

**Maharashtra State Electricity Distribution Co. Ltd.'s  
Consumer Grievance Redressal Forum  
Nagpur Urban Zone, Nagpur**

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**Case No. CGRF(NUZ)/210/2014**

Applicant : Shri Pradeep K. Khandwani,  
Shop No. II, Himalaya Society,  
Ambedkar Chouk, C.A. Road,  
Nagpur.

Non-applicant : Nodal Officer,  
The Superintending Engineer,  
(Distribution Franchisee),  
MSEDCL, N.U.C.,  
NAGPUR.

Quorum Present : 1) Shri Shivajirao S. Patil,  
Chairman.  
  
2) Adv. Subhash Jichkar  
Member.  
  
3) Shri Anil Shrivastava,  
Member / Secretary.

**ORDER PASSED ON 21.10.2014.**

1. The applicant filed present grievance application before this Forum on 26.8.2014 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as Regulations).

2. The applicant's case in brief is that on 10.4.2012 applicant applied for permanent disconnection, and disconnection was done. Now applicant applied for refund of Security Deposit on 19.9.2013, along with indemnity bond as applicant lost original deposit receipt but till today amount is not refunded. Applicant applied to I.G.R.C. but his grievance is not redressed. Therefore he approached to this Forum.

3. Non applicant SNDL filed reply dt. 18.9.2014 and submitted that as per request of the applicant supply was permanently disconnected in March 2013. Applicant applied for refund of security deposit amount of Rs. 10010/- on 19.9.2013 to SNDL but amount of security deposit is lying with M.S.E.D.C.L. and therefore proposal is sent to M.S.E.D.C.L. for verification of documents for refund of security deposit on 7.5.2014. M.S.E.D.C.L. has prepared cheque of security deposit and informed the applicant to collect it.

4. It is pertinent to note that though the matter is related to M.S.E.D.C.L. Nodal officer of M.S.E.D.C.L. and other concerned officers even did not care to file any reply on record. Nodal officer of M.S.E.D.C.L. has simply attached forwarding letter dated 18.9.2014 and by this forwarding letter they have forwarded reply of S.N.D.L. Therefore there is no reply of M.S.E.D.C.L. on record.

4. Forum heard arguments of both the sides and perused the record.

5. It is experience of the Forum that nodal officer of M.S.E.D.C.L. is not filing separate reply on behalf of M.S.E.D.C.L. in each and every case. Many times, strictures are passed by this Forum against

officers of M.S.E.D.C.L. and directions are given to them that M.S.E.D.C.L. should file separate reply to the grievance application specially in the grievance application in which there is specific reference of M.S.E.D.C.L. Even then Nodal Officers of M.S.E.D.C.L. and other concerned officers are neglecting and not filing reply on record. It is very strange.

6. In this case it is specific contention of S.N.D.L. that applicant applied for refund of security deposit of Rs. 10010/- on 19.9.2013. Amount of security deposit is lying with M.S.E.D.C.L. and therefore proposal is sent by SNDL to M.S.E.D.C.L. on 7.5.2014 for verification of documents on record. It is noteworthy that applicant applied for refund of S.D. on 19.9.2013. Admittedly SNDL did nothing till 7.5.2014. For first time on 7.5.2014 i.e. after 8 months of filing the application by the applicant, mere proposal was sent to M.S.E.D.C.L.

7. Therefore SNDL neglected for a period of 8 months and even did not send any proposal to M.S.E.D.C.L. for a period of 8 months for verification of documents and it is the negligence of employees of SNDL that they delayed the matter for 8 months even for sending the proposal to M.S.E.D.C.L. and therefore SNDL is responsible to pay compensation as per MERC, SOP regulations 2005 for a period of 8 months delay.

8. As we have already pointed out, M.S.E.D.C.L. did not file any reply on record in this matter. During the course of hearing, Forum specifically told to nodal officers of M.S.E.D.C.L. that it is the duty to file reply on record even then till today they have not filed any reply on record for the reasons best known to them. There is no reply from the M.S.E.D.C.L. to the effect that M.S.E.D.C.L. has prepared cheque of

security deposit of applicant and it is informed to consumer to collect the cheque. Therefore no reliance can be placed on such vague statement as there is silence on the part of M.S.E.D.C.L. It is true that in last para of reply of SNDL it is mentioned that M.S.E.D.C.L. has prepared the cheque of security deposit amount and informed to the consumer to collect it but this fact is not specifically stated by M.S.E.D.C.L. on record by filing reply or application to the Forum. S.N.D.L. has not given in its reply on what date alleged cheque is prepared and on what date information was given to the consumer to collect it and what is the amount of cheque. Therefore we find no force in the contention of SNDL that M.S.E.D.C.L. has prepared the cheque.

9. It is an admitted fact that supply of the applicant was disconnected on his application Dt. 10.4.2012. It is also an admitted fact that applicant for the first time applied for refund of security deposit on 19.9.2013. According to regulation 6.7 of MERC (Standard of performance of distribution licensee, period for giving supply and determination of compensation) regulations 2014, on expiry of 30 days notice on receipt of application for termination of consumer in accordance with MERC supply code regulation 2005, amended from time to time, the distribution licensee shall disconnect supply within 3 days in class – I cities, within 7 days in Urban Area and within 10 days in Rural areas. Therefore it was necessary for non applicant to disconnect the supply within 7 days from the application of the applicant. In para 2 of the grievance application, it is specifically mentioned that on 10.4.2012 applicant applied for permanent disconnection and disconnection was done after great follow up with distribution franchisee. In reply of SNDL dt. 18.9.2014, para 3, it is submitted that disconnection was made in March 2013. Therefore there

was 11 months delay even for disconnection by S.N.D.L. and applicant is entitled for compensation for this delay also from S.N.D.L.

10. So far as refund of security deposit amount is concerned, it is provided in regulation 6.9 of MERC (Standard of performance of distribution licensee, period for giving supply and determination of compensation) regulation 2014, that in case of closure of account (permanent disconnection), refund of credit amount (if any), advance consumption deposits / consumption security and meter security along with "No dues certificate" should be made by distribution licensee within thirty (30) days in Class I cities and Urban areas, and within forty five (45) days in Rural Areas from the date of application for closure of account. Therefore distribution licensee is liable to pay security deposit to the applicant within 30 days from the date of his application Dt. 19.9.2013. Since 19.9.2013, SNDL was negligent in not refunding the said amount or even in sending any proposal to M.S.E.D.C.L. till 7.5.2014. Therefore there was delay on the part of SNDL since 19.10.2013 to 7.5.2014 i.e. till sending proposal to M.S.E.D.C.L. and for this delay applicant is entitled for compensation from SNDL as per regulation 6.7, 6.9 read with Appendix 'A' (8)(ii) of MERC (Standard of Performance of Distribution Licensee, Period for giving Supply and determination of compensation) Regulations 2014.

11. So far as role of M.S.E.D.C.L. is concerned, according to SNDL they have forwarded the proposal to M.S.E.D.C.L. on 7.5.2014. SNDL had produced copy of that proposal Dt. 7.3.2014 on record addressed to Superintending Engineer, NUC, MSEDCL, Nagpur. On this copy of proposal there is clear cut acknowledgement from the officers of MSEDCL that they received the proposal on 7.5.2014. No reply is filed on record by

M.S.E.D.C.L. as to when they received the proposal, what action is taken by them, on what date cheque is prepared, whether it is intimated to consumer to collect the amount, if yes, on what date etc. There is no positive pleading by M.S.E.D.C.L. that they have prepared cheque and intimated to the consumer. It is also not contention of SNDL in writing on record that there is no receipt of application regarding security deposit amount or whether there is any other problem for refund of amount. Therefore it is clear that officers of M.S.E.D.C.L. are negligent in not refunding security deposit of the applicant since 7.5.2014. As per regulation, limitation of 45 days is available for refund of security deposit amount. Therefore at the most, it was bounden duty of M.S.E.D.C.L. to refund amount within 45 days from the date of proposal from SNDL Dt. 7.5.2014. But there is sufficient delay and applicant is entitled to claim compensation according to above cited provisions 6.7, 6.9, Appendix 'A', 8(ii).

12. Therefore there is clear cut negligence on the part of officers of SNDL and officers of M.S.E.D.C.L. deliberately to prolong refund of security deposit amount to the applicant which is his right. It is nothing but clear cut harassment of the consumer and therefore in our considered opinion it is fit case to grant compensation according to amended SOP regulations 2014. Hence following order : -

#### ORDER

- 1) Grievance application is partly allowed.

- 2) M.S.E.D.C.L. shall refund amount of security deposit of Rs. 10010/- to the applicant immediately.
- 3) SNDL shall pay compensation to the applicant for causing delay in disconnection of supply for the period from 17.4.2012 to March 2013 and further shall pay compensation to the applicant for non submission of his proposal to M.S.E.D.C.L. till 7.5.2014 within 45 days from the date of application Dt. 19.9.2013 according to regulation 6.7, 6.9 read with Appendix 'A' 8 (ii) of MERC (Standard of Performance of Distribution Licensee, Period for giving supply and determination of compensation) Regulations 2014.
- 4) M.S.E.D.C.L. shall pay compensation to the applicant for refund of security deposit since date of receipt of proposal from SNDL i.e. since 7.5.2014 till release of payment according to regulation 6.7, 6.9 read with Appendix 'A' 8(ii) within 30 days from the date of this order.
- 5) Non applicant should submit compliance report within 30 days from the date of this order.

Sd/-  
(Anil Shrivastava)  
MEMBER  
SECRETARY

Sd/-  
(Adv. Subhash Jichkar)  
MEMBER

Sd/-  
(Shivajirao S. Patil),  
CHAIRMAN