

**CONSUMER GRIEVANCE REDRESSAL FORUM**  
(Established under the section 42 (5) of the Electricity Act, 2003)  
**MAHARASHTRA STATE ELECTRICITY DISTRIBUTION COMPANY LTD.**  
**JALGAON ZONE**  
**Office of the**  
**Consumer Grievance Redressal Forum**  
**AjanthaChauphuli, Old M.I.D.C.**  
**Jalgaon 425 003**

No./CGRF/JLGZ/JAL Circle/Indus/C.No. 25-2016-17/ **No 0 0 0 4 4**

Date: **03 MAY 2017**

(BY R.P.A.D.)

Date of Receipt : 06/03/2017  
Date of Decision : 02/05/2017

To.

1. M/s. Indus Towars Ltd;  
2010, E-core, 2<sup>nd</sup> floor,  
Marval Edge, Viman Nagar,  
Pune 411014

2. Executive Engineer & Nodal Officer,  
Maharashtra State Electricity Distribution Co LTD.  
Circle office, Jalgaon.

3. Executive Engineer,  
Maharashtra State Electricity Distribution Com. Ltd.  
Division office, Chalisgaon/Pachora/Bhusawal



**DECISION**

M/s. Indus Towers Ltd, (hereafter referred as the Complainant) is having electric connections from the Maharashtra State Electricity Distribution Company Ltd. (hereafter referred as the Distribution Company) for the telecom towers at various locations in Maharashtra. The complainant has faced problems in getting refund of the Security Deposits for some connections in the Jalgaon Circle and filed a complaint regarding this with the Internal Grievance Redressal Committee of the Maharashtra State Electricity Distribution Company Ltd. But not satisfied with the decision of the IGRC, it has submitted a representation to the Consumer Grievance Redressal Forum in Schedule "A". The representation is registered at Serial No. 25 on 06/03/2016.

It was decided to admit this case for hearing after consulting the Forum. The matter was fixed for hearing on 07.04.2017 at 12.30 p.m. in the CGRF Office, Jalgaon and a notice to that effect was sent to the complainant and the concerned officers of the Distribution Company. A copy of the grievance was also forwarded with this notice to the Nodal Officer, MSEDCL, Circle Office, Jalgaon for submitting para wise comments to the Forum on the grievance within 15 days under intimation to the consumer. The copy of this notice was also endorsed to the Superintending Engineer, Circle Office, Jalgaon and Executive Engineer, Chalisgaon / Pachora / Bhusawal Division.

Shri R.F Pawar Dy. Executive Engineer, Circle Office, Jalgaon Shri N.K. Sonawane, Executive Engineer, Chalisgaon Divisional Office, Shri, Sachin Joshi, Deputy Executive Engineer, Chalisgaon Urban Sub-Division, Mr. J. S. Fulpagare, Executive Engineer, Pachora Division, Shri S. S. Chechar, Deputy Executive Engineer, Mr. S. S. More, Assistant Accountant Parola Sub-Division, , Shri A. R. Aalegaonkar, Additional Executive Engineer, Bhusawal Division represented the Distribution Company during the hearing. Shri D.S.Talware represented the the complainant.

**Consumer's Representation in Brief:**

1. The complainant had connections as per following details:

Consumer no.	Billing unit	SD Amount	Date of Ack	Division
119768004339	Chalisgaon-U	21610	18 June 2015	Chalisgaon

132518062941	Parola	7000	16 Aug 2016	Pachora
125170012051	Pahur	20000	7 Sep 2016	Busawal

1. The electricity supply to these sites as mentioned in the table above are already surrendered.
2. Then they applied for refund of Security Deposit along with all required documents to the concerned SDO on dates as shown in column "Date of Ack" in the above table. There were no queries. No compliance is pending with them. As per MERC directives SOP, the said activity is ought to be completed within thirty (30) days from the date of receipt of application for closure of account. The concerned SDOs have shown very passive approach towards consumer grievances despite of all directives of rules, regulations, guidelines and SOP Regulations.
3. For the complaint submitted to the IGRC, Jalgaon, hearing was carried out on 08/11/2016 and order is passed on date 16.12.2016. They are not satisfied with the order. They have submitted all the required documents including the indemnity bond for loss of receipt. But no refund is received till date. The compensation as per SOP regulation is not passed and paid.

**Relief Sought:-**

1. Arrange to refund the Security Deposit to us at the earliest of above consumers.
2. Arrange to take further needful action per SOP, rules & regulations (Appendix-A, Sr.no.7 (III)).

**Arguments from the Distribution Company:**

The Executive Engineer, Bhusawal Division office has submitted a written reply to the Forum by letter dated 05/04/2017, Executive Engineer, Pachora Division by letter dated 06/04/2017 and the Executive Engineer, Chalisgaon Division by letter dated 03/04/2017 which state as under:

**Bhusawal Division :**

वरील संदर्भिय विषयास अनुसरून आपल्या निर्दर्शनास आणुन देण्यांत येते की, पहर उपविभागांतर्गत येणारे ग्राहक मे. इंडस टॉवर लि.नेरी बु ग्राहक क्र. १२५१७००१२०५१ ग्राहकांनी त्यांचे नावे जमा असलेली अनामत रक्कम रु.२०,०००/- मागणी विषयी अर्ज संदर्भ क्र. ०३ उपकार्यकारी अभियंता, पहर उपविभागांचे कार्यालयांस दि.१६.०९.२०१६ रोजी प्राप्त झाला. सदर अर्जाची पडताळणी केली असता अर्जासोबत मुळ सुरक्षा ठेव ठेवल्याची पावती अथवा इंडेमिटी बॉन्ड विहित नमुन्यात नसल्याकरणाने उपविभागिय कार्यालय पहर यांना संदर्भिय पत्र क्र.०६ अन्वये कळविण्यात आले. सदरील बाबीची पुर्तता अर्जदार यांनी केलेली नाही. तसेच अर्जदाराने अंतर्गत तक्रार निवारण समितीकडे अर्ज केल्यानुसार त्यावर सुनावणी होवुन संदर्भिय पत्र क्र. ०२ नुसार निर्णय देण्यात आलेला आहे. परंतु अदयापर्यंत अर्जदाराने त्यात नमुद वर उल्लेखलेल्या बाबीची पुर्तता केलेली नाही.

अर्जदाराने सदर बाबीची पुर्तता केल्यावर नियमानुसार अर्जदारास सुरक्षा ठेव रक्कम परत करण्यात येईल.

**Pachora Division**

उपरोक्त विषयाचे अनुषंगाने अंतर्गत ग्राहक तक्रार निवारण वक्ष मंडळ कार्यालय जळगाव यांच्या दि.०६.०९.२०१६ रोजीच्या निर्णयानुसार तक्रारकर्ता मे. भारती सेल्युलर लिमिटेड, बाजार पेठ पारोळा ता.पारोळा. जि.जळगाव विजग्राहक क्र. १२५१८०६२९४१ यांनी रु. १००/- चा एक्सझेक्युशन इंडिमिटी बॉन्ड ( Execution Indemnity Bond) म. तहसिलदार यांचे समोर हजर राहुन नोंदणी करणे बाबत किंवा नोटरी करून सदर बॉन्ड उपविभागिय कार्यालय पारोळा येथे सादर करणे बाबत कळविण्यात आले आहे.

तथापि अदयापर्यंत संबंधितांनी एक्सझेक्युशन इंडिमिटी बॉन्ड किंवा नोटरी सादर केलेली नाही. त्यामुळे सुरक्षा ठेव अनामत रक्कम परत करणेची कार्यवाही करण्यात आलेली नाही. संबंधितांनी त्रुटीची पुर्तता केल्यास अनामत रक्कम परत करणेची कार्यवाही करण्यात येईल.

**Chalisgaon Division:**

१. मे. इंडस टॉवर चाळीसगाव ग्राहक क्र. ११९७६८००४३३९ ची सुरक्षा अनामत रक्कम रु. २१६१०/- परत मिळणेबाबत ग्राहकचा अर्ज दि. १८.०६.२०१५ रोजी शहर उपविभागीय कार्यालय येथे प्राप्त झाला व त्यानुसार ग्राहकस पोच देखील देण्यात आली होती. परंतु दिलेल्या कागदपत्रांमध्ये प्रतिज्ञापत्रांची प्रत जोडलेली नव्हती सदर प्रत सादर करावी याकरीता सा. अभियंता शहर वक्ष-१ यांची वरील संदर्भ क्र-२ प्रमाणे पत्र देखील दिलेले आहे.

२. अंतर्गत ग्राहक तक्रार निवारण वक्ष मंडळ कार्यालय जळगाव यांचे संदर्भ क्र. १ नुसार दिलेल्या निकाला प्रमाणे ग्राहकने सुरक्षा ठेव /अनामत रक्कम परत करणे करीता भरणा केलेली मुळ पावती किंवा त्याबाबत संदर्भ क्र. ३ व ४ (स्मरणपत्र) प्रमाणे शहर उपविभागीय कार्यालयाने देखील ग्राहकस पत्र दिलेले आहे. परंतु ग्राहकच्या वतीने त्याबाबत आज पर्यंत कुठलीही पुर्तता केलेली नाही.

३. ग्राहकने सुरक्षा ठेव /अनामत रक्कम परत करणे करीता भरणा केलेली मुळ पावती किंवा त्याबाबत प्रतिज्ञापत्र करार सादर केल्यास ग्राहकस सुरक्षा अनामत रक्कम त्वरीत परत करण्याची कार्यवाही करण्यात येईल.

**Action by IGRC :**

-----प्र.क्र. २५/२०१६-२०१७. मे.इंडस टॉवर्स लिमिटेड.जळगाव मंडळ-----



1. The complainant submitted the grievance to the Internal Grievance Redressal Cell, Jalgaon, Circle office on.14/10/2016 . The hearing was conducted on 08/11/2016
2. Under letter No. 6585 dated. 16/12/2016,the IGRC took following decision:
  १. ग्राहकने सुरक्षा ठेव / अनामत रक्कम परत मिळणेकरीता सुरक्षा ठेव / अनामत रक्कम भरणा केलेली पावती देणे गरजेचे आहे किंवा त्याबाबतचे प्रतिज्ञापत्र करार करून देणे अनिवार्य आहे.
  २. वरील निर्देशासह सदरची तक्रार निकली कढण्यात येत आहे.

#### Observations by the Forum:

1. After the surrender of the connections , the complainant has applied to the concerned Sub-Divisions of the Distribution Company as per following details along with the indemnity bond:

Consumer No.	Sub-Division	Amt of SD	Dated
119768004339	Chalisgaon-U	21610	18 June 2015
132518062941	Parola	7000	16 Aug 2016
125170012051	Pahur	20000	7 Sep 2016

But no action has been taken yet for refund of the Security Deposits. The Forum and the complainant is now informed that the application are incomplete. These queries were not raised to the complainant immediately after the applications were submitted . Also attempts are not made to get them complied after the IGRC decision on 16/12/2016.

2. However .the queries raised by the Divisional Offices are irrelevant and just to cover up the delays. There is no need to take indemnity bond on Rs. 100 stamp paper in case of the lost money receipt. It is not supported by any MERC Regulation. In fact, as per the regulation of the 11.9 of MERC (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005.

*"Upon termination of supply, the Distribution Licensee shall, after recovery of all amounts due, refund the remainder amount held by the Distribution Licensee to the person who deposited the security, with an intimation to the consumer, if different from such person."*

Hence there was an obligation on the Distribution Company to refund the amount after disconnection without asking for any compliance. Also, when the amount is to be refunded by account payee cheque, it was not even necessary to seek production of original receipt, leave aside indemnity bond.

3. The Forum could not find any circular about taking indemnity bond on Rs. 100 stamp paper issued by the Distribution Company /earst while MSEB. The Code of commercial instructions (1996) of the erstwhile MSEB is available in this regard. But even in this document under the title of "**REFUND OF DEPOSITS IN ABSENCE OF THE ORIGINAL RECEIPT ISSUED BY THE BOARD**" it is specifically mentioned that :

*"Whenever an original money receipt for the amount paid as Earnest Money Deposit or Security Deposit is misplaced or lost by the party paying such a deposit or when it is not possible for such party to surrender the original money receipt, the deposit amount may be refunded after obtaining a simple indemnity in the form of a letter ( inserted at appendix - 60) from such party, (which need not be on stamped paper) irrespective of the amount of the deposit provided that the amount in such cases shall be refunded by "A/C Payee" cheques only."*

4. As such the action of the Distribution Company in demanding notarized indemnity bond on Rs. 100/- stamp paper is not justified. This also indicates lack of proper knowledge of the concerned officers of the Distribution Company
5. As per the S.N. 8 (ii) of the Appendix A of the MERC (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014 , it is mandated that the time period for payment of final dues closed in 45 days in rural area from the date of receipt of application other wise compensation is to be paid.

Supply Activity/Event	Standard	Compensation Payable
8. Other Services (ii) Time period for other services from the date of application :		Rs 100 per week or part thereof of delay.
- change of name	Second billing cycle	
- change of tariff Category	Second billing cycle	
- reduction in contract demand / sanctioned load.	Second billing cycle	
-Closure of account-Time period for payment of final dues to consumer from the date of receipt of application for closure of account.	Thirty (30) days (Class I cities and Urban Area). Forty Five (45) days(Rural Areas)	



6. Following discrepancies are noticed on the part of the Distribution Company in handling these cases:
- ✓ The complainant applied for refund in 2015 and 2016 .But he was not immediately informed about the submission of the original money receipt of Security Deposit or indemnity bond in case of Lost Money Receipt.
  - ✓ It was insisted to submit indemnity bond on Rs.100/- stamp paper and to be notarized.
  - ✓ The concerned office has not taken cognisance of the fact that the refund is to be made in presibed time limit and any delay in refund would attract the entitelement of the compensation to the consumer.
7. The complainant is eligible for the compensation at the rate of Rs. 100 per week or part thereof for the delay after 45 days from the date of application for each connection. As the refund is not yet effected the amount of the compensation can not be computed by the Forum at this stage.
8. The Distribution Company is directed to refund the Security Deposit of each connection to the complainant along with interest at Bank Rate of RBI as per rule and also the compensation at the rate of Rs. 100 per week or part thereof for the delay after 45 days from the date of application till the date of refund

After considering the representation submitted by the consumer, comments and arguments by the Distribution Company , all other records available, the grievance is decided with the observations and directions as elaborated in the preceding paragraphs and the following order is passed by the Forum for implementation:

#### ORDER

1. The Distribution Company should refund within 20 days from the date of this order , the Security Deposit for each connection of the complainant along with interest at Bank Rate of RBI and also pay the compensation at the rate of Rs. 100 per week or part thereof for the delay after after 45 days from the date of application till the date of refund.
2. As per regulation 8.7 of the MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 , order passed or direction issued by the Forum in this order shall be implemented by the Distribution Licensee within one month and the concerned Nodal Officer shall furnish intimation of such compliance to the Forum .
3. As per regulation 22 of the above mentioned regulations , non-compliance of the orders/directions in this order by the Distribution Licensee in any manner whatsoever shall be deemed to be a contravention of the provisions of these Regulations and the Maharashtra Electricity Regulatory Commission can initiate proceedings *suo motu* or on a complaint filed by any person to impose penalty or prosecution proceeding under Sections 142 and 149 of the Electricity Act, 2003.
4. If aggrieved by the non-redressal of his Grievance by the Forum, the Complainant may make a representation to the Electricity Ombudsman, 606, 'KESHAVA', Bandra Kurla Complex, Bandra (East), Mumbai 400 051 within sixty (60) days from the date of this order under regulation 17.2 of the MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006.

— Sign —  
(RAJAN S. KULKARNI)  
MEMBER

— Sign —  
(D.K.MOHOD)  
MEMBER-SECRETARY

— Sign —  
(SURESH P.WAGH)  
CHAIRMAN

#### Consumer Grievance Redressal Forum Jalgaon Zone

#### Copy for information and necessary action to:

1. Chief Engineer , Maharashtra State Electricity Distribution Company Ltd. , Jalgaon
2. Superintending Engineer, Maharashtra State Electricity Distribution Company Ltd. Jalgaon.



— Sign —  
Member-Secretary  
MAH. STATE. ELECT. DIST. CO. LIMITED  
Consumer Grievance Redressal Forum  
Jalgaon Zone Jalgaon