

**CONSUMER GRIEVANCE REDRESSAL FORUM
M.S.E.D.C.L., PUNE ZONE, PUNE**

Case No. 17/2017

Date of Grievance : 10.01.2017

Date of Registration: 01.03.2017

Date of Order : 09.03.2017

In the matter of refund of security deposit alongwith SOP Compensation.

M/s. Indus Towers Limited,
2010, E-Core, 2nd floor,
Marvel Edge, Vimanagar,
Pune - 411014.

Complainant
(Herein after referred to as Consumer)

Versus

The Executive Engineer,
M.S.E.D.C.L.,
Bhosari Division,
Pune.

Respondent
(Herein after referred to as Licensee)

Quorum

Chairperson
Member Secretary
Member

Mr. S.N.Shelke
Mrs. B.S.Savant
Mr. S.S.Pathak

Appearance

For Consumer

Mr.Sachin Mahangade
Mr.D.S.Talware (Representative)

For Respondent

Mr.S.S.Bhange, Dy.M.(Rev.)
Pimpri Dn.

- 1) The Consumer has filed present Grievance application under regulation No. 6.4 of the MERC (CGRF & E.O.) Regulations, 2006.
- 2) The present consumer had filed grievance before IGRC, Ganeshkhind Urban Circle on 17.9.2016. But the IGRC did not decide the said grievance within stipulated period of two months, therefore the consumer filed grievance before this forum on 10.1.2017.

- 3) The papers containing the above grievance were sent by the Forum to the The Executive Engineer, M.S.E.D.C.L., Bhosari Division, Pune vide letter no. EE/CGRF/PZ/Notice/04 of 2017/14 dtd.11.01.2017. Accordingly the Distribution Licensee i.e. MSEDCL filed its reply on 01.02.2017.
- 4) We heard both sides at length and gone through the contentions of the consumer and reply of the respondent and the documents placed on record by the parties.
- 5) Facts giving rise to the grievance are stated as under :

The consumer M/s. Indus Towers Ltd. having consumer No.170147455081 with connected load 12.00 KW was connected on 25.06.2010. The said consumer surrendered the connection since its business at the said location was stopped. Then the consumer applied alongwith required documents for refund of security deposit of Rs.12,000/- on 29.06.2015 to the S.D.O Bhosari-I. However the Licensee did not give any reply despite no any compliance was pending on the part of consumer. Thereafter the consumer approached to the IGRC for refund of security deposit vide complaint dated 17.09.2016. The IGRC failed to decide the said grievance within stipulated period. Therefore the consumer approached to Forum with this grievance for refund of security deposit with SOP compensation as per rules.
- 6) The consumer representative Mr.D.S.Talware, submitted that the above named consumer having consumer No. 170147455081 has surrendered the connection & then applied for refund of security deposit of Rs.12000/- on 29.06.2015. However the Licensee did not give any reply or taken any action for refund of S.D. Thereafter the consumer approached to the IGRC with complaint for refund of S.D. on 17.09.2016. However the IGRC failed to decide the grievance within stipulated time. Therefore the consumer filed this grievance before the Forum against the Licensee for claiming refund of S.D. alongwith interest & SOP compensation for delay in refund of S.D. The consumer did not get refund of S.D.till date. Therefore

Mr.Talware submits that S.D.be refunded alongwith the interest & SOP compensation be granted for delay as per rules.

- 7) On the other hand Mr.Shinde, Ex.Engineer, Bhosari Dn. submitted that on verification of CPL record of the said consumer, it is seen that security deposit is 00 (zero). Therefore question does not arise for refund of S.D.
- 8) It is necessary to take into consideration provisions of supply code Regulations, regarding refund of security deposit.

Regulation No.11.9, 11.11 and 11.12 of MERC (Electricity supply code & other conditions of supply) Regulations, 2005 herein after referred to as supply code, 2005 read as under :

11.9 Upon termination of supply, the Distribution Licensee shall, after recovery of all amounts due, refund the remainder amount held by the Distribution Licensee to the person who deposited the security with an intimation to the consumer, if different from such person.

11.11 The Distribution Licensee shall pay interest on the amount of security deposited in cash (including cheque and demand draft) by the consumer at a rate equivalent to the Bank rate of the Reserve Bank of India:

Provided that, such interest shall be paid where the amount of security deposited in cash under this Regulation 11 is equal to or more than rupees fifty.

11.12 Interest on cash security deposit shall be payable from the date of deposit by the consumer till the date of dispatch of the refund by the Distribution Licensee.

- 9) The Licensee in its reply dated 1.2.2017 has contended that as per CPL record the S.D. shown against the said consumer is zero. Therefore according to the Licensee there is no question of refund of S.D. against the said consumer. On the contrary, it is the contention of the consumer that it has paid amount of Rs.12,000/- at the time of getting supply.
- 10) It is to be noted that the distribution Licensee may required any person to whom supply of electricity has been sanctioned to deposit a security (S.D.) in accordance with the provisions of Clause (a) of Sub-Section (1) of

Section 47 of the Act. The MERC has framed necessary rules about security deposit in the supply code Regulations, 2005. Therefore it is presumed that the Licensee has taken security deposit from the consumer while releasing the supply. Under such circumstances, the Licensee is to verify the record as to whether any security deposit is on the credit of the said consumer. If S.D. is pending against the consumer, the Licensee is required to refund the S.D. alongwith interest & if there was delay in refund of S.D., the Licensee is liable to pay compensation as per MERC SOP Regulations, 2014.

- 11) According to consumer, they have made grievance before IGRC, for refund of S.D. on 17.9.2016. The said application was received by the Licensee on 17.9.2016. But the IGRC failed to decide the said grievance within stipulated period. Therefore the consumer required to approach before CGRF with the present grievance. The consumer produce the copy of the said application which shows the endorsement of the Licensee having received the said application on 17.9.2016 with seal of Licensee impressed on it. On the contrary, the Licensee submitted in the course of hearing that the consumer has not filed said grievance directly to the office of IGRC, but in the other department of Licensee. Therefore it was not received by the IGRC. In this regard it is necessary to reproduce provisions of Reg.No.6.2 of MERC (CGRF & EO) Regulations, 2006 which 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.

Therefore as per Reg.No. 6.2 of MERC CGRF Regulations, 2006 the intimation given to officials for not part of IGRC, it shall be deemed to be the intimation to the IGRC. Hence the IGRC should have been decided the said application of the consumer within stipulated period. The IGRC failed to decide the grievance within such time. Therefore the Licensee to make enquiry why the said grievance was not decided within the time and thereafter to take necessary action against the defaulting officials of the Licensee & to submit its report to the Forum.

12) Hence we proceed to pass following order.

ORDER

1. Grievance of the consumer stands allowed with cost.
2. The Licensee is to verify record of the consumer & if amount of Rs.12,000/- towards Security Deposit (S.D.) is shown against the said consumer, the Licensee to refund SD of Rs.12,000/- to the consumer alongwith interest equivalent to the Bank rate of RBI from the second billing cycle of the application till the date of dispatch of the refund.
3. If amount of S.D. of Rs.12000/- as claimed by the consumer if pending & not refunded as claimed, the Licensee to pay SOP compensation to the consumer from date of application till the date of refund at the rate of Rs.100/- per week for part there of delay as per Appendix -A item no.8 (ii) of MERC (SOP) Regulations,2014.
4. The Licensee to make enquiry why the grievance of the consumer was not decided by the IGRC within stipulated period & to take necessary action against the defaulting officials & to submit report thereof to the Forum.

5. The Licensee to report compliance within one month from the date of receipt of this order.

Delivered on: - 09.03.2017

Sd/-
S.S.Pathak
Member
CGRF:PZ: PUNE

Sd/-
B.S.Savant
Member/Secretary
CGRF:PZ: PUNE

Sd/-
S.N.Shelke
Chairperson
CGRF:PZ:PUNE

Note: - The consumer if not satisfied may file representation against this order before the Hon'ble Ombudsman within 60 days from the date of this order at the following address.

Office of the Ombudsman,
Maharashtra Electricity Regulatory Commission,
606/608, Keshav Bldg.,
Bandra Kurla Complex,
Bandra (E), Mumbai-51.