

A Govt. of Maharashtra Undertaking)
CIN : U40109MH2005SGC153645

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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/

Date

Case No. 15

Hearing Dt. 30.05.2016

In the matter of refund of wrongly charge penalty of Rs. 500 with interest

M/s. Bankim Textile Chemicals Pvt. Ltd.,

- Applicant

Vs.

M.S.E.D.C.L., Pannalal Sub Division.

- Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri. Anil Bavthankar, Chairman, CGRF, Bhandup
- 2) Shri.Ravindra S. Avhad, Member Secretary, CGRF, Bhandup.
- 3) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Applicant

- 1) Shri. Bhagwan M. Karia - Consumer

C - On behalf of Respondent No. 1

- 1) Shri.S.H.Nemade, The Nodal Officer, IGRC, Thane Circle.
- 2) Shri. P.P.Borkar,Addl. Executive Engineer,Pannalal Sub Division.

Consumer No. 100000831471

1. Above named consumer for given supply for industrial purpose is consumer No. 100000831471 stands in the name of Bakim Textile Chemical Pvt. Ltd., since 1.1.1987 consumer raised dispute against the respondent utility against the charging interest and penalty by respondent utility pannalal sub division

MSEDCL against return the cheque which was deposited by appellant on 10.03.2014 at ATP counter located Bhandup Zone premises. It is contention of consumer dated 06.03.2016 at about. He approach to the counter to payment of bill in the month of Feb 2014 by cheque. At that time the operator duty boy at ATP machine requested to fill the cheque quickly other wise due to close the counter for lunch time. The said operator not gave sufficient time to fill up the cheque properly to the applicant. Applicant only mention the name and amount in more than figure on the cheque and hand over cheque to the operator boy. According to consumer the date entered by the operator boy 6.4.2014 instated of 06.03.2014. It is in the hand writing of operator Boy as the said cheque was return by the Bank on 10.03.2014. Thereafter MSEDCL gave message return of the cheque regarding on 24.03.2014 and asked consumer to pay amount of RS, 3500/-with interest and penalty and gave rest on failure to deposit the amount the supply will be disconnected. Accordingly consumer rush to the MSEDCL office and paid case amount Rs. 3500/- on 24.03.2014 at ATP counter thereafter the consumer realized that he was compence to pay the interest and penalty by the respondent utility illegally. Therefore he approach to ATP counter for obtaining receipt even after waiting after 10 to 15 days the certificate copy of the receipt was issue thereafter ATP counter remain 4 hours instated 24 hours. Therefore charging of interest and penalty due to return of the cheque under the head of administrative charges is not correct according to consumer. It is the duty of respondent utility to verify the cheque at the time of existent on the counter and why it is accepted no interest and penalty can be charge to alleged mistake sixteen responsibility of the consumer and therefore consumer prayed for refund of interest and penalty wrongly charge against bill consumer also filed case before IGRC bearing case No. 133 of 2015 on the cheque 16.02.2016 IGRC take opportunity of hearing to the consumer and pass order of 16.03.2016 being dissatisfied with the order of IGRC consumer approach to the Forum on 16.04.2016 and filed this complaint against this responsibility raising the dispute

the respondent utility not at all filed any replied and order is pass with by ermine of the IGRC and under graph of administrated charges recovery all the allegation rejected by the IGRC consumer approach to the Forum to the prayer for refund of penalty and interest excess recovered to be 500/- and compensation Rs. 5000/- for mental harassment. After filing this complaint case is registered and notice is give to respondent utility. Consumer filed copy of bill 6.3.2014 case payment receipt inducement Rs. 3500/- on 24.03.2014 copy of cheque details alleged return by office ATP operator mentioning the date 06.04.2014 for amounting Rs. 2960/- and copy of receipt. After service of notice respondent utility appeared filed reply. It is contention of respondent utility complaint filed by this consumer is not within the perview of dispute within the jurisdiction of this Forum taking action as with the employee and against the compliant of misbehavior respondent utility submitted that at first direction and Circular all allegation and complaint made by this consumer is not tenable as per Circular dated 03.07.2012 issued by Chief Engineer Distribution Administrative charges was 6/6 at clause of permitted to recovered from the consumer. It is the compensation with improve expenses include by MSEDCL for bank charges and original charges. As schedule Annexure 4 attach permissible charges Rs/ 3500/- in respective of cheque amount are permitted to recovered from consumer and accordingly they rightly inform to this consumer and recovered amount of RS. 3500/- along with interest and penalty for administrative cheque bouncing charges. Therefore complaint deserve to be dismiss with cost.

2. I have given opportunity to the consumer he approach to the Forum hearing on dated 30.05.2016 also gave opportunity to respondent utility official.
3. After perusing the all relevant documents, following points arose for our consideration.

1. Whether amount Rs. 3500/- recovered by respondent utility from consumer is legal valid and proper.
2. Whether consumer is entitled for any relief.

Reasons

4. I have perused document filed by consumer there is production of documentary evidence after going through the said document. It appears the bill issued by respondent utility payable by the consumer dated 04.03.2014 and due date 18.03.2014 to bill amounting was charge 2960/- admittedly the said consumer approach to ATP counter for depositing the said bill on 06.03.2014. Consumer produced copy of the cheque which was submitted in ATP counter the writing appear from the cheque are return in different hand writing the cheque payable to MSEDCL Lt., and gone on Ratanakar Bank Branch by the consumer they said cheque is sing by the consumer admittedly the said cheque amount was payable by the consumer against the bill in the month of Feb. and due date was 18.04.2014. The receipt issued by respondent utility for amounting Rs. 2590/- dated 6.03.2014. Accordingly to consumer the date was deluxed by the ATP operator Boy as he fresh to close the counter for lunch time and consumer was pressurize the date put on the cheque 06.02.2014 instated of 6.03.2014. the respondent utility is according is on consumer to fill up the cheque properly and present the same the reason of return the cheque by respondent utility was informed the cheque was return by ATP counter as it is post dated cheque the document reviewed the said cheque was never present to the till branch at park Ratanakar Bank Branch when validity is for 3 month the said cheque admittedly not return to the consumer till today and it is return by respondent utility office when entire dispute raised by the consumer on 24.03.2014. Respondent utility recovered the amount of Rs. 3500/- which was paid by case on counter retaining of the cheque by respondent utility absolutely illegal and not proper.
5. It appears to the Forum the circular permit to recovered cheque bounce and administrated charges as per circular only when the cheque presented to the

pay bank and there is no return of the cheque by pay branch either in sufficient of fund or on any other ground the record reviewed that the said cheque was never submitted to pay branch and it was return from the counter of ATP machine authority in this circumstances charging of administrative charges and recovery of interest and penalty is illegal at no faulty on the consumer produce receipt dated 24.03.2014 for amounting Rs. 3500/- when payable bill for 2960/- as payable on 06.03.2014 consumer with bonafied intention deposited cheque on the ATP counter and valid receipt is pass. Therefore it cannot be prayed at consumer is at fault. Objection raised by respondent utility charging interest and penalty is justified due to administrative circular as permissible with the view in this circumstances the dispute raised by the consumer there is no contravention of circular of circumstances in which utility was entitled to recovered any interest and penalty form consumer. Therefore I come to conclusion interest and penalty recovered form the consumer Rs. 500/- shall be refund with interest form the date of recovery 24.03.2014 to date of refund interest shall be paid by respondent utility consumer pray for mental harassment and compensation of Rs. 5000/- as their illiquidity damages and compensation claim and it is specifically calculated by consumer. But the action taken by respondent utility against the consume is illegal and unwarranted there for I am in client to info cost of Rs. 500/- shall be pay able to the consumer original cheque of Rs. 2960/- shall be return to be consumer at the document is not utilize or in cash by the utility. Hence I proceed to pass following order.

ORDER

1. The consumer complaint No. 15/2016 is allowed.
2. The respondent utility shall refund the interest and penalty amount charge Rs. 500/- shall be refunded with 9% interest from the date of payment till realization.

3. The respondent utility shall pay the cost of Rs. 500/- to the consumer and bear its own original cheque dated 10.04.2014 shall be return to the consumer and obtain acknowledgment of consumer of receiving it.

Proceedings closed.

Note:

- 1) If Consumer is not satisfied with the decision, he may file representative 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