



(A Govt. of Maharashtra Undertaking)

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Consumer Grievance Redressal Forum

“Vidyut Bhavan”, Gr. Floor,

L.B.S.Marg,Bhandup (W),

Mumbai – 400078.

REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/91/571

Date:16.03.2017

Case No. 91/2016

Hearing Dt. 22/2/2017

In the matter of refund estimate sanction amount under NON DDF-CCRF

M/s. Moraj Infratech Pvt. Ltd.,

- Applicant

Vs.

M.S.E.D.C.L. Panvel City Sub Division

- Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri. Anil P. Bhavthankar, Chairperson, CGRF, Bhandup.
- 2) Shri.Ravindra S. Avhad, Member Secretary, CGRF, Bhandup.
- 3) Dr. Smt. Archana Sabnis, Member, CGRF, Bhandup.

B - On behalf of Appellant

- 1) Shri. Suraj Chakraborty – Consumer Representative

C - On behalf of Respondent

- 1) Shri.Bodkhe Additional Executive Engineer, Panvel CitySub Divison.

Consumer No. 028510843322

1. Above named complainant filled this complaint against the respondent utility stating that refund of estimated amount deposited through DD or Cash which is deposited by consumer at the time of sanction of estimate proposal made

by him on dtd. 26.02.2014. According to consumer his occupying the premises M/s. Moraj Building Concepts, Plot No.448 &449, Building No. R1,R2,R3&R4,Takka village Panvel, Dist. Raigad. The estimate was sanction vide No. SE/VC/Tech/infrastructure Scheme/2008-09/87 dtd.29.05.2008 asset charging permission vide Ltr. No. SE/VC/Tech/3152 dtd. 21.05.2009 permanent supply dated 06.09.2009 claim total amount refund Rs 1244560/- deposited by consumer no. 031460003698 under panvel R division. consumer gave details of sanction electrical estimate to get permanent electric supply in NON DDF CCRF scheme and gave the details of material cost 10,77,628.00/- sundries 5% Rs. 53,881,42/-, Total Rs. 11,31,510.00/-, Labour charges 10% Rs. 1,13,150.98/- total estimate cost Rs. 12,44,660.83/-. Consumer attachment copies of all reference letters above mention along with complaint. Consumer also gave details of sanctioning LT power supply to this premises including all other details of particulars and deposit receipt copy sanction letter dated 29.05.2008 Form No. commercial C1 A dated 01.06.2009. Initially consumer approach to IGRC and filed his grievance in Schedule 'X' the said grievance was not decided within stipulated time by IGRC. The consumer approach to this Forum and complaint filed in Schedule 'A' on dtd. 10.07.2016 and claim refund of deposited amount under NON DDF- CCRF Scheme. After filing the said dispute on 07.06.2016 notice was given to the respondent utility on 10.02.2017. Thereafter consumer was attending the said proceeding during pendency of this dispute it is revealed that in spite of service of notice the respondent utility failed to filed reply and demanded certain document informing to the Forum by letter dated 07.09.2016 includes those document estimate sanction audit copy of two different of two scheme, WCR copy relevant document of purchasing material and bills. Consumer original letter for refund of estimated amount thereafter

direction was given to the consumer to supply those document to respondent utility. As on 20.02.2017 respondent utility appeared and filed reply and gave reason of non submitting there say in stipulated time for want of original document and corresponding document was not available to the office.

2. Respondent utility inform that sanction granted by SE/VC/T/NON- DDF-CCRF Scheme 02.05.2008 and thereafter another sanction was also granted scheme inform by letter dated 29.05.2008. Respondent utility submitted that estimated amount while order 26.02.2014 the consumer filed claim for refund of this amount after laps of two years. Therefore cause of action not survives even the consumer not approach to Forum within period of 2 years from the date of cause of action. Therefore grievance is barred by limitation period as per Electricity Ombudsman Regulation 2006 section 6.6. Respondent utility pray for dismissal of said dispute as it is beyond two years barred by limitation. Thereafter respondent utility appeared before this Forum on dated 22.2.2017. I have given opportunity to the respondent utility officer appeared before this Forum and also representative Shri. Suraj Chakraborty. I have verified all earlier correspondence made for according sanction from the appropriate authority superintending Engineer it appeared from the record the sanction is accorded on 29.05.2008 and also further dated 21.05.2009. It is revealed from the record the cause of action arose for filing claim for refund is beyond the period of two years therefore respondent utility justified in saying that the dispute is filed beyond the period of 2 years as the issue was pending and not decided by IGRC .As at the time of hearing consumer representative Shri Suraj Chakraborty shown the document which was perused by him after going through the said document consumer and his representative agreed that the application of claim of refund was filed without perusing the said

document the actual estimated work was done under DDF scheme. There are variation appears to be found on record. Therefore the claim of refund of deposited estimate amount is seriously question before this Forum. Therefore the grievance made by the consumer is time barred beyond the period of two years and the document which is filed on record does not make entitled consumer to raise this dispute and the claim of refund of deposited amount does not arrive .At the time hearing consumer and representative agree to file withdrawal process but no written consent was filed on record. Therefore, I have no other option to decide the dispute on merit. Hence I found the claim raised by the consumer is beyond the period of two years from the date of cause of action. Further the document which is revealed at the time of hearing does not permit legally entitled consumer to ask for refund. There is no substance in the dispute appears to be given cause of action to the consumer hence, the consumer was at his fault making wrong case. Hence consumer complaint No. 91 stands dismiss.

ORDER

1. The consumer complaint No. 91/2016 is stands dismissed with cost.
2. No order as to the cost.

Proceeding close.

Both the parties be informed accordingly.

The order is issued under the seal of Consumer Grievance Redressed Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup.

Note:

1) If Consumer is not satisfied with the decision, it may proceed within 60 days from date of receipt of this order to the Electricity Ombudsman in

attached "Form B".

Address of the Ombudsman
The Electricity Ombudsman,
Maharashtra Electricity Regulatory Commission,
606, Keshav Building,
Bandra - Kurla Complex, Bandra (E),
Mumbai - 400 051

2) If utility is not satisfied with order, it may file representation before the Hon. High Court within 60 days from receipt of the order.

I Agree/Disagree

I Agree/Disagree

DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP

ANIL P. BHAVTHANKAR
CHAIRPERSON
CGRF, BHANDUP

RAVINDRA S. AVHAD
MEMBER SECRETARY
CGRF, BHANDUP