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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/22/149

Date: 19.09.2017

Case No. 22/2017

Hearing DT: 25.07.2017

In the matter adjustment of SD interest and issue of TDS Certificate for financial year 2006 onwards

**M/s.Geer Govind Construction Pvt Ltd
(M/s. Sharman Hotel and Resort Pvt. LD.,)**

– consumer

Vs.

M.S.E.D.C.Ltd., , Gadkari Sub Division - Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

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

B - On behalf of Appellant

Mr. Hemant Hatkar - Consumer Representative

C - On behalf of Respondent

Shri. R.B.Kore, Addl. Executive Engineer, Gadkari Sub Division.

Consumer No.000019022610

1. Above named consumer filed this grievance against the responded utility stating that bill issued monthly to the consumer since date of connection 22 October 2001 CL-192KW SL-192KW under category of LT II commercial 3 phase >50KW. Responded utility gave this connection original in the name of M/s. Geet Govind construction Pvt. Ltd., Thereafter Hotel Sharaman Eastern Express Highway occupied the premises at given address since last year 2006 onwards. Responded utility not credited interest of SD amount and also not issued TDS certificates. Initially consumer approach to IGRC cell on 10.03.2017 and pray for adjustment of SD interest amount and issuing of TDS certificate since year 2005 - 2006 onwards. After grievance is made to IGRC cell IGRC registered the case 03194 on dated 22.06.2017. IGRC gave direction to responded utility to verify the SD with interest if not awarded previously grievance benefit be given to consumer and also directed

to issued TDS certificate. But IGRC refuse to considered the period of 5 years since year 2000-2005 to giving benefit on the ground that the said the grievance of previous year 2000-2005 is not pleaded in original application by consumer. Being aggrieved by the said order of IGRC dated 22.06.2017 present consumer filed this grievance on 11.07.2017 before this Forum and pray for adjustment of SD deposit amount interest for the period 2000-2005 and also seek relief of issuing TDS certificate for 5 years. After filing the said grievance notice was issued to the responded utility of 11.07.2011. After receiving the said notice responded utility appeared and filed reply on 31.05.2017. Responded utility submitted that as per application given to IGRC by consumer on 18.03.2017 security deposit held not paid the interest since 2006 onwards attached Annexure 'I' MSEDCL respondent utility authority adjusted amount of Rs. 3,66,047/- as a interest on SD amount for the year 2005-2006 up to 2014-15 and shown in the bill on April 2017. The consumers was also inform by letter no 453 dtd.04.05.2017 and requested to give income tax details for issuing TDS certificate. Thereafter also issued to the consumer attached Annexure 'II'. Thereafter the offices also inform by letter No.519 of 16.05.2017 and inform to the consumer about details of payable interest of Security deposit and issued TDS certificate. Thereafter consumer being dissatisfied raise the quarry which was reply by letter no 658 dtd.20.06.2017 and inform to the consumer for claiming SD amounting deposit interest for year 2000-2005 and issuing of certificate stating that the consumer not attached the receipt of SD amount deposit and prayer was not made in earlier application. Consumer not filed grievance before IGRC in earlier application dated 11.05.2017 but raised the quarry on 13.07.2017 and claiming the new relief. Therefore consumer not entitled to claim the relief as prayed as subsequent stage. Therefore responded utility pray for rejection of application of consumer.

2. After perusing the rival contention of consumer and respondent utility following point arose to our consideration to which I have recorded my finding to the point further reason given below

- I. Whether present consumer M/s. Sharman Hotel Pvt. Ltd., entitled for claiming benefit of interest SD for the period 2000-2005 and also entitled to claim TDS benefit?

- II. Whether consumer raised the dispute within the period of 2years from date of cause of action?
- III. What order?

Reasoning

1. I have perused copy of order filed by consumer along with the complaint. I have also perused copy of bill supplied by consumer. I have perused abstract filed by utility compliance of order of IGRC since years 2005 to 2006 till 2015 and copy of letter issued to the consumer by office. I have given opportunity to consumer and representative and heard the issue at length. It appears that original the connection was given to M/s. Geet Govind construction Pvt. Ltd., in his name. Consumer not attached copy of agreement or copy SD deposit interest receipt till the date of passing this order. The bill provided of month 29 July 2015 bear the name of M/s. Geet Govind construction Pvt. Ltd and Hotel Sharaman, Eastern Express Highway, Thane date of connection shown 22.10.2001.
2. I perused order pass by IGRC as per letter reply given by utility and details provided IO. No 5941082 interest on SD till since year 2005-2006 up to December 2015 amount 366047.11/- already adjusted TDS of amount 99323/- was deducted as per from total amount 465370.11/- as such consumer already received benefit as per IGRC order.
3. It is apparently cleared form the application filed by consumer dated 10.03.2017. Consumer himself prayed relief since financial relief 2006 onwards alleging utility not credited security deposit amount interest and also not issued TDS certificate years together at that time no grievance was raised for claiming period of year 2000-2005 benefit this was first time raised the issue at the time of hearing before IGRC. Reasoning given in the judgment and order by IGRC in that the relief not prayed at earlier stage in application by consumer nor SD receipt was produced. Therefore Forum unable to confirm SD initially stands in the name of M/s. Geet Govind construction Pvt. Ltd., as they are found original consumer even further the period of entrance in the premises by way of agreement and entitlement to claim benefit since that period the year and month could not be determine more specifically for the period 2000-2005. It means whether M/s. Sharman Hotel was in occupation of the premises between the period 2000-2005 is not determine. The ground of rejection not claiming at appropriate time. I also feel deep entitled for

old relief period as not claim earlier .The grievance since raised the before IGRC in year 2017 at the time of hearing but in absence of showing the SD receipt stands in the name of original consumer ofor in the name of present consumer could not be determine. I come to conclusion and hold that all the relief must be claim at the same time by consumer which is not claim earlier. The benefit already received by consumer sustainably as prayed as per order of IGRC. I found there is no reason of interference or any ground raised before this Forum by consumer. Therefore a consumer is not entitlement for any further relief for want of sufficient time. Hence I come to conclusion consumer disentitled for any further relief. Hence I proceed pass following order

ORDER

The consumer complaint 22/2017 dismissed.

No order as to the cost.

Both the parties should be informed accordingly.

Proceeding close.

The compliance should be reported within 45 days.

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

Note:

1) If Consumer is not satisfied with the decision, he may file representation within 60 days from the 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**