

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

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

Date :

Case No.457

Hearing Dt. 04/07/12, 26/07/12,
& 21/08/12.

**In the matter of RLC Refund of 3 ph. Connection, P.F. incentive,
interest on security deposit, RLC of 1 ph. P.D. connection**

M/s. Plasto Craft India - Applicant

Vs.

M.S.E.D.C.Ltd., Panchrasta S/Dn., Mulund - Respondent

Present on behalf

A - On behalf of CGRF, Bhandup

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

B - On behalf of Applicant

- 1) Shri. Harshad Seth–Consumer Representative
- 2) Shri. Mukesh Shah–Consumer Representative

C - On behalf of Respondent

- 1) Shri. S.H. Mane, Dy Executive Engineer, Panch Rasta S/Divn.

ORDER

M/s. Plasto Craft India is a three phase Industrial connection with sanctioned load of 56 KVA under service connection no. 600000168553 and single phase connection under service connection no. 000093030168.

These both connections were in the same premises out of which the utility made single phase connection permanently disconnected in the year 2009.

The utility has collected a loan amount at the rate of 50 paisa per unit from Dec-2003 to Sept-2006 and as per Commission's order the same has to be refunded in the following percentage of installments to the consumer through bills.

RLC refunded for July-08 to Aug-09 @ 15.5% for 13 installments

RLC refunded for Sept-09 to July-10 @ 21% for 11 installments

RLC refunded for Oct-10 to Sept-11 @ 16% for 12 installments

As per MSEDCL, commercial circular no. 81, dtd. 07/07/2008 in para 14 the methodology for refund of RLC alongwith interest of 6% p.a. from July-08 for the delayed period is given.

Shri Harshad Sheth was representing to the consumer (herein after will referred as to the "Applicant"). He stated that initially the utility has recovered the RLC amount from Dec-03 to Aug-05 under the billing unit of 3653 from Sept-2005 the billing unit was changed to 4739 which again changed to 4704.

He further added that while refunding the RLC from July-08 the utility refund amount which was collected under billing unit of 4739 for the period Oct-2005 to Sept-2006 through the installments of 839.81 per month which in total comes out to be ₹ 62,985/-. However the RLC amount collected for the period of Dec-03 to Aug-2005 which is approximately ₹ 1,08,476/- is not refunded to the consumer. He further reminded the para no. 14.11 of Commercial circular no. 81 of dtd. 07/07/2008 and claimed the interest at the rate of 6% p.a. for the delay from July-08 onwards for an amount of ₹ 11,932/-. He also asked the

utility the reason for what the installment of refund of RLC is stopped from Oct-2011.

As per statement of Applicant, the utility has not displayed amount of security deposit of ₹ 33,500/- in the bill due to which the consumer is deprived of interest which he entitle at the RBI rate for through out period. He claimed the interest for an amount of ₹ 20,268/- till the date of displayed the S.D. amount on the bill of the consumer. He further stated that, the utility has not displaced the billing parameters on the bill which is mandatory for the consumers having sanctioned load above 27 HP and provided with LT MD meter. Due to this he claimed that the utility failed to record the power factor and hence consumer deprived of P.F. incentives. He conceded that his power factor was always between 0.99 to 1 and hence utility should give the credit of 5% incentive for which consumer has also represented on 16th July 2010 to the utility.

The Applicant consumer further claimed the refund of security deposit of ₹ 1,200/- along with interest thereon in respect of single phase LT-II P.D. connection no. 000093030168. He further claimed the refund of balance RLC which was collected for an amount of ₹ 2,283/- & refunded at the rate of 39.32 per month only till Dec-2009. The balance amount to be refunded is around ₹ 1,575/-.

On behalf of utility Shri S.H. Mane, the Dy. Ex. Engr. was present to represent the case (herein after will referred as to the Respondent). He stated that in the month of June 2012 the RLC for an amount of ₹ 52,628.23 is credited through the bill to the consumer bearing sr. no. 600000168553. However, the RLC already refunded to the consumer is for ₹ 37,399.22 in the installment till Sept-2011. He reiterated that the balance amount will be credited as per the directives of Commission which will be received in the next tariff order shortly. The Respondent do not submitted any say regarding P.F. incentives, interest on security deposit and refund of security deposit amount in respect of single phase P.D. consumer. Also the RLC amount of P.D. consumer is remain to refund to the consumer.

The matter was heard lastly on dtd. 21/08/2012 both the parties were present, perusal of documents and arguments during the proceedings reveals that, the consumer had paid ₹ 33,500/- towards the security deposit vide money receipt no. 624749, dtd. 27/12/1997 to the utility; on receipt of the additional security demand for ₹ 48,000/- the consumer has paid ₹ 15,502/- in the year 2008. However, the utility was failed to update the amount of security deposit of ₹ 33,500/- from its payment i.e. 27/12/1997 till June-2008 and hence consumer was deprived of getting interest on security deposit amount during this period. Forum feels that it was the duty of Respondent to update the security deposit amount on the consumers bill and pay the interest annually at the rate of RBI to the consumer. Hence, Respondent should pay the interest from January-98 to June-2008 at the rate of RBI as per prevailing rates.

Forum also observed that in case of P.D. connection there is very explicit directives by the Hon'ble Commission to refund the RLC balance amount through the cheque in the name of consumer alongwith interest of 6% p.a. on the diminishing balance amount for the delayed period from July-2008 onwards. Accordingly the payment of RLC amount and balance security deposit amount ₹ 1,200/- with applicable interest, thereon should be refunded to the consumer in case of single phase P.D. connection under sr. no. 000093030168.

As it is admitted fact that the RLC amount recovered in installment from the consumer is to be refunded alongwith 6% interest p.a. for the delayed period from July-08 onwards. However, the directives from the Hon'ble Commission were awaited. Now at this moment while passing the order, the directives are issued by the Hon'ble MERC as to how the balance RLC amount is to be refunded in the tariff order 2012-13. The Forum feels that the Respondent should have no hesitation to refund the balance amount as per the directives alongwith interest for the delayed period; Hence order.

ORDER

- 1) Application is allowed.
- 2) Respondent should refund the RLC for sr. no. 000093030168 and 600000168553 as directed above.
- 3) The security deposit amount of sr. no.000093030168 for an amount of ₹ 1,200/- should be paid by cheque to the consumer.
- 4) The interest from Jan-1998 to June-2008 on Security deposit amount of ₹ 33,500/- to the consumer sr. no. 600000168553 at the prevailing RBI rate should be paid to consumer through its bill.

No order as to the cost.

Both the parties are informed accordingly.

Compliance should be reported within 60 days from the receipt of this order.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 3rd of Sept 2012.

Note:

If Consumer is not satisfied with the decision, he may file representation the case 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.

3) If utility is not satisfied with order, it may go in appeal 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