

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

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

Date:

Case No. 253

Hearing Dt.10/02/2009

In the matter of refund of S.D. and refund of payment made under supervision
charges

M/s. Shree Kailash Textiles Pvt. 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.
- 3) Mrs. Manik P. Datar, Member, CGRF, Bhandup.

B - On behalf of consumer

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

C - On behalf of Utility

- 1) Shri S. Rajendra Prasad, Bhiwandi.
- 2) Shri Gulvi V.K., Bhiwandi

Preamble :

Consumer registered his grievance with this Forum on 29/01/2009 vide case no. 253. He approached directly with this Forum as he did not get any response from ICGRU of T.P.L. as well as MSEDCL. Hearing was held on 10/02/2009 in the presence of both the parties.

Consumer's say :

M/s. Shree Kailash Textiles Pvt. Ltd. is having HT connection which was released by MSEDCL by converting three LT connections into one HT connection having consumer no. 1301900109 at 167/1, Kamatghar, Narpoli, Bhiwandi.

1) Originally there were three LT connections in the above premises in the name of Shree Sabha Karam Kedia, shri Laxmi Kant Kedia and Shri Kailash Chandra Kedia. The total S.D. for the above all three LT connections were Rs. 53200/-. But in the year 1999 the said LT connections were converted into one HT connection bearing consumer no. 013019001090 in the name of M/s. Shree Kailash Textile. At that all three LT connections were made PD after clearing all the dues. As the rules and directives of MSEDCL, the security deposit should be refunded to the consumer after the clearing of all dues. But in this case it was not happened so. All the receipts of original S.D. were submitted to the utility on 05/10/2006 but S.D. was neither refunded to him nor diverted on HT side against it's S.D. hence it should be refunded to the consumer with interest.

2) The amount of S.D. of all three connections were unpaid since 2000 and no interest was paid till date by MSEDCL or MSEB or TPL. As per guidelines of MERC regulations, unpaid arrears should be charged to the consumer with 18% interest for more than six months. The same rule should be applied to the utility. Hence unpaid SD amount of Rs. 53200/- should be refunded to the consumer with 18% interest.

3) The provision of double feeding supply arrangement is duly sanctioned by S.E., Bhiwandi in pursuance to approval by C.E., Bhandup. As the work was to be executed by consumer at his own cost, he was asked to pay 15% supervision

charges. Consumer paid Rs. 14060/- as supervision charges to MSEDCL vide cheque no. 330909 dtd. 02/02/2006. But till this date neither he was allowed to execute the work nor any intimation was provided in this respect. Hence utility should immediately provide him double feeding supply and allow him to complete the above work with his cost. So as to avail the benefit of double feeding arrangement.

Prayer of the consumer :

- 1) Refund the security deposit of Rs. 53200/- paid against three LT connections with 18% interest.
- 2) Allow him to execute or complete the work under supervision of TPL to avail the double feeding supply with his cost.
- 3) During the course of hearing consumer requested, either he should be given benefit of double supply or should refund the supervision charges which utility have collected.

Utility Say (MSEDCL) :

- 1) Security deposit of three LT connections of Rs. 33,000/- (Rs. 11,000/- for each connection) was transferred to the HT connection, which is in the name of Shree Kailash Textile Pvt. Ltd. The interest on the above amount was also given to the consumer (statement attached)
- 2) Consumer had wrongly stated that he had paid Rs. 53200/- as S.D. Consumer should provide original S.D. receipts for the same to prove his claim.
- 3) The load is sanctioned under ORC scheme by taking 15% supervision charges. Hence it was duty of the consumer to execute the work within time limit. Consumer was failed to execute the work. This was the breach of agreement made by the consumer. The consumer himself violated the conditions mentioned in sanction letter and now trying to take undue advantage of this matter. Moreover, it is not compulsory to provide double feeding supply. In MERC regulations there is no provision to grant double feed supply to the consumer.

4) Consumer's proposal was passed in the month of Dec.-2005. But consumer failed to complete the work within stipulated time. Consumer approached firstly to utility's office on 16/12/2008, which was after three years. Hence this case was time barred as per limitation Act 1963. Therefore consumer's complaint should be rejected by the Forum.

Utility Say (Torrent Power Ltd.) :

The appellant has requested for getting double supply as was sanctioned by the then S.E., MSEDCL vide letter SE/BWDC/Tech/1133, dtd. 02/03/2006. However, Torrent Power Ltd. feels that looking to the present power scenario and to follow the MERC regulation, it is not possible to release double supply to the consumer despite this sanctioned the appellant did not carry out the requisite work and now demands full refund of supervision charges paid by him.

Observations :

1) Utility (MSEDCL) had converted consumer's three LT connections to one HT connection and along with that transfer Rs. 33,000/- security deposit to HT connection which is in the name of M/s. Kailash Textiles Ltd. As regards remaining S.D. of Rs. 20,200/-, it is seen that it is till with the utility and is not refunded to the consumer. In the course of hearing utility was asked to submit the status of rest of amount of Rs. 20,200/- whether it is adjusted in the final bill or S.D. during the load enhancement of the consumer at early but the utility could not show any documents evidence about balance amount to be refunded even though the ample opportunity was given to the utility, where as the consumer has produced all zerox copies of entire security deposits receipts paid to utility. Thus Forum is constrained to believe the proof given by the consumer in this regard.

2) According to the consumer, he had obtained the sanction to the estimate for double feeder supply and accordingly paid 15% supervision charges amounting to Rs. 14060/- in the month of Jan-2006 and stated utility did not intimate him to execute the proposed work for double feeding supply. However, documents on records show that the authority of MSEDCL, Bhiwandi had permitted to the consumer to start the work vide letter SE/BEDC/Tech/1133, dtd. 12/03/2006 which clearly indicates that the consumer's say in this respect is

untrue. While consumer was failed to execute the work within reasonable time and as such is not entitled to claim refund of amount paid to the utility by him after period of three years.

3) To avail of double feed supply is not a matter of right of the consumer as made amply clear by Hon'ble MERC and hence consumer's request for double feed supply does not hold merit.

ORDER

1) The utility should refund S.D. of Rs. 20,200/- with interest at Reserve bank rate till date. This should be done by way of adjustment in the next subsequent bill..

2) As per Hon'ble MSEC regulation there is no provision of double feed supply, hence the request of double feed supply is rejected.

3) The MSEDCL as per rules prevailing then had sanctioned to the consumer double feed supply three years back. However consumer failed to carry out the work and hence he is not entitled to get supervision charges.

Both the parties being informed accordingly and compliance should be reported to the Forum within 60 days.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 9th March 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.

MRS. M.P. DATAR
MEMBER
CGRF, BHANDUP

S.L. KULKARNI
CHAIRMAN
CGRF, BHANDUP

R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP