

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/DL Circle/Indus/C.No. 26-2016-17/ **No 0 0 0 4 5** 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, 2nd floor,
Marval Edge, Viman Nagar,
Pune 411014
2. Executive Engineer & Nodal Officer,
Maharashtra State Electricity Distribution Co LTD.
Circle office, Dhule.
3. Executive Engineer,
Maharashtra State Electricity Distribution Com. Ltd.
Division office, Dhule (U)/Dhule(R)/Dondaicha

Complainant

Distribution Company



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. 26 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 01.00 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 L. D. Thakur, Executive Engineer, Dondaicha Division, Dhule Rural Department, Mr. S.P. Sarag, Executive Engineer, Dhule Rural Division and Shri R.P.Waghchoure, Additional Executive Engineer, Dhule Urban 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
91768000714	Dhule CCO	20000/-	06-Aug-15	Dhule-U
94818202894	Shirpur-I	15000/-	06-Mar-15	Dondaicha
86868342350	Sakri	13500/-	06-Dec-15	Dhule-R

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86794002519	Pimpalner	13000/-	15-Jun-15	Dhule-R
86418000114	Pimpalner	14500/-	24-Aug-16	Dhule-R

- The electricity supply to these sites as mentioned in the table above are already surrendered.
- 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.
- For the complaint submitted on 30/08/2016 to the IGRC, Dhule, hearing was carried out on 22/11/2016 and order is passed on date 30/11/2016. 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:-

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

Arguments from the Distribution Company:

The Executive Engineer, Dhule Rural Division has submitted a written reply to the Forum by letter dated 06/04/2017, Executive Engineer, Dhule UCR Division by letter dated 06/04/2017 and the Executive Engineer, Dondaicha Division by letter dated 06/04/2017 which state as under:

Dhule Rural Division

- A. पिंपळनेर उपविभागांतर्गत खालील ग्राहक क्र. व पत्ता नमुद असणारे दोन ग्राहकांचे प्रकरणे आहेत.

अ.क्र	ग्राहक क्र.	ग्राहकाचे नाव	पत्ता	अनामत रक्कम (रु)
१	०८६४१८०००११४		गट नं.१३३/५-१ बल्हाणे	१४५००/-
२	०८६७९४००२५१९	मे. इंडस टॉवर्स लि	हाऊस नं २२५ बोफखेल	१३०००/-

वरील दोन्ही ग्राहकांचे अनामत रक्कम परतावा खालील प्रमाणे करण्यात येत आहे.

अ.क्र	ग्राहक क्र.	अनामत रक्कम (रु)	चेक क्र.	दिनांक
१	०८६४१८०००११४	१४५००/-	४९१६६१	३१.०३.२०१७
२	०८६७९४००२५१९	१३०००/-	४९१६६२	३१.०३.२०१७

सदर चेकपत्र क्र. कअ/प्रा/धुळे/१०७८ दि.३१.०३.२०१७ नुसार मे. इंडस टॉवर्स लि प्रतिनीधी यांना देण्यात आला आहे.

- B. साद्री उपविभागांतर्गत ग्राहक क्र. ०८६८६८३४२३५० अन्वये पोस्ट भामेर या पत्त्यावरील एक प्रकरण आहे. सदर ग्राहक क्र. ची अनामत रक्कम रु.१३०००/- अशी असून सदर ग्राहक क्र. वर रु. ३८.८७ एवढी थकवाकी आहे. त्यामुळे सदर ग्राहक रु.१२९६०/- एवढ्या अनामत रक्कमेचा परतावा मिळण्यास पात्र आहे.
- C. मा.अंतर्गत तक्रार निवारण मंच धुळे मंडळ (IGRC) यांचा आदेश क्र. SE/DHL/TECH/IGRC/7720 Dt.30.11.2016 नुसार मे. इंडस टॉवर्स लि यांनी ग्राहक क्र.०८६८६८३४२३५० साठीच्या अनामत रक्कम परतावा मिळणेकरीता आवश्यक असणारे कागदपत्र जसे की, अनामत रक्कम भरल्याची मुळ पावती अथवा इंडेन्टीटी बॉन्ड साद्री उपविभाग यांच्याकडे सादर केलेला नाही. असे उपकार्यकारी अभियंता साद्री उपविभाग यांनी पत्र क्र. उपवाअ/साद्री/बिलीग/१३७५ दि.०४.११.२०१६ नुसार कळविलेले आहे.
- D. मे. इंडस टॉवर्स लि यांनी आज दि.०७.०४.२०१७ रोजी इंडेन्टीटी बॉन्ड सादर केला आहे म्हणून सदर ग्राहक क्र. ०८६८६८३४२३५० साठी अनामत रक्कम रु.१२९६०/- चा दि.३१.०३.२०१७ रोजीचा चेक क्र.४९१६६४ त्यांना हस्तांतरीत करण्यात आला आहे.

Dhule UCR Division :

- M/s Indus Tower Ltd. Having consumer no. 091768000714 is permanently disconnected (P.D) in the month of Sep 2013. After that M/s Indus Tower Ltd. Applied for refund of security deposit at MSEDCL CCO&M Sub Division without producing of original money receipt or indemnity bond. Therefore Sub-Division has already informed to consumer to

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- produce the original money receipt or indemnity bond to process the security deposit application.
2. Also after the final order of Hon.IGRC Dhule vide L.No. 7720 Dt.30.11.2016 AEE CCO&M Sub Div has again informed to consumer vide letter No. AEE/CCO&M/Dhule/Billing/33 dt.07.01.2017 to produce the original money Receipt or Indemnity Bond to process for refund of security deposit. But till date there is no response from M/s Indus Tower Ltd. Regarding original money receipt or indemnity bond.
 3. The amount of PD final bill of Rs. 500/- has been transferred from Security deposit. Hence the balance Security deposit amount is Rs.19500/- and MSEDCL will refund the amount of balance security deposit to M/s Indus Tower Ltd. After receiving the original money receipt or indemnity bond as per rule.
 4. Therefore the delay in refund of Security deposit is from consumer side, due to non submission of original money receipt or indemnity bond (in the absence of original money receipt)

Dondaicha Division:

शिरपुर उपविभाग-१ अंतर्गत इंडस टॉवर लिमिटेड शिरपुर (ग्राहक क्र. ९४८१८२०२८९४) यांचे विज जोडणीचे सुरक्षा ठेव रू १५०००/- (अक्षरी-रू. पंधरा हजार रूपये मात्र) आहेत.
 आदेशानुसार उपकर्यकारी अभियंता शिरपुर -१ यांनी मा.व्यवस्थापक उर्जा विभाग इंडस टॉवर लिमिटेड पुणे यांना सुरक्षा ठेव परत मागणे बाबत पत्रव्यवहार करण्यात आले आहे.
 परंतु इंडस टॉवर लिमिटेड यांच्या कडून कोणत्याही प्रकारचे आवश्यक दस्तावेज (Indemnity Bond) अदयाप प्राप्त झालेला नाही त्यामुळे उपकर्यकारी अभियंता शिरपुर उपविभाग -१ यांच्या कडून विभागीय कार्यालय दोंडाईचा येथे सुरक्षा ठेव परत मागणी प्रस्ताव सादर करता आले नाही.

Action by IGRC :

1. The complainant submitted the grievance to the Internal Grievance Redressal Cell, Jalgaon, Circle office on.30/08/2016 . The hearing was conducted on 22/11/2016
2. Under letter No. 7720 dated. 30/11/2016,the IGRC took following decision:
 - ✓ From the Facts stated by consumer representative and MSEDCL representative the forum in the concurrence MSEDCL rules and regulation circulars.
 - ✓ Indus tower has to submit the original receipt of quotation paid if not possible indemnity bond stating that the original firm quotation receipt has been misplaced, to respective subdivisions.
 - ✓ Subdivisions have to forward the SD refund proposals to division within 7 days by adjusting final bills of connections after receipt of the Indemnity bond. SDO pl note, if done within time period SOP will be implemented.
 - ✓ Divisions have to refund the respective Security deposits within 60 days after receipt of the proposals.

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:

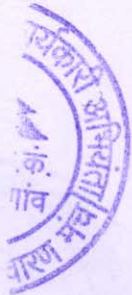
Consumer no.	Sub-Division	Amt of SD	Date
91768000714	Dhule CCO	20000/-	06-Aug-15
94818202894	Shirpur-I	15000/-	06-Mar-15
86868342350	Sakri	13500/-	06-Dec-15
86794002519	Pimpalner	13000/-	15-Jun-15
86418000114	Pimpalner	14500/-	24-Aug-16

But no action was taken for refund of the Security Deposits.

2. The Executive Engineer , Dhule Rural Division has informed the Forum during hearing that the cheques for the refund of the following consumers are ready and he handed over the same to the representative of the complainant

Consumer no.	Amt of SD Refund	Cheque No.	Dated
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86794002519	13000/-	411662	31.03.2017
86418000114	14500/-	411661	31.03.2017
86868342350	12960/- (after deducting the arrears)	411664	31.03.2017

3. In other cases , 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 30/11/2016.
4. However .the queries raised by the Distribution Company are irrelevant and just to cover up the delays. There is no need to take indemnity bond on Rs. 100 stamp paper 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.

5. 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."

6. 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
7. 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)	

8. Following discrepancies are noticed on the part of the Distribution Company in handling these cases:

- ✓ The complainant applied for refunds 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.
 - ✓ In some cases 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 prescribed time limit and any delay in refund would attract the entitlement of the compensation to the consumer.
9. 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.
10. 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 pay 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

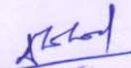
— sign —
(D.K.MOHOD)
MEMBER-SECRETARY

— 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. Dhule


Member-Secretary/Executive Engineer
MAH. STATE. ELECT. DIS. CO. LIMITED
Consumer Grievance Redressal Forum
Jalgaon Zone Jalgaon