

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

Case No. CGRF(NUZ)/116/2015

Applicant : Asstt. Manager, United Insurance Co.Ltd.,
Lotus Building, 5th floor, Gorepeth,
West High Court Road,
Nagpur : 400 010.

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

Applicant :- Shri P.A. Moon, Asstt. Manager.

Respondent by 1) Shri Rody, Nodal Office.
2) Shri Dahasahastra, SNDL Nagpur.

Quorum Present : 1) Shri Shivajirao S. Patil,
Chairman.

2) Adv. Subhash Jichkar
Member.

3) Shri Anil Shrivastava,
Member / Secretary.

ORDER PASSED ON 4.9.2015.

1. The applicant filed present grievance application before this Forum on 16.7.2015 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal

Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as said Regulations).

2. Applicant's case in brief is that amount of security deposit of Rs. 1,13,707/- is not refunded to the applicant though premises are vacated and duly intimated to the Non applicant. I.G.R.C. has passed order dated 18.4.2015 in case No. 302/15 directing non applicant to refund amount of security deposit Rs. 1,13,070/-, but there is no specification about payment of interest and from which date. Being aggrieved by the said order passed by I.G.R.C. applicant approached to this Forum.

3. Non applicant denied applicant's case by filing reply Dated 4.8.2015. It is submitted that applicant filed application Dt. 1.11.2013 urging that office of the applicant is shifted to Gorepeth and supply is permanently disconnected. Therefore amount of security deposit Rs. 1,13,707/- be refunded. Applicant paid bill of Rs. 8760/- on 18.12.2013. Applicant gave reminder to the non applicant dated 7.2.2014 and 12.3.2014. However, electricity supply of the applicant was permanently disconnected on 29.3.2014. For refund of security deposit original receipt is necessary or indemnity bond is to be submitted. Applicant presented indemnity bond on stamp paper of Rs. 100/- on 11.3.2015. Thereafter proposal of refund of security deposit was sent to M.S.E.D.C.L. on 7.4.2015 and M.S.E.D.C.L. has prepared Docket Voucher for amount of Rs. 1,13,707/-. In due course cheque of security deposit will be issued to the applicant.

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

5. Learned I.G.R.C. held that there is no dues outstanding against the applicant and therefore security deposit amount of Rs.1,13,707/- needs to be refunded to the applicant along with interest at bank rate. However, recitals “**along with interest at bank rate**” is appearing in the reasoning column of order passed by Learned I.G.R.C. but in the concluding para while issuing directions to Commercial Manager, Learned I.G.R.C. directed to forward proposal immediately to Nodal Office for refund of S.D. Even then uptill now security deposit along with interest is not refunded to the applicant. SNDL and M.S.E.D.C.L. are shifting the responsibility on other side. It is not proper.

6. Record shows that for the first time admittedly applicant filed application on specific date 1.11.2013 that his office is shifted to Gorepeth and electricity supply be disconnected and security deposit be refunded. Reminder of the applicant is Dt. 10.2.2014 and 11.3.2014. If SNDL is negligent in disconnecting the supply at late stage that is their fault. As soon as applicant intimated SNDL on 1.11.2013 for disconnection of supply and refund of security deposit, applicant is entitled for refund of security deposit along with interest at bank rate according to section 62 (6) of Electricity Act 2003. Therefore in our opinion applicant is entitled for refund of amount of security deposit Rs. 113707/- along with interest at bank rate w.e.f. 1.11.2013 till the realization of amount, under section 62(6) of Electricity Act 2003. Hence following order :-

ORDER

- 1) Grievance application is partly allowed.
- 2) Non applicant is hereby directed to pay amount of security deposit of Rs. 113707/- along with interest at bank rate w.e.f. 1.11.2013 till realization of the amount according to section 62 (6) of Electricity Act 2003.
- 3) Compliance should be reported within 30 days from the date of this order.

Sd/-
(Anil Shrivastava)
MEMBER
SECRETARY

Sd/-
(Adv. Subhash Jichkar)
MEMBER

Sd/-
(Shivajirao S. Patil),
CHAIRMAN