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Consumer Grievance Redressal Forum  
"Vidyut Bhavan", Gr. Floor,  
L.B.S.Marg, Bhandup (W),  
Mumbai – 400078.

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REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/26/147

Date: 19.09.2017

**Case No. 26/2017**

**Hearing DT: 25.07.2017**

**Shri. Rajratan Madanlal Kothari**

**– consumer**

**In the matter refund or adjustment of SD amount and other benefit**

Vs.

**M.S.E.D.C.Ltd., Additional Ex. Engineer, 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.000024326527**

1. Above named consumer obtained the said premises from M/s. Kanika., original consumer under agreement since 4-5 years before. Connection is 3 phase LT II commercial sanction load 15KW, connecting Load 15KW date of connection 24.12.2007. Above named consumer made application on 17.09.2016 to respondent utility office and applied for new connection. After making the said application consumer filed firm quotation and demand dated 04.10.2016 ,copy of the said firm quotation service connection 3000, testing fees Rs.100/-, SD 6000/- total amounting Rs.9100/-valid up to 4.11.2016 quotation was issued to the consumer receipt filed dated 06.10.2016 for depositing amount Rs. 9100/-. Consumer raised the dispute initially before IGRC authority by filing application in Schedule 'X' stated that respondent utility not credited SD amount which was deposited in 2007 and no credit is given to the consumer. Therefore this consumer

raised the dispute stating that respondent utility may directed to transfer the amount of Rs. 15000/- lying in the account of old installation PD connection on existing premises against consumer no 000024326527. After filing the said grievance IGRC registered the Case No.28/2016 opportunity was given to the consumer on 17.12.2016 for hearing and after receiving the reply from respondent utility IGRC gave order against the consumer stating that SD was not transferable for one consumer to other consumer in case of new connection SD is not transferable. However, respondent utility directed to the verify the credit amount Rs.11,450/- of PD consumer account record and release the new connection immediately. Being dissatisfied with the order of IGRC present consumer filed grievance in Schedule 'A' before this Forum on 18.07.2017 case is registered vide 26 of 2017 this forum issued the notice on 18.07.2017 to the respondent utility and after service of notice respondent utility appeared and filed reply on 25.07.2017. Respondent utility submitted that application No. 911/8748 given by consumer Rajratan M.Kothari dated NSC registered at CCFC Thane on 17.09.2016. The said application received to the sub-division office on 20.09.2016 and accepted by Section Engineer on 26.09.2016. Thereafter the information given to Section Engineer to billing division verify the arrears on 29.09.2016. The billing sections certify the arrears on 04.10.2016. Thereafter firm quotation demand notice issued to the consumer by Section Engineer on 04.10.2016 directed consumer to pay the amount on 06.10.2016 ,photo copy of payment receipt and letter on 20.10.2016 annexed for perusal on 31.10.2016 and 22.10.2016 the staff went for the applicant premises for installation of meter but the premises was closed. Accordingly the report was made to Section Engineer the consumer was try to contact on mobile or other source but not reachable till 24.10.2016 .On 28.10.2016 the meter is installed in premises in presence of eternity mall society representative as per call given by consumer representative to Section Engineer. Therefore no deliberate delay is cause by section engineer for releasing NSC application process. The dispute raised by the consumer for transferring SD deposit it is possible only in the change of name cases with the consent of old consumer and in the present case existing SD against consumer no 000028007426 can be refunded only after submission of application and original receipt by the original consumer. Till date original consumer not gave any application and filed earlier deposit receipt to this office. In the mean time the present consumer filed application before IRGC on

25.10.2016 and the IGRC after hearing issued order on 17.12.2016. The order received on 31.01.2017 in which IGRC directed to refund SD amount to old consumer on production of original receipt and accordingly the process has been followed as it is being a PD a consumer interest on SD cannot be paid. However the original consumer at liberty to make application for refund of old SD as per direction. The consumer required to file the grievance before the Forum before 2 years from the date of cause of action, in this case on premise on supply is permanently disconnected in April 2008. The grievance is not raise by original consumer but for the first time the present consumer Shri. Kothare raise the dispute for getting interest and SD deposit refund without giving original receipt after 9 years and as the dispute is not filed within the 2 years it is time barred. Even the dispute filed before this Forum is beyond 30 days when order is given on 31.01.2017 the dispute is not filed within stipulated time. Therefore the present consumer compliant liable to be dismiss with cost. Respondent utility filed copy of application for new connection by Mr. Ratanlal R. Kothari copy of CPL dated 04.10.2016, copy of quotation 04.10.2016, copy of original receipt 04.10.2016, copy of bill 17.09.2016, consumer filed copy of IGRC order, copy of notice of IGRC and all relevant document of bill dated 18.12.2007 stands in the name of M/s. Kanika Pvt. Ltd., I have perused all the document file by consumer and respondent utility.

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 consumer is entitled for refund of original deposit amount of Rs.6000/-?
  - II. Whether old SD deposit in PD connection status is refundable in the new consumer?
  - III. Whether consumer is entitled for any further relief?
  - IV. What order?

### **Reasoning**

3. I have perused the dispute raised by the consumer initially before IGRC cell in this consumer pray for adjustment of old Security Deposit amount Rs. 6000/- against

PD consumer 000028007426 date of installation is 2007. Consumer seems filed new connection application before respondent utility the copy of the said application filed on record perused at that time consumer not filed any old SD receipt or made prayer for entitlement to receive the benefit of old SD amount in his new connection status. After the inspection was made the respondent utility official found that there was previous connection which was made PD in April 2008 and after verification the recorded revealed that old PD arrears amounting Rs. 32,440/- was paid on 05.12.2014 and thereafter the said connection was continuously shown as PD. Therefore after entering to an agreement by this Consumer Rajratan Kothari made application for new connection. The quotation was issued which was acted upon by consumer the amount of Rs. 9100/- deposited on 04.10.2016, copy of the receipt is filed on record confirm the claim. There after prayer is made by the consumer by filing application to claim old Security Deposit of benefit of Rs. 15,000/- deposited towards SD by original PD consumer M/s. Kanika Pvt. Ltd., The copy of the decision filed by IGRC dated 31.01.2014 state that SD deposit is not transferable and it is to be paid to original consumer after production of receipt. This consumer being paper of new connection initially raised the dispute of undue delay in releasing connection and refund of SD with interest. The reply given by respondent utility showing the Rules and regulation applicable in case of change of name. The direction as per circular of depositing transferable for new consumer to with consent by old consumer and production of original receipt here in this case consumer not claim change of name as the status of supply on this connection is already PD since last six months more period April 2008. Therefore question of change of name of old connection of new consumer does not arise. This fact is within the knowledge of consumer therefore he chooses to file application for new connection and followed the procedure. Even the procedure of obtaining quotation depositing amount is completed and the connection is already release by the respondent utility within reasonable time. I have gone through the observation made by IGRC it appears that whatever the delay was unintentional and lacuna on the part of consumer and therefore being dissatisfied with the delay received to the consumer now the consumer wanted to refund the SD with interest and benefit of the said amount.

- 4.** The Rules and Regulation in concern with refund of the SD as content under Electricity deposit and as per the Circular which are as followed. The IGRC rightly

come to conclusion the SD in case of PD connection cannot be refunded to new connection and it is possible only in change of name case .The consumer representative insisted to follow the Regulation to change of name to his case also but as it is applicable only change of name by production of original receipt and consent till the hearing is made no original receipt of amounting of Rs. 15,000/- was clear and express consent by Ms/. Kanika Pvt. Ltd. not attached to the paper. In this circumstances consumer not at all entitled to claim refund of SD with interest to him.

5. In this case observation is already made that original consumer Ms/. Kanika Pvt. Ltd., was original consumer having the connection PD since April 2008. Security Deposit is at all pending it is to be refunded the original consumer on production of receipt and after following due procedure but in no case this consumer can take the benefit of pendency of old Security Deposit with respondent utility in his favor. The Regulation is not applicable in new connection case dispute raised by this consumer. I come to conclusion this consumer not entitled for any benefit of refund of Security Deposit of old consumer pending. Hence consumer complaint disserved to be dismissed. I proceed to pass following order.

#### **ORDER**

The consumer complaint 26/2017 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**