant has taken LT (special) connection, with demand of 100 KVA in the year 1994 on making required payments to respondent No.2. The complainant had paid Rs.1,07,300/- towards security deposit. The complainant was however required to close down his manufacturing unit. The complainant has therefore submitted application for permanent disconnection on 09.09.2011. The complainant has also paid RLC. The complainant has received refund of RLC through its 1 monthly bill till Sept.2011.
- 03) The respondent No.1 was required to disconnect the supply and was required to stop issuing bills. The respondent No.1 however continued to issue monthly bills along with interest and , DPC charges. The bill for the month of November 2011 shows payable amount of Rs.18,920/-
- 04) It is the grievance of the complainant that since the complainant, has closed his factory and prayed for permanently disconnection, the respondents are required to refund security deposit, and RLC by making adjustment against pending bills. The interest @ 12 % p.a. may be granted on the excess amount.
- 05) The respondent No.1 GTL submitted reply to the application and submitted that, the connection was disconnected permanently in the month of January 2012. The consumer has consumed electricity in the month of October 2011.
- 06) The respondent MSEDCL submitted reply and thereby stated that, refund of RLC will be given as per letter of Chief Engineer dated 11.03.2010. The copy of such letter is however not produced. It is then stated that, actual amount of RLC will be calculated on receipt of P.D. report and final bill will be issued to consumer. Any arrears found pending will be adjusted in RLC refund. The balance will be refunded in April 2013, as per availability of funds.
- 07) There is no dispute regarding the fact that, connection of the complainant has been disconnected permanently. Accordingly the complainant, it was disconnected in the month of Sept.2011, on the contrary, as per the respondent, it was disconnected in the month of January 2012. The complainant had consumed electricity in the month of October 2011. The complainant has arrears in the month of October 2011.

- 08) The respondent did not produce any evidence or document to show that, the complainant had consumed electricity in the month of October 2011. It is not stated however how much amount is in arrears.
- 09) The respondents admit that, the connection has been disconnected permanently, but further pleaded that, refund amount would be calculated on receipt of P.D. report. This Forum found no justification for causing delay and to await for couple of months for P.D. report for calculating refund amount.
- 10) The respondents admit, receipt of security deposit and RLC amount from the complainant . The amount of RLC recovered is 1,88,700/- out of which 112014.37 has been refunded. The balance is shown to be 76,685=63. As per the statement of respondent MSEDCL, the balance will be refunded in the month of April 2013 that to on availability of funds. It does mean in another words that, the balance will not be paid till April 2012 and then, it will be paid on availability of funds. That means in case such funds are not made available, in near future, then there is no chance to refund such legitimate funds to the consumer in near future even after awaiting till 2013 April. This Forum thereby feel that, such approach of the respondent towards consumer is not justified approach. The grievance of the consumer as such is justified grievance. The grievance should be therefore allowed to be redressed through this Forum, by passing following order.

ORDER

- 01) The grievance of the consumer is hereby allowed.
- 02) The respondents 1 & 2 are hereby directed to calculate, refundable security amount and RLC amount payable to the consumer. The said amount be refunded to the consumer, on deducting/adjusting the outstanding bills of the consumer by the end of this month.
- 03) On failure to make such payment to the consumer, the due amount shall carry 12 % p.a. interest till payment of amount.
- 04) No order as to costs & compensation.

Sd/-
(V.S.Kabra)
Member

Sd/-
(V.B.Mantri)
Chairperson

