

MAHARASTRA STATE ELECTRICITY DISTRIBUTION CO. LTD.

KONKAN ZONE RATNAGIRI

Consumer Grievances Redressal Forum Ratnagiri

Consumer case No. – 05 /2013

Date :- 11.02.2013

**Mr. Bhikaji Vaman Patwardhan.
773, Bhikaji Niwas, Patwardhan Wadi,
Shivaji Nagar, Tal- Dist-Ratnagiri .**

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Complainant

V/S

**Executive Engineer
Maharashtra State Elec.Dist.Co.Ltd.
Ratnagiri**

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Opposite Party

Quorum of the Forum

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- 1) Mr. D. S. Jamkhedkar
Chairman**
- 2) Mr. V.B.Jagtap.
Secretary Member**
- 3) Mr. N. A. Kulkarni
Member**

On behalf of consumer

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Mr. Jayant Purushottam Biwalkar.

On behalf of opposite party

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- 1) Mr.A.W.Mahajan,
Ex. Engineer, Ratnagiri**
- 2) Mr.S.S.Kanade,
Junior Manager (F&A), Ratnagiri**

Maharashtra State Electricity Regulatory Commission Consumer Grievance Redressal Forum and Ombudsman Regulation 2003 Vide Clause No.8.2

Facts of the complaint in brief are as follows:-

1) Consumer applicant was holding commercial connection under consumer number 210010004637. On his request, said connection was permanently disconnected in September 2009. The respondent Mahavitran had collected Rs. 2400/- as security deposit from consumer while releasing the connection.

2) Consumer had first approached respondent's officials under his application dated 23.05.2012 with a request to refund security deposit amount. Mahavitran had called upon him to submit original S.D. receipt or in case it is misplaced, to submit indemnity bond on the stamp of Rs. 200/-. Since the consumer had lost original receipt, he submitted indemnity bond on plain paper. This was not found favour with Mahavitran and ultimately S.D. amount was not refunded.

3) Then, consumer approached I.G.R.C. on 22.11.2012. Mahavitran had taken the stand before I.G.R.C. that the consumer did not comply with the legal formality and so the amount was not released. The contention/submission of the respondent was accepted by I.G.R.C. and the consumer was directed to comply with the formalities asked, to get back S.D. amount. This order was passed by I.G.R.C. on 28.12.2012.

4) It is against this order passed by I.G.R.C. the consumer has approached this Forum with a request that S.D. amount be refunded with interest and compensation as per S.O.P. norms be awarded.

5) Mahavitran had submitted the say and raised the contention that as per the guidelines issued by Head- office, consumer was directed to submit indemnity bond on the stamp of Rs. 200/- as the S.D. receipt had been misplaced. It is submitted that as the consumer did not comply with the formalities. The amount could not be refunded for which Mahavitran is not at fault and for these reasons the rejection of the complaint has been sought.

6) Both the parties advanced the argument Shri. Biwalkar for consumer submitted that the formalities asked to be complied are against the provisions of Electricity Act 2003 and the regulations there under. The guidelines issued by Mahavitran cannot take place of the law and as such there was illegal withholding of the amount for which interest and compensation be paid to the consumer.

7) The Executive Engineer for Mahavitran solely relied on the guidelines issued by Head Office to fortify his submission.

8) In view of the rival submissions following points arise for our consideration and we have given findings against each of them for the reasons given below.

No.	Points	Findings
1.	Whether claimant is entitled to refund of S.D. amount with interest.	Yes
2.	Whether claimant is entitled to get compensation as per S.O.P. norms. If yes, what amount	Yes Rs.4000/-
3.	Whether consumer is entitled to refund of Rs. 30026/-	No
4.	What order	As per final order

Reasons

Point No. 1 :-

9) It is not a matter in dispute that Mahavitrans has collected S.D. amount Rs. 2400/- from consumer and it is yet to be refunded.

10) The Mahavitrans had insisted upon submission of indemnify bond on the stamp of Rs. 200/- and for non compliance with-held the amount.

11) In fact, as per the provisions of Electricity Act and the regulations there under, there was an obligation on Mahavitrans to refund the amount after disconnection without asking for any compliance. In fact, 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.

12) The circulars or guidelines issued departmentally cannot take place of law or Rules and Regulation framed there under. So these guidelines cannot come in the way of consumer to get back amount. We are fortified in our view by the judgment given by Hon. Ombudsman in case No. 13 of 2012, Mr. Khalil Kutubuddin Hakim V/s M.S.E.D.C.L. Division Ratnagiri.

13) So it must be said that claimant is entitled to get refund of Rs. 2400/- with interest at 9.50 p.c.p.a. from 23.05.2012 till the date of refund of amount to the consumer, because cause of action arose on 23.05.2012.

Hence we answer the point accordingly.

Point No 2 :-

14) The action of Mahavitrans in with holding the amount. Since 23.5.2012 is totally unjust and inequitable for the forgoing reasons. So, as per the norms laid down under S.O.P. regulations, the consumer claimant is entitled to get compensation at the rate of Rs. 100/- per week from 23.05.2012. The period comes to 10 months. So claimant is entitled to get Rs. 4000/- as compensation.

Hence the point is answered accordingly.

Point No 3 :-

15) In the complaint application, the consumer asked for the refund of Rs. 30026/- which is the part of the amount recovered by Mahavitrans as per provisions of Section 126 of the Electricity Act 2003.

However, in the submission dated 18.03.2013 in paragraph 'D', the consumer has frankly accepted that, the contention of Mahavitrans is correct and proper and he did not want to press the request of refund of Rs. 30026/-.

In the light of this, no further discussion is needed. So the point deserves to be answered in the negative and it is answered accordingly in the negative.

16) In the result the complaint succeeds. Hence we proceed to pass following order.

Order

- 1) **The claim filed by the consumer is allowed.**
- 2) **The respondent do refund the security deposit amount of Rs. 2400/- along with the recovered amount if any upon reconciliation of the account with interest @ 9.50 p.c.p.a. on it from 23.05.2012 till refund of the amount to the consumer claimant, on or before 9th May 2013.**
- 3) **The respondent do pay an amount of Rs. 4000/- to the consumer claimant as compensation as per S.O.P. norms, on or before 9th May 2013.**
- 4) **The compliances of this order should be filed with this Forum up to 15th may 2013.**
- 5) **In case consumer desires to appeal against this order he should file his appeal to the following addresses.**

Secretary,

OMBUDSMAN, Maharashtra State Electricity Regulatory Commission,

606/608, Keshava Building,

Bandra Kurla Complex,

Mumbai – 400 051.

Phone No.022 – 2659 2965.

**D.S.Jamkhedkar
Chairman ,C.G.R.F.
Konkan Zone**

**N.A.Kulkarni
Member,C.G.R.F.
Konkan Zone**

Date : 9th April 2013

Place : Ratnagiri

Descending Opinion

I the undersigned Mr. V.B.Jagtap in my capacity as Executive Engineer and Member Secretary of the Forum do not agree with the above findings of this order.

According to the records, the supply is permanently disconnected on September 2009 and consumer applied for the refund of security deposit in May 2012. He ought to have applied immediately upon disconnection, which he did not do so and he applied after a period of 2 years. Thus it is barred by limitation itself, in terms of rule 6.6 of Rules and Regulations of M.E.R.C., consumer is entitled only to get security deposit and not the compensation. It is also observed that this is the afterthought of the said consumer to demand for the compensation, since he applied during the year 2012. No violation on the part of Mahavitran as far as S.O.P. is concerned. The compensation is only payable in terms of non compliance of S.O.P. only. In this case no such violation is found, hence no amount of compensation is payable to the consumer.

**V.B.Jagtap
Ex.Engineer,C.G.R.F.
Konkan Zone**

Date : 9th April 2013

Place : Ratnagiri