

Date of Grievance : 24/12/2012
Date of Order : 10/06/2013
Period Taken : 168 days

**IN THE MATTER OF GRIEVANCE NO. K/E/675/796 OF 2013-14
OF SHREENATH CHEMICALS OF BOISAR, DIST-THANE REGISTERED
WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE,
KALYAN ABOUT REFUND OF SECURITY DEPOSIT**

M/s. Shreenath Chemicals,
Plot No.T-54 & T-80,
MIDC Tarapur, Boisar,
Dist-Thane

(Here-in-after
referred
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Asst. Engineer, Boisar, Dist-Thane

(Here-in-after
referred
as Licensee)

(Per Shri. Sadashiv S. Deshmukh, Chairperson)

1. This Consumer Grievance Redressal Forum has been established under "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers. The regulation has been made by the Maharashtra Electricity Regulatory Commission vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, 2003. (36 of 2003).

2. The Consumer is having H.T. supply from the Licensee. The Consumer is billed as per said tariff. Consumer registered with the Forum on 24/12/2012 for Refund of Security Deposit with interest.
3. The papers containing above grievance were sent by Forum vide letter No. EE/CGRF/Kalyan/0873 dated 24/12/2012 to Nodal Officer of Licensee. The Licensee filed its reply on 07/03/2013 & 18/05/2013.
4. We heard Consumer Representative, Mr. Harshad Sheth and Mr. Zudve, Accounts of Licensee, On hearing, the contentions of both sides following facts are disclosed:
 - a) Consumer approached this Forum with a grievance that RLC is not refunded and interest is not provided towards Security Deposit. On this count in spite of he approaching the Officers of Licensee there was no response hence he approached this Forum.
 - b) Consumer has clarified in the grievance application RLC amount of Rs.76,558.52 p. along with interest on S.D. from Aug.'10 onwards to the tune of Rs.922.16. Even, he sought interest on the S,D, of merged H.T. supply to the tune of Rs.5,482/- and Rs.5,249/-. Further RLC to the tune of Rs.2,642.34 with interest of Rs.29.66 p. @ 6% p.a. is claimed. One more claim is made – it pertains to a refund of S.D. to the tune of Rs.1,75,000/-.
 - c) On behalf of Licensee aspect of refund of RLC with interest thereon is not disputed. But from time to time it was claimed that calculations are done and submitted to higher authorities for granting it and allowing it, putting it in the system. Accordingly this matter was lingering on that point as the Officers were not able to finalize it in time.
 - d) However on 18/05/2013 the Nodal Officer was kind enough to attend and to make a statement that dispute pertaining to interest of S.D. and refund

of RLC is dealt and it is adjusted in the Consumer's bill for the month of Apr.'13 and total credit given is shown to the extent of Rs.97,023.88 ps.

- e) Accordingly the said revised bill was placed on the record of this Forum.
- f) C/R received the said reply dated 18/05/2013 and during hearing today, he conceded to that aspect and clarified that now grievance which was raised towards seeking interest of S.D. and RLC amount is now redressed as Licensee adjusted in the Consumer's bill amount to the tune of Rs.97,023.88.
- g) C/R today placed on record is additional contention and claim that S.D. is lying with the Licensee to the tune of Rs.4,99,370/- from the year 2010 and present monthly average bill is of Rs.168,235/- and hence he contended that let an amount of Rs.1,75,000/- be retained as S.D. and balance be refunded as per Licensee's Circular no.175 dated 05/09/2012. In this regard it is clear that Consumer is seeking the refund of S.D. that too considering the average consumption. In this regards the aspect of refund is laid down by MERC in the Tariff Determination Order for F.Y. 2012-13 in case no.19/2012 and on page 21, the aspect of S.D. is dealt. As per the said paragraph more particularly page no.4 & 5, provision is made for re-calculating the Security amount based on the average billing of Consumer once in each Financial Year and accordingly the said exercise is to be undertaken in the month of April every year. Accordingly we brought it to the notice of C/R that demand was for refund of S.D. is alleged in this grievance on 24/12/2012 but exercise was to be done only in the month of April 2013 which was yet to come and hence the said claim is of peculiar nature. Perceiving it, C/R made it clear that he will be pursuing the concerned for its refund in the light of the order of MERC. We feel that by this time the Licensee may have completed the exercise of finding out the need fo S.D. to be recovered or to be refunded basing on the average bill

and accordingly the Licensee may have worked out and may be in the process of refund and we hope that Licensee will take care of this aspect but will clarify and comply the Consumer's demand towards it and we are now required to dispose off this matter in this background.

- h) This matter could not be decided in time as the Officers of Licensee were all the while claiming that Consumer is entitled to the refund of RLC; interest on S.D. which is in the process and it caused a delay as lastly on 18/05/2013 the Officers of Licensee written the letter to this Forum presenting it on 02/06/2013 hence matter could not be decided in the prescribed time.

Hence the order.

O-R-D-E-R

- a) Grievance of Consumer to the extent of RLC refund and interest on S.D. is complied by Licensee hence it is disposed off.
- b) In respect of refund of S.D. the necessary exercise was to be undertaken in April 2013 but claim was made in December 2012 hence no any direction is required from this end, however, the Licensee may have completed the exercise in April 2013 and probably may have processed the aspect of payment of S.D. which is in excess. If not, we hope the Licensee will undertake it and will comply as per the order of MERC which Consumer may pursue.

Date : 10/06/2013

I Agree

I Agree

(Mrs. S.A. Jamdar)
Member
CGRF Kalyan

(Chandrashekhar U. Patil)
Member Secretary
CGRF Kalyan

(Sadashiv S. Deshmukh)
Chairperson
CGRF Kalyan

This order is dictated and decided on 10/06/2013 in presence of both sides and it is signed today after transcribing.)