

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

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

Date :

Case No. 278

Hearing Dt. 07/08/2009

In the matter of Refund of R.L.C.

M/s. Chamunda Textiles Ltd.

- Appellant

Vs.

MSEDCL, (TPL) Bhiwandi

- Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri S.L. KulKarni, Chairman, CGRF, Bhandup.
- 2) Shri R.M Chavan, Member Secretary, CGRF, Bhandup.

B - On behalf of Consumer

- 1) Shri G.B. Singh, Consumer Representative.

C - On behalf of Utility

- 1) Shri S.V. Kale, Ex. Engr., MSEDCL, Bhiwandi.

Preamble

M/s. Chamunda Textiles Pvt. Ltd. was having H.T. connection under consumer no. 13019001620 at Wada Road, Shelar, Bhiwandi, which was made permanently disconnected on 02/01/2007. Since the billing of the said consumer is stopped, the process of refund of RLC through bill also could not effect in bill and consumer is deprived of getting benefit of refund of RLC. Consumer approaches to the ICGRU, Bhiwandi on 06/05/2009 but could not get any response, hence approached to this Forum on 14/07/2009. As per MERC (CGRF and Electricity Ombudsman) Regulations 2006 therein 6.4 Forum registered his grievance under case no. 278 and hearing was fixed on 07/08/2009.

Consumer say :

On the behalf of consumer Shri G.B. Singh presented the case, during the hearing (hereinafter referred as to Appellant) held on 07/08/2009. As stated by the Appellant M/s. Chamunda Textiles Pvt. Ltd. was H.T. consumer of MSEDCL at Bhiwandi, he had paid amount Rs. 63346/- towards RLC from Dec.-03 to Oct.-06. In the month of Jan.-07 this connection was made permanently disconnected on his request and billing was stopped. The Appellant further stated that in pursuance to the commercial circular no. 81, dtd. 07/07/08 of Respondent utility this amount should have refunded along with interest but Respondent utility here taken no initiative even after his rigorous follow up. The Appellant reiterated that vide his letter dtd. 09.05.09 he had requested to refund the said amount along with interest by adjusting through energy bill of M/s. Khemisati Processors bearing consumer no. 13019000980, being this unit is of his own but the Respondent utility not responded.

The Appellant further added that interest on the security deposit amount Rs. 10470/- against the H.T. connection M/s. Chamunda Textiles Pvt. Ltd. is also lying with the Respondent which should also refunded to him along with interest excluding T.D.S.

Hence prayer of the Appellant are :

- 1) Refund of an amount towards RLC for Rs. 98122.13 with the applicable interest as given in circular no. 81 dtd. 07/07/08.
- 2) Interest on security deposit for Rs. 10470/- excluding T.D.S. be refunded for delayed period.
- 3) Compensation for Rs. 10,000/- for intentionally harassment by the Respondent.

Utility Say (Respondent) :-

On behalf of Respondent Shri S.V. Kale, the Ex. Engr., Bhiwandi Circle present during the hearing (hereinafter referred as to the Respondent) he stated that M/s. Chamunda Textiles Pvt. Ltd. was H.T. consumer and as per his record this consumer is permanently disconnected.

The billing of this consumer is stopped being permanently disconnected and hence the effect of refund of RLC amount was not possible also the final clouser of account of this consumer is balance. At the time of final bill considering final reading of the consumer the said amount will be refunded along with the security deposit which consumer has deposited with the utility. He further reiterated that consumer is not harassed at the hands of utility. Being this consumer was P.D. and billing was stopped it was not possible to effect the refund in routine process as refunded to rest of all consumers in the Bhiwandi Circle, hence it is not correct to say that consumer is harrassed intentionally.

Observations :

The matter was heard on 07/08/09. Both the parties were present. Documents on record and deliberations of both the parties revealed that

M/s. Chamunda Textile Pvt. Ltd., Bhiwandi was having HT connection which was made on request P.D. on 02/01/07 and he was refunded with security deposit by the Respondent (i.e. MSEDCL). However till to date the Appellant was not given the due interest on S.D. but he was told that same shall be paid to him after issuance of final bill. However same has still not been done. This was admitted in the course of hearing by the Respondent. The Forum feels that it is a lapse on its parts and need to be corrected immediately.

It has also been observed that the Appellant consumer is having one more H.T. connection in the name of M/s. Khemisati Processors bearing consumer no. 013019000980 with MSEDCL, he had given an option that his amount due towards refund of RLC & interest thereon of M/s. Chamunda Textiles Pvt. Ltd. may be adjusted against bill of M/s. Khemisati Processors or he may be given the refund by cheque. In the course of hearing the Respondent could not reply any thing on this issue. This is obviously again the laps on the part of MSEDCL. The Appellant is entitled to get the due amount of RLC along with interest thereon by Cheque.

Forum also observed from the record that the respondent has already finalise the bill with some another issues but refund of amount towards RLC & interest on S.D. were not considered, hence same should be awarded to the Appellant. The Forum does not feel any substance in the prayer of the Appellant requesting to grant compensation to him toward mental harassment and deserved no consideration hence same is rejected.

ORDER

.As observed in the foregoing paragraphs the clear cut lapses on the part of MSEDCL should be corrected in a period of one month from the date of receipt of this order.

Both the parties are to be informed accordingly.

No orders as to cost.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 2nd of Sept. 2009.

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

**S.L. KULKARNI
CHAIRMAN
CGRF, BHANDUP**

**R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP**