

CONSUMER GRIEVANCE REDRESSAL FORUM
NAGPUR ZONE (RURAL) M. S. E. D. C. L.
Plot No.12, Shrikrupa, Vijaynagar, Chhaoni,
NAGPUR – 440 013

SHRI V.R.Khobragade,IAS(Retd)
Chairman

PH.(R)2457651(M)9923136412 (O) 0712- 2022198

NO. CGRF/NZ/R/

Date :

Certified copy of order dtd 27th August,2009 in Case No. 109/2009 is enclosed herewith.

Member-Secy/ Exe.Engineer,
C.G.R.F.(NZ-R)MSEDCL
N A G P U R

Copy to:-

1. Shri Gangadhar M. Chitanvis, Through- Awantika G.Chitanvis,309, Sir Gangadharrao Chitanvis Marg, Civil Lines, Nagpur-440001.
2. The Chief Engineer,Nagpur Zone (Rural)MSEDCL, Vidyut Bhavan,Katol Road, Nagpur.
3. The Exe.Engineer/N.O., O&M Circle Office, MSEDCL.Gondia, --
4. The E.E.,C.C.O&M Dn., MSEDCL, Gondia .for information and necessary action.

Address of **the Electricity Ombudsman** is given as below.

Office of - **The Electricity Ombudsman,**
Maharashtra Electricity Regulatory Commission,
606-608, Keshava Building,
Bandra-Kurla complex,
MUMBAI- 400 051

TEL.- 022 - 26592965 (Direct)
022 - 26590339 (Office)

**BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
M. S. ELECTRICITY DISTRIBUTION CO.LTD.
(NAGPUR ZONE – RURAL) NAGPUR.**

Application/Case No. CGRF/NZ/Rural/ **109** of 2009

Applicant : Shri Gangadhar M. Chitanvis, Through- Awantika G.Chitanvis,309,
Sir Gangadharrao Chitanvis Marg, Civil Lines, Nagpur-440001.

-- VS --

Non-applicant : 1.ExecutiveEngineer/Nodal Officer, Internal Grievance Redressal Cell,
CircleOffice, M.S.E.D.C.L., Gondia.
2.Executive Engineer,C.C.O&M Dn., M.S.E.D.C.L., Gondia.

Present : : 1.Shri V.R.Khobragade,Chairman
2.Shri S.F.Lanjewar, Member-Secy.

Appearance. : 1. Miss. Awantika Gangadhar Chitanvis,
Representative of Applicant Present.

1. Shri S.W.Gawande, N.O./E.E.
2. Shri Narendra Parihar,Dy.E.E.
3. Shri Pramoj J. Kamble, A.E. .
Present for Non-Applicants.

ORDER

(Passed this 27th day of August,2009)
(Per Shri V.R. Khobragade, CHAIRMAN)

1. Being no communication with reference to the application dated 19/1/2009 filed before I.G.R.C., Gondia the Applicant came to Forum vide application dtd. **19/5/2009** with a request to refund security deposit amount of Rs. 26,830/- alongwith admissible interest.
2. After receipt of the application, the Forum issued acknowledgement to Applicant, called parawise comments of the non-applicants (hereinafter called 'DL'/'NA'), a copy of the parawise comments was sent to the Applicant, issued notices to both the parties, finally heard both the parties on **6/7/2009**. Forum thus, offered a fair, reasonable and adequate opportunity to both the parties for submission of their say in the matter.

3. The matter in brief is that the Applicant is a consumer of D.L. bearing No. 430010246428. The Applicant had taken a temporary meter No. 8000617815 from D.L. in the name of Mr. Gangadhar M. Chitanvis, Rajlaxmi Complex, Rail Toli, Gondia. The Applicant had paid security deposit for three times totaling to Rs. 26,830/- The Applicant vide application presented to this Forum requested to refund of security deposit alongwith interest on par with Nationalised Bank.
4. Both the parties were present and they were heard. Both the parties reiterated the same points as mentioned in the application and parawise comments. Representative of Applicant contended that the Applicant is a consumer of D.L. (consumer No. 430010246428) having a meter No. 8000617815 in the name of Shri Gangadhar M. Chitanvis, Managing Director, Rajlaxmi Complex, Rail Toli, Gondia. The representative of Applicant further contended that D.L. collected security deposit for the electric meter for three times. On first occasion, Rs. 7000/- was paid by cash towards demand note for a single phase meter on 3.9.1999. On second occasion, on 13/12/2002, Rs. 12000/- was paid for conversion from single phase to three phase meter totally amounting of Rs. 14250/- paid vide cheque No. 777436 drawn on SBI, Gondia and third time, Rs. 7830/- was paid by the Applicant towards security deposit demanded as per demand note dtd. 29/4/2008 and paid by cheque receipt dtd. 14.6.2008 and 22.7.2008. Lastly the representative of Applicant urged that the MSEDCL charged excessive security deposit which is refundable with interest at the rate of R.B.I. norm to the Applicant and D.L. is liable to refund of Rs. 26,830/- alongwith interest thereon. The Applicant invited attention of Forum to the order date. 10/1/2002 passed by M.E.R.C. in support of her case relating to S.D.
5. Shri S.W.Gawande, NO./E.E., Shri Narendra Parihar, Dy.E.E. and Shri Pramod J. Kamble, A.A. were present on behalf of non-applicants. Shri Parihar contended that the Applicant paid Rs. 7000/- for temporary connection against demand note as S.D. for a single phase meter on 3/9/1999. The Applicant later on demanded

conversion to three phase meter Total S.D. with D.L. against above connection as per record of D.L. is 14000/- - Rs 100/- = Rs. 13,900/- In addition to above additional SD of Rs. 7830/- was recovered through bills. The S.D. paid by consumer at the time of connection is Rs. 13,900/-. Addl. S.D. recovered through bills is Rs. 7830/- , hence total S.D. is Rs. 21,730/- deposited with D.L. Lastly, the N.A. agreed before Forum that D.L. is ready to refund S.D. of Rs. 21,730/- and interest of Rs. 4996.33 at the time the Applicant's request for withdrawal of electric connection.

6. On completion of hearing the matter, the Applicant submitted an additional say dtd. 6.7.2009. Since an additional say was received before passing an order by Forum the non-applicants were directed to submit their say on the points contained in the application date. 6.7.2009. The non-applicants have accordingly filed their final say on 3/8/2009. The matter was therefore fixed for hearing on 13/8/2009. On 13/8/2009, both the parties were heard. The Applicant urged for refund of S.D. alongwith interest at the rate of nationalized Bank. The E.E., M.S.E.D.C.L., Gondia represented the case on behalf of non-applicants. He consented to refund an amount of S.D. alongwith interest amounting to Rs. 26,678/- as on June,2009.
7. On going through the papers, it would be seen that the application date. 30/1/2009 was addressed to E.E., I.G.R.C., O&M Circle, M.S.E.B. Gondia Urban Sub/Division This application was not received to the I.G.R.C.,Gondia being misnamer of the addressee. The application was however received to the Urban sub/Division, Gondia. The concerned official did not care to forward the said application to the E.E./ Nodal Officer, I.G.R.C., Gondia and the said application remained unattended till the Applicant came to Forum. On scrutiny of documents submitted by the Non-applicants it is seen that the Applicant deposited Rs. 7000/- as S.D. for temporary connection and Rs. 5000/- has been adjusted towards billing remaining balance of Rs. 1900/- towards S.D. The Applicant deposited Rs. 12000/- as S.D. at the time of 3 phase conversion. Lastly paid through energy bill Rs. 7830/- as S.D. Thus total S.D.

comes to Rs. 21,730/- As per provision of Regulation under 24.1 of M.E.R.C.(Distribution Open Access) Regulation,2005 The D.L. shall be entitled to security equivalent to one month's billing The E.E. agreed to keep Rs. 150/- as S.D. and to refund an amount of Rs. 21,630/- alongwith admissible interest to the Applicant. On scrutiny of calculation of interest towards S.D. filed by D.L. (page 26) reveals that D.L. worked out interest from July,01 to July,2004 at the rate of 3.5% and from Jun,2006 onwards interest has been worked out at the rate of 6%. D.L. further proposed to give interest at 3.97 for July,2005. It is however seen that no provision of Rules/ Regulations has been mentioned by D.L. in support of the rate of interest as proposed by D.L. On going through the provision of Regulation under 11.11 M.E.R.C.(Elect.Supply code and other conditions of supply) Regulations, 2005, the Applicant is entitled to earn interest equivalent to the bank rate of R.B.I. The D.L. is willing to refund S.D. alongwith interest as indicated at Page 26 which comes to Rs. 26,678/- as on June,2009. D.L. is , however, liable to pay interest from the period of deposit of S.D. upto 9/6/2003 at the rate of 3.5% and from 10/6/2003 onwards till refund at the rate of Bank of R.B.I. i.e. 6%.

8. The Forum record an appreciation of the Applicant for presenting the case in an appropriate manner.
9. The D.L. is directed to caution the Sub/Division officer concerned for remaining silent over the application in form 'X' addressed to the E.E./N.O., I.G.R.C., Circle Office, Gondia.

10. With the above observations, the Forum thus unanimously pass the following order.

:- ORDER :-

1. The application is allowed.
2. The D.L. is directed to refund of S.D. alongwith interest as directed in Para 7 of the order.
3. No order to costs.
4. Parties be informed, accordingly.

SD/-
(V.R.KHOBRADE)
CHAIRMAN

SD/-
(S.F.LANJEWAR)
MEMBER/SECY

CONSUMER GRIEVANCE REDRESSAL FORUM
M.S.E.D.C.L.(NAGPUR ZONE – RURAL)NAGPUR

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