



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph- 2210707, Fax - 2210707, E-mail : cgrfkalyan@mahadiscom.in

K/E/760/917 OF 2013-14

Date of Grievance : 05/02/2014
Date of Order : 13/05/2014
Period Taken : 98 days

IN THE MATTER OF GRIEVANCE NO. K/E/760/917 OF 2013-14 OF M/S. SPECIAL FASTNERS GALA NO.23, GODAWARI, TUNGAR IND. COMPLEX, SATIVALI, REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT REFUND OF SECURITY DEPOSIT AND ADDL. S.D. WITH INTEREST.

Special Fastners ,
Gala No.23, Godawari, Tungar Ind. Complex,
Sativali, Vasai (E)-401 208,
District-Thane. (Hereinafter referred to as Consumer)
Consumer No.**002170781255**.
V/s.

Maharashtra State Electricity Distribution
Company Limited through its
Dy. Exe.Engineer, Vasai Road [E] S/Dn. (Hereinafter referred to as Licencee)

Appearance :- For Consumer - Shri Harshad Sheth, Consumer's Representative
For Licensee - Shri Satish Umbarje, Dy. Exe.Engineer
Shri Vaze, Asst. Accountant

1] Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003.(36/2003). Hereinafter for the sake of brevity referred as 'MERC'. This Consumer Grievance Redressal Forum has been established as per the notification issued by MERC i.e. "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is

referred as 'Regulation'. Further the regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission. Hereinafter referred as 'Supply Code' for the sake of brevity. Even, regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005.' Hereinafter referred 'SOP' for the sake of convenience (Electricity Supply Code and other conditions of supply) Regulations 2005'.

2] Consumer is having supply of LT-VB category from 4/7/2003 and is having consumer No. **002170781255**. Consumer approached this Forum on 5/2/2014, aggrieved by the act of Licencee, not refunding the SD of Rs.19,500/-, ASD of Rs.11,700/-, interest thereon of Rs.22,067/- and total to the tune of Rs.53,267/-. On receiving this grievance along with it's accompaniments, it was sent to the Nodal Officer, vide this Forum Letter No.EE/CGRF/Kalyan/ 051 dated 6/2/2014.

3] In response to the letter of this Forum, Officers of Licencee appeared, filed reply on 5/2/2014 and 24/2/2014. All the while, it was contended that matter is being investigated FI register, pertains to this old SD and ASD is not traced out and as soon as it is available, further process will be taken up. No doubt, as prayed, we have extended time ,but ultimately it revealed that FI register is not forthcoming.

4] Ultimately we have taken up this matter for final hearing on 9/4/2014. Both sides made submissions, in tune with their contentions.

5] It is disclosed that consumer is having supply from 4/7/2003. It is also disclosed that consumer approached Licencee on 5/12/2013, seeking refund of SD of Rs.19,520/-, ASD of Rs.11,700/- and interest thereon of Rs., 22,067/- from July 2003. It is contended that said amount is deposited when connection was taken, but it has not reflected in the bill and hence even consumer filed application under RTI Act on 17/12/2013 and received reply that FI register is not found. Accordingly, one fact is clear that consumer is trying to have relief from 5/12/2013. Even he has filed

complaint with IGRC on 5/12/2013, which is not yet decided and hence, consumer had approached this Forum on 5/2/2014.

6] It is contended that though said amount deposited towards SD and ASD in July 2003, not reflected. Further SD of Rs.900/- deposited is, reflected in the CPL from July 2007 to May 2008 Rs.3,520/- in June 2008 and Rs.1,820/- in July 2008. Accordingly, it is contended that SD and ASD deposited initially, though not reflected in the bills, it ought to have been refunded. It is contended that FI register is also not forthcoming when consumer approached Licencee for copy of such FI register as it is not having original receipts.

7] As demonstrated from Licencee's side FI register is not forthcoming, hence total process is at stand still. But, it is assured as soon as register is found, it will be taken up. But we find period of more than four months has elapsed, there is no progress from Licencee side. Under such circumstances, question comes up whether claim of consumer can be allowed and refund as sought can be ordered.

8] Consumer's representative in support of his contention referred to the order of this Forum in Grievance No. 396 M/s. Kipril Products V/s. MSEDCL decided on 13/10/2010, wherein this Forum noted that if receipts are misplaced then on verifying FI register, record of other consumer in and around area the amount of paid as deposit at the time of new connection such refund is to be allowed. Forum considering prevailing process of collecting SD from respective category observed that it be dealt. Accordingly, now it submitted that this is the finding of this Forum, ensured that for claim of consumer cannot be denied for want of FI register and it can be cleared taking into account prevailing practice, pertaining to other consumer, during the relevant period.

8] It is further submitted that admittedly, Licencee will not give supply unless payment of SD and ASD is complied. Hence CR submitted for drawing inference about SD and ASD is, deposited. However, we find hurdle is loss of

original receipt from consumer. F1 register from the Licencee side is also not forthcoming. Consumer is ready to give indemnity bond which will take care of/loss these two. Even consumer referred to the order passed by CGRF Bhandup in Grievance No.17/2004, decided on 14/3/2005 Indian Leather V/s. MSECDL. Even letter of Dy. Executive Engineer, Vasai Road (East) Sub.Divn to Executive Engineer MSECDL, Vasai Divn, Vasai, written on the basis of order of CGRF Bhandup, more particularly views of member Secretary are highlighted. Said letter bears Out ward No.644 dated 20th January, but year is not clear. On the basis of these, CR submitted that for want of original receipt, refund cannot be stalled. It can be given on furnishing bond on the basis of entry in FI register and if FI register is not available, inference is to be drawn, that at the prevailing rate SD and ASD was deposited and it was to be refunded.

9] All the while Officers of Licencee, submitted for refund of amount, it is necessary to verify original receipts, FI register, but for want of those matter could not be finalized but shown willingness to settle it, as soon as F1 register is found.

10] We find, matter cannot be kept in abeyance and for indefinite period. There cannot be any reason to discard the submissions of consumer who is ready to submit indemnity bond towards seeking refund of SD and ASD, and interest calculated as per MERC Regulation. Non reflection of initial SD and ASD paid in bills is, self speaking but the SD further recovered, from December 2007, June 2008, July 2008 is clear. Under such circumstances, there is no any hurdle for Licencee to take into the consideration the position of similar consumer in that area during that period and SD and ASD reflected in their bills and accounts. Consumer's representative pointed out quantum of payment for SD was @ Rs.300/- per HP supply and for ASD it was Rs. 180 per HP . Towards the claim of SD and ASD chart prepared and submitted by the consumer's representative enclosing with grievance. There is no any dispute raised about said calculation from Licencee's side, but hurdle is expressed about record not available towards payment received. As per consumer, SD of Rs.19,500/-, ASD of Rs.11,700/- is paid, interest thereon till October 2013 is of Rs. 22,067.

11] In the light of above ,we find this claim is to be allowed as the option was available to the Licencee towards refund of SD, ASD and interest as claimed by consumer on the condition that consumer submitting indemnity bond. Said bond to contain undertaking to repay the said amount along with interest as per RBI rate if, Licencee is able to trace the record and point out no such SD or ASD was deposited by consumer.

12] This matter could not be decided within prescribed time as the Officers of Licencee were in the process of tracing out FI register and lastly on 9/4/2014, made submissions that still it is not found.

In the result, this grievance application is to be allowed.

Hence, the order.

ORDER

Grievance of the consumer is hereby allowed.

Licencee is directed to refund the SD of Rs.19,500/- and ASD of Rs.11,700/- and interest thereon dues to the tune of Rs.22,067/-, total of Rs. 53,267/-.

Consumer to submit indemnity bond on usual terms including the Clause noted above in the reasoning with the Licencee within 15 Days from the date of this order and Licencee to refund the said amount within further one month.

Consumer has prayed that refund be adjusted against the dues of Agrawal Fasteners in Kaveri, Gala No.16 and if it is not possible, this amount be refunded by cheque. Compliance of it be reported within further 15 days.

Kalyan

Dated: 13/5/2014

I agree

I agree

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

(Chandrashekhar U.Patil)
Member Secretary
CGRF,Kalyan

(Sadashiv S.Deshmukh)
Chairperson
CGRF, Kalyan

NOTE

- a) The consumer if not satisfied, may file representation against this order before the Hon. Ombudsman within 60 days from the date of this order at the following address.

“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”.

- b) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” at the following address:-

“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”

- c) It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.