

PHONE NO. : 25664314/25664316

FAX NO. 26470953

Email: [cgrfbhandupz@mahadiscom.in](mailto:cgrfbhandupz@mahadiscom.in)

Website: [www.mahadiscom.in](http://www.mahadiscom.in)

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/34/217

Date: 23.11.2017

Case No. 34 /2017

Hearing Dt.04/10/2017

**In the matter of crediting interest on SECURITY DEPOSIT and issuing tax deduction certificate from 2009 to 2017**

**Mr. Shivram Shetty(Hotel Satkar)**

**- (Consumer)**

Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL)

Thane Power House 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. H.V.Hatkar

– Consumer Representative

**C - On behalf of Respondent**

Shri. Mr. Umesh S. Lele, Addl. Executive Engineer,Thane Power House Sdn.

**Consumer No. 000017056816 category of connection LT II commercial date of connection 02.12.2009 CL- 70KW CD- 70KVA tariff applied 71LT II C**

1. Above named consumer initially approach to IGRC on 24.05.2017 pray that respondent utility not credited interest on security deposit since year 2009 to 2010 and also not issued TDS certificate time to time which is violated rules and regulation by respondent utility intentionally. The Act of respondent utility for monetary loss and prevented consumer from taking benefit of income tax year to year. Therefore consumer pray for taking appropriate action and depositing interest

on security deposit for the above said period 2009-2017 and claim interest of 18% for amount. Consumer also prays for issuing of TDS certificate for previous year and also taking appropriate action against erring officer of respondent utility.

2. After filing the grievance before IGRC. IGRC registered case No.24/2017 on 18.07.2017 IGRC Forum gave opportunity to both the parties for hearing on 18.07.2017 and 02.08.2017 IGRC decided the complaint in favour of consumer directing respondent utility to credit the interest of security deposit for the above said period after due verification of record CPL and IT sector. Respondent utility also directed to issue TDS to the consumer. After receiving the order of IGRC this consumer approach to the Forum on 14.09.2017 and pray that interest of Rs 17214/- not credited by respondent utility and not shown in account book clarified properly. Consumer also pray that respondent utility also not issued TDS certificate as per direction properly within time and pray further to take appropriate action and compensation interest at the rate of 18% on the previous unpaid interest and security deposit amount in his credit. After filing the said dispute before this Forum on 04.09.2017 notice was issued to the respondent utility. After service of notice respondent utility appeared and filed reply on 22.09.2017. Respondent utility submitted that the above said consumer no. 0000170 056816 issued letters as per order of IGRC referred in Para II. Consumer demanded Security interest on deposit on TDS certificate. The interest before year 2014 has been previously credited to the consumer and which is reflected in CPL. Respondent utility further submitted that amount 17214/- for financial year 2016 to 2017 has been credited to the consumer in the month of July 2017. However interest for the financial year 2014-2015 and 2015-016 for amounting Rs. 12664/- and 11404/- will be credited in consumer account in next billing cycle. Respondent utility submitted certification that TDS certificate is prepared and forwarded to competent authority vide letter no 1124 dtd.18.07.2017 and made compliance of order of IGRC.

3. After perusing the contention of consumer and respondent utility following point arose for our consideration to which I have recorded my finding to the point further the reason given below
  - a. Whether consumer is entitled for previous unpaid interest on security deposit from year 2009 up to 2017 with interest of 18% per annum.
  - b. Whether consumer is entitled for TDS certificate for the period 2009 up to 2017
  - c. Whether consumer complaint is within limitation.
  - d. What order?

### **Reasoning**

1. It appears from the dispute raised by the consumer that interest on security deposit amount is not credited time to time. The date of connection appears on the bill 02-12-2009. It is connection obtained in the month Dec, 2009 for that year no interest is payable for 2009. It is submitted by respondent utility that interest prior to 2014 is already paid and credited in the account of consumer and it is reflected in the bill and copy of CPL. Respondent utility forwarded Copy of CPL for perusal of this Forum. Accordingly it appears from the dispute that the interest was not paid at the proper time the it was subsequently credited in the account of consumer by which consumer suffer financial loss. It is usually since that appearance business of respondent utility that they are reluctant in depositing interest and Security amount properly to various consumer in spite of orders and guidelines issued to the official by MERC and periodically circular was issued to that effect but it was not followed scrupulously now this is high time against appropriate action against erring officer those fail to deposit the interest and security amount properly to the account of consumer. Higher authority of respondent utility hereby requested to take serious note office.
2. Coming to the dispute respondent utility submitted that the proper interest prior to 2014 already credit in CPL. However the interest for the year 2009 onwards no record available was forwarded to the Forum. Therefore the demand of consumer claiming 18% interest on the unpaid interest amount prayer is not in

accordance with law. To my view interest on interest is not payable as per rule and regulation. Therefore prayer of 18% interest cannot be granted however the compliance of IGRC order interest of financial year 2014 amount 12664/- and 11404/- is already deposited copy of CPL reflected about the payment of said interest in the account of consumer. It is pertaining to note that respondent utility submitted bill revision report of the account of consumer showing amount Rs 39960.30/- and 17900.52/-,24068/- and 17214/- this bill revision report indicates that all the payable amount towards interest already B-80 is prepared and amount is credited. At the time of hearing representative Shri. Hatkar of consumer raised objection that the said amount is not towards interest but it is interest of security deposit. This submission is not supported by any document as the refund of security deposit amount as complaint by consumer. To my view no question arise to say the security deposit of one consumer to other without any record no substance found any allegation. Hence objection of raise by is overruled.

3. To the extent of issuing of TDS certificate it appears that TDs certificate to the consumer is forwarded to the authority vide letter 1124 dtd 18.07.2017 now almost 4 months are over and the consumer might have received those certificate, in this circumstances there is no reason for me to give further guidelines as the consumer received benefit and the prayer of TDS certificate already received by the consumer. In this circumstances as per reply given by respondent utility the compliance of IGRC order is already made and reported in this circumstance there is no need for me to give for me further order in this issue. Hence the consumer complaints now liable to be stands dispose of accordingly.

### **ORDER**

1. The consumer complaint 34/2017 is stands dispose of accordingly.

Both the parties should be informed accordingly.

Proceeding close.

The compliance should be reported within 30 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**