

Consumer Grievance Redressal Forum
Maharashtra State Electricity Distribution Co. Ltd.
Bhandup Urban Zone, Bhandup

Ref. No. Member Secretary/MSEDCL/CGRF/BNDUZ/

Date :

Case No. 480

Hearing Dt. 22/01/2013

Shri Hasmukhbhai Dedia - Complainant
M/s. Sarvesh Enterprises.

Vs.

MSEDCL, Pannalal S/Dn. - Respondent

Present during the hearing

A] - On behalf of CGRF, Bhandup

- 1) Shri S.K. Chaudhari, Chairman, CGRF Bhandup.
- 2) Shri R.M Chavan, Member Secretary, CGRF, Bhandup
- 3) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B] - On behalf of Complainant

- 1) Shri Sanjay Shukla, Consumer, Consumer Representative.

C] - On behalf of Respondent

- 1) Shri P.H. Shirke, Dy. Ex. Engr., Bhandup Division.

Shri Hasmukhbhai Dedia, is a 3 phase Industrial consumer of MSEDCL, at gala in Pooja Industrial Estate, Tulshetpada, Bhandup (W); The said electrical connection is in the name of M/s. Sarvesh Enterprises under sr. no. 100000419162.

As stated in the submission by the consumer, the MSEDCL employee had inspected the Consumer's premises on 03/11/2005 and alleged for committing the theft on electricity and issued bill for loss of revenue for an amount of ₹ 3,41,235/-. The said amount is deposited by the consumer in two installments of ₹ 2,00,000/- on 22/11/2005 and of ₹ 1,41,235/- on 20/12/2005.

The utility had claimed for pilferage of 66711 units of electricity and hence filed the case for this offence under Section 135 (b) & 138 (d) of E.A. 2003 in the Special Court vide case no. 12/2010.

As per the order passed by an Hon'ble Court dtd. 29/02/2012 the consumer is acquitted from the charges framed by the utility for the theft of electricity. The utility has refunded the sum deposited by the consumer for the loss of revenue due to the theft of electricity. However, the interest is not awarded for holding the amount from the date of deposit.

The matter was heard on 22/01/2013, both the parties were present, Shri Sanjay Shukla was representing on behalf of consumer and Shri P.H. Shirke, Dy. Ex. Engineer of Pannalal Sub-Division was present to represent on behalf of utility. The consumer representative claimed the interest from the date of deposit of amount i.e. 20/12/2005 at the prevailing Reserve Bank of India prime lending rate as per the provision of 154 (6) of Electricity Act 2003.

The documents on record and arguments during the proceeding reveals that, the Respondent utility is suppose to pay the interest at the PLR of R.B.I. prevailing from time to time from the date of such amount deposited till its payment.

Forum, therefore has no hesitation to ask the utility to pay the interest at the prevailing Reserve Bank of India prime lending rate for the period from the date of such deposit till the date of payment as mentioned in section 154 (6) of Electricity Act-2003, hence.

ORDER

Application is allowed.

1) The Respondent utility should pay the interest on the amount deposited by the consumer against the theft of electricity at the prime lending rate of R.B.I. prevailing time to time till the date of its refund.

No order as to cost

Both the parties be informed accordingly.

The compliance should be reported with a month.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 28th of January 2013.

Note : 1) If Consumer is not satisfied with the decision, he may have representation 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 go in writ before the Hon. High Court within 60 days from receipt of the order.

DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP

S. K. CHOUDHARY
CHAIRMAN
CGRF, BHANDUP

R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP