



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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IN THE MATTER OF GRIEVANCE NO. K/E/559/660 OF 2011-2012 OF
M/S. LABH CONSTRUCTION DOMBIVALI (EAST) REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN
ABOUT REFUND OF SECURITY DEPOSIT .

M/s. Labh Construction
11, Shubhangi Darshan
Second Floor,
Nr. Shivaji Putala, Manpada Road,
Dombivali (East) : 421 201

(Here-in-after
referred
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Executive Engineer
Dombivali Division

(Here-in-after
referred
as licensee)

- 1) 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. This 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 Complainant is billed as per temporary construction tariff. Complainant registered grievance with the Forum on 23/12/2011 for Refund of Security Deposit.

The details are as follows :

Name of the Complainant :- M/s. Labh Construction

Address: - As given in the title

Consumer No : - 610010000109

Reason of dispute : Refund of Security Deposit

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/740 dated 23/12/2011 to Nodal Officer of licensee. The licensee filed reply vide letter No. EE/Domb/U/B/Temp/184, dated 17/01/2012.
- 4) A hearing was held on 17/01/2012 @ 15.30 hrs. The Member Secretary and Member of the Forum heard both the parties in the meeting hall of the Forum's office. Shri G. K. Koshti representative of the consumer, and Shri C. L. Neve, Jr. Manager representative of the licensee attended hearing. Minutes of the hearing including the submissions made by the parties are recorded and the same are kept in the record.
- 5) The complainant M/s. Labh Construction situated at 11, Shubhangi Darshan, Second floor, Near Shivaji Putala, Manpada Road, Dombivali

(East) has filed its grievance application for refund of Security Deposit amount lying with the licensee. The brief facts of the grievance application according to the complainant are as follows :

- a) The complainant was having meter No. 530900631, had paid Rs. 30,000/- towards temporary connection for its construction work on 30/06/2009.
 - b) The complainant further states that after completion of the said work it requested the licensee to make Permanent Disconnection (PD) of the above said meter on 04/02/2011.
 - c) The complainant also states that it has requested the licensee to issue a bill of assessed units after P.D. and showed its willingness to pay the amount as per the final bill vide letter dated 04/02/2011.
 - d) Grievance of the complainant is that though the connection was permanently disconnected in February 2011, he did not receive the amount of Security Deposit till the filing of this grievance application. Complainant therefore approached the Forum and requested to direct the licensee to refund the amount of Security Deposit.
- 6) Notice was issued to the licensee who appeared and filed its say / letter as under :
- a) The licensee submitted that as per P. D. report the complainant is assessed for 368 units and a bill for Rs. 2,330/- is issued to the complainant.
 - b) The units were assessed in the month of June 2011 and as per the P. D. report the complainant is entitled for the refund of Rs. 27,670/-.
 - c) The licensee further states that this amount will be incorporated in the funds requirement of January 2012.

- 7) After going through the submissions made by both the parties and the documents placed on record, we have observed that :
- a) The amount of Security Deposit is not disputed by the licensee.
 - b) It is also admitted position that the temporary connection was disconnected in the month February 2011. The assessed refundable bill amount of Rs. 27,670/- is not disputed by the complainant. Delay of 47 weeks to refund the amount of Security Deposit after Permanent Disconnection has been caused by the licensee, therefore the complainant is entitled for S.O.P. as per Appendix 'A' Clause No. 7 (iii) of Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005 which comes to Rs. 4,700/- (47 weeks X Rs. 100 per week).
 - c) We have noticed a letter dated 16/01/2012 placed on record by the licensee. The licensee vide this letter informed the Forum that the complainant has not approached the I.G.R. Cell before approaching CGRF. Licensee requested the Forum to direct the complainant to approach IGR Cell. In this connection we feel that though it is mandatory for the complainant / consumer to approach I.G.R. Cell before approaching CGRF as per MERC Regulation 2006 Clause 6.2, the letter dated 04/02/2011 on record shows that the licensee did not responded to the complainant for a prolonged period, therefore as per the provisions of MERC Regulation 2006, Clause 6.2 complainant / consumer is entitle to approach CGRF without approaching I.G.R. Cell. Clause 6.2 of Regulation 2006 reads as under :

“A consumer with a Grievance may intimate the IGR Cell of such Grievance in the form and manner and within the time frame as stipulated by the Distribution Licensee in its rules and procedures for redressal of Grievances.

Provided that where such Grievance cannot be made in writing, the IGR Cell shall render all reasonable assistance to the person making the Grievance orally to reduce the same in writing.

Provided also that the intimation given to officials (who are not part of the IGR Cell) to whom consumers approach due to lack of general awareness of the IGR Cell established by the Distribution Licensee or the procedure for approaching it, shall be deemed to be the intimation for the purposes of these Regulations unless such officials forthwith direct the consumer to the IGR Cell.”

Record shows that intimation has been given to the licensee by complainant on 04/02/2011.

- 8) Taking into consideration all the above facts we pass the following order :

O-R-D-E-R

- 1) The grievance application is allowed.
- 2) Licensee is hereby directed to refund the Security Deposit amount of Rs. 27,670/- to the complainant immediately from the date of receipt of this order.
- 3) Licensee is also directed to pay the amount of Rs. 4,700/- (Rs. Four Thousand Seven Hundred only) to the complainant towards S.O.P. as per para 7 (b) of this order.

- 4) Licensee is also directed to pay the amount of compensation to the complainant as per S.O.P. (per week Rs. 100/-) till the final payment towards the refund of Security Deposit amount as above.
- 5) Compliance of this order be reported to the Forum within a period of 07 days from the date of receipt of this order.
- 6) The Consumer can file representation against this decision with the Hon. Electricity 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”.

- 7) Consumer, as per section 142 of the Electricity Act, 003, 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”

Date : 06/02/2012

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

(R.V. Shivdas)
Member Secretary
CGRF Kalyan