

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

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

Date :

Case No. 446

Hearing Dt. 19/06/2012

M/s. Bombay Woven Wire Netting Works - Appellant

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 Appellant

- 1) Shri Harshad Sheth, Consumer representative.
- 2) Shri Mukesh Shah, Consumer representative

C] - On behalf of Respondent

- 1) Shri P.H. Shirke, Dy. Ex. Engr., Pannalal S/Dn.

The case of the complainant is that, the MSEDCL collected amount as a loan from Complainant as its consumer no. 100000171454/billing unit 4734 by charging 50 ps. per unit consumed every month from Dec-03 to Sept-06. MERC in case no. 72/2007 ordered to returned this loan from July-08 onwards to the consumer in monthly installment. Accordingly the refund was started since July-2008. It is the further case of the Complainant that his activity has been shifted and requested for

permanent disconnection. Till June-11 the refund was credited in the account. The balance credit of ` 10,790/- as on June-11 is made by wrong and undue debit adjustment of ` 10,676/- and made account to bear minimum of ` 830/- till Sept-11. There was permanent disconnection in Nov-11.

According to Complainant since Jan-04 to Oct-06 the amount of ` 2,25,063/- as a loan was collected from consumer and as per the directives from MERC till June-11 the refund was made ` 1,27,160.59 ps. However, the remaining amount of ` 97,902/- is yet to be paid by the Respondent.

The further demand of the Complainant is that security deposit of ` 56,750/- with interest which comes to ` 59,871/- is to be refunded. He has also requested for the refund of credit balance ` 10,676/- + ` 830/- by way of amount to be adjusted towards RLC so in total Complainant is claiming ` 1,59,281/-.

Respondent appeared and submitted its say on 19/06/2012. According to Respondent all the RLC refunded to the consumer was stopped due to some technical reason at IT Centre. The process of calculating of exact amount of RLC refund is going on IT Centre, Thane & refund will be calculated shortly and will be refunded to the consumer in short period.

The say so far the credit balance has is concerned, the amount is accepted by the Respondent, as per the say, the same will be refunded to the consumer after finalizing the amount of RLC refund

Respondent in support of his say has filed a copy of CPL. Where as Complainant has filed on record the detail of the amount taken by Respondent as a loan from him since Jan-04 to Jan-06 in addition to that according to him the loan amount was collected till Feb-2010 to Sept-06 this total amount is ` 2,25,063/-.

After hearing both the parties the following points are arises for our determination

A) Whether complainant/consumer is entitled to claim the refund as prayed.

B) What Order

Our findings are :

A) Yes

B) See below order

REASON

A very short point arises in this case as most of the facts are admitted. It is not disputed that the amount of RLC is recovered. It is also not disputed that there is some RLC refund. It is also not disputed that the credit balance and security deposit is also to be refunded to the Complainant. The only request of the Respondent is that for certain technical reason at IT centre, the process of refund is stopped. In other words according to Respondent, the moment process will start, the exact amount will be calculated and the same will be disburse to the Complainant. So, far, the brief discussion on security deposit concerned, the defense is that amount will be refund to the Complainant after finalizing the amount of RLC refund.

The Respondent could not clarify as for what reason the credit balance and security deposit is required to be refunded after finalizing the amount of RLC refund. We do not find any connection between these two refunds. Once it is held and admitted that Complainant is permanently disconnected, in our view, the moment the connection is disconnected what ever is the balance by way of credit balance or by way of security deposit, it is expected to refund to the consumer. Now, so far calculation of RLC refund we feel that Complainant is a permanent

disconnected consumer the amount whatever remains with the Respondent is bound to be refund & he has nothing to do with the technical defect of any with the process of refund. In case if the Complainant could have continued as a consumer with Respondent, one could understand that the refund can be adjusted or can be paid with their rectification of technical defect is there. In our opinion as almost every thing is admitted, the Complainant cannot to denied for the refund till the finalization of process by IT department. Therefore, in our opinion the Complainant is liable to receive all the amount as per the final order.

Hence, we answered both the points accordingly, and pass the following order

ORDER

- 1) Complaint is allowed.
- 2) Respondent is hereby directed to refund the amount of ` 97,902/- along with interest at the rate of RBI applicable from time to time till its realization since date of permanent disconnection.

However, in this case it is made clear if after technical process is started, in case if any variation in this amount either less or more, the same should be get confirmed from IT department. That amount should be discuss to the Complainant and after satisfaction of Complainant, if there is any verification less or more, corresponding to ` 97,902/- the same will be refunded to Complainant on his satisfaction. In case the figure of ` 97,902/- to be considered as final figure then same should be refunded to the Complainant as per order.

The credit balance of ` 10,976/- + ` 830/- which is shown in the bill of the month of July-2011 should be refund with interest at the rate of RBI applicable from time to time, from the date of permanent disconnection till its realization.

Security deposit of ` 59,871/- (including interest as calculated) should be refund to the Complainant along with the above amount.

Compliance report should be submitted within 30 days from the receipt of this order

No order as to the cost

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 22nd of June 2012.

Note : 1) If Consumer is not satisfied with the decision, he may proceed within 60 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