

CONSUMER GRIEVANCES RERESSIONAL FORUM
MSEDCL Chandrapur Zone Chandrapur.

Complaint No. 3 /2017

1. M/s Indus Towers Ltd. Applicant
2010 , E core, 2nd Floor,
Marvel Edge, Viman Nagar,
Pune-411014.

V/s

1. The Executive Engineer Respondent
O&M Division MSEDCL
Bramhapuri Dist. Chandrapur

JUDGEMENT

(Delivered on this 3rd Day Of March 2017)

M/s Indus Towers Ltd. Pune (hereinafter referred to as ,” the applicant “, for the sake of convenience) presented this application by post. The application was received in this office on 23.01.2017. The applicant stated that an application was presented to the IGRC Gadchiroli on 08.09.2016 and on 07.10.2016. However the IGRC failed to decide the application within the period of two months. Hence the applicant approached this Forum as per the provisions contained in , Rule 6.4 , of the MERC (CGRF & EO) Regulations 2006.

The case was registered. The respondent submitted parawise reply under no. EE/MSEDCL/O&M/Dn/B'puri/No-0318 dt.2-02-2017.

The case was fixed for hearing on 28.02.2017. Shri Ravikant Chowdhari, a representative , was present for the applicant. Shri G. G. Chunchuwar Jr. Law officer and Shri R. P. Thote Dy. Exe. Engineer, Nagbhid Sub Division, represented the respondent.

Shri Chowdhari stated that he had received the cheque of Rs. 24,615/-. However the applicant had two connections as detailed below,

Sr. No.	Consumer No.	B. U. Name	S. D. Amount	Division
1.	463040023666	4336 Nagbhid	12000	Bramhapuri
2.	463990002070	4336 Nagbhid	15000	Bramhapuri

The respondent has not provided the details of the amount of Rs. 24,615/-. In fact the applicant is entitle for the amount of Rs. 12000 plus 15000.

Shri R. P. Thote, Dy. Exe. Engineer, the representative for the respondent, gave a copy of the CPL – consumer personal ledger-- for the period ending Jan 2017. He also explained the detailed of Rs. 24,615/-.

Thereafter, Shri Chowdhari was satisfied. He stated that now he has no complaint about the non receipt of the S. D. amount. He requested that the case may closed.

In view of the position discussed above and the submission of the applicant ,the case is here by closed.

Sd-
(Smt. P.M.Kirnakey)
Member Secretary

Sd-
(Vishnu S. Bute)
Chairperson

CONSUMER GRIEVANCES RERESSAL FORUM CHANDRAPUR ZONE, CHANDRAPUR

(Delivered on this 3rd Day Of March 2017)

CONSUMER GRIEVANCES RERESSIONAL FORUM
MSEDCL Chandrapur Zone Chandrapur.

Complaint No. 2 /2017

1. M/s Indus Towers Ltd. Applicant
2010 , E core, 2nd Floor,
Marvel Edge, Viman Nagar,
Pune-411010.

V/s

1. The Executive Engineer Respondent
O&M Division MSEDCL
Allapalli.

JUDGEMENT

(Delivered on this 3rd Day Of March 2017)

M/s Indus Towers Ltd. Pune (Hereinafter referred to as," the applicant", for the sake of convenience) presented this application by post. The application was received in this office on 23.01.2017. The applicant stated that an application was presented to the IGRC Gadchiroli on 08.09.2016 and on 07.10.2016. However the IGRC failed to decide the application within the period of two months. Hence the applicant approached this Forum as per the provisions contained in ,Rule 6.4, of the MERC (CGRF & EO) Regulations 2006.

The case was registered. The respondent was directed to submit parawise reply. The respondent submitted reply under no. EE/O&M/DN/ALLP/279 Dt. 08.02.2017.

The case was fixed for personal hearing on 28.02.2017. Shri Ravikant Chowdhari, a representative was present for the applicant. Shri Shriniwas Vyankati Badau, Dy. Exe. Engineer, sub Division Allapalli and Shri G. G. Chunchuwar Jr. Law officer ,represented the respondent.

At the outset Shri Chowdhari ,a representative for the applicant, stated that he had received the S. D. amount by cheque. Now he has no complaint what so ever about non receipt of the amount. The case may be closed.

In view of the aforesaid position the case is here by closed.

Sd-
(Smt. P.M.Kirnakey)
Member Secretary

Sd-
(Vishnu S. Bute)
Chairperson

CONSUMER GRIEVANCES RERESSAL FORUM CHANDRAPUR ZONE, CHANDRAPUR

(Delivered on this 3rd Day Of March 2017)

**CONSUMER GRIEVANCES REDRESSAL FORUM
MSEDCL Chandrapur Zone Chandrapur**

Complaint No. 1/2017

1. M/s Indus Towers Ltd. Applicant
2010 , E core, 2nd Floor,
Marvel Edge, Viman Nagar,
Pune-411010.

V/s

1. The Executive Engineer Respondent
O&M Division MSEDCL
Gadchiroli.

JUDGEMENT

(Delivered on this 7th Day of March 2017)

M/s Indus Towers Ltd. Pune (Hereinafter referred to as, “the applicant”, for the sake of convenience) presented this application by post. The application was received in this office on 23.01.2017. The applicant stated that an application was presented to the IGRC Gadchiroli on 08.09.2016 and on 07.10.2016. However the IGRC failed to decide the application within the period of two months. Hence the applicant approached this Forum as per the provisions contained in ,Rule 6.4 ,of the Maharashtra Electricity Regulatory Commission (CGRF & EO) Regulations 2006.

The case was registered. The respondent submitted parawise reply under no. EE/O&M/DN/G’roli/ACCH/349 Dt. 08.02.2017.

The case was fixed for hearing on 28.02.2017. Shri Ravikant Chowdhari, a representative ,was present for the applicant and Shri.Shriniwas Vyankati Badau, Dy.Ex.Engineer Allapalli,and Shri G. G. Chunchuwar Jr. Law officer, represented the respondent.

Shri Chowdhari stated that the applicant is a company. It constructs and erects Mobile Towers. It provides infrastructure to various mobile companies. The applicant took two connections and deposited security deposit as detailed below,

Sr. No.	Consumer No.	B. U. Name	S. D. Amount	Division
1.	494830070497	4646 Dhanora	12000	Gadchiroli
2.	493660012245	4646 Dhanora	17000	Gadchiroli

The applicant surrendered the connections permanently. So the applicant requested for the refund of the security deposit.

The applicant further stated that initially the connections were taken in the name of M/s Hutchison Essar Cellular Ltd. The company used to provide services to Vodaphone, Idea and Airtel companies. However, subsequently all assets and liabilities of M/s Hutchison Essar Cellular Ltd. came to M/s Indus Towers Ltd. There is Hon. High Court Order to that effect.

The applicant stated that the respondent issued three cheques. Those are of Rs. 11890, Rs. 17000 and Rs. 90 respectively. The applicant received the cheques. However the cheques are in the name of M/s Hutchison Essar Cellular Ltd. The applicant requested that respondent may be directed to issue the cheques in the name of M/s Indus Towers Ltd -- the present applicant.

Shri G. G. Chunchuwar Jr. Law officer replied for the respondent. He objected the contentation of the applicant that the IGRC Gadchiroli has not decided the case. The respondent stated the IGRC received the Grievance on 09.09.2016. Hearing on the grievance application was fixed on 27.09.2016 and on 25.10.2016. The applicant was properly informed about the date of hearing. The applicant was not present on the date of hearing. So the IGRC passed the order on 06.11.2016 i.e. within the period of two months. The respondent was directed to refund the SD amount immediately. The SD amount has been refunded accordingly.

The respondent further stated that the SD amount for consumer no. 494830010497 was Rs. 12000/-. There was an arrears of Rs. 110/- against this connection. So the amount Rs. 11890/- has been refunded vide cheque no. 080087 dt. 31.01.2017.

The SD amount against consumer no. 493660012245 was Rs. 17000/-. There was a credit of Rs. 90/- against this connection. So a cheque of Rs. 17000/- hearing no.080086 dt. 31.01.2017 and a cheque of Rs. 90/- hearing no. 080097 dt. 06.02.2017 was issued to the consumer.

As per the record of the MSEDCL the name of the consumer is M/s Hutchison Essar Cellular Ltd. So the cheques are issued in that name only. Present applicant is not a consumer. The applicant has not changed the name for this connection. So it is not possible to issue the cheques in the name of the present applicant. The applicant raised this point before this Forum for the first time. Since the respondent refunded the SD amount to the consumer the application deserves to be dismissed.

The applicant stated that all the property, assets and liabilities of M/s Hutchison Essar Cellular Ltd. are transferred to M/s Indus Towers Ltd., as per Hon. High Court order. So the Forum directed Shri Ravikant Choudhari to clarify the position with cogent documentary evidence. Initially he requested for a time of one hour to give submission. Thereafter he requested for a time of two days to submit the documentary evidence. However till 06.03.2017 neither the applicant submitted any document nor he turned in person. So presuming that the applicant has nothing to say anything more, we decide the case on merit.

We have perused the record. We have heard the arguments advanced by both the parties.

It is admitted fact that even till today as per record, the consumer is M/s Hutchison Essar Cellular Ltd. The applicant says that all the assets and liabilities of M/s Hutchison Essar Cellular Ltd. came to M/s Indus Tower Ltd. However the applicant raised this point before this Forum for the first time and there is no cogent evidence on record in support of this contention. So it has become difficult for the forum to decide the case.

In view of the facts and circumstance discussed above we pass the following order,

ORDER

The case is remanded back to the IGRC Gadchiroli. The applicant is directed to approach the respondent with proper documentary evidence. The respondent may take proper decision as per the court order, if any, in this regard.

Sd-
(Smt.P.M.Kirnakey)
Member Secretary

Sd-
(Vishnu S. Bute)
Chairperson

CONSUMER GRIEVANCES RECESSAL FORUM CHANDRAPUR ZONE, CHANDRAPUR

(Delivered on this 3rd Day Of March 2017)