



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph- 2210707, Fax - 2210707, E-mail : cgrfkalyan@mahadiscom.in

No. K/E/1425/1676 of 2017-18

Date of registration : 13/07/2018

Date of order : 05/09/2018

Total days : 54

IN THE MATTER OF GRIEVANCE NO. K/E/1425/1676 OF 2017-18 OF SHRI.CHANDU K.KHATRI, ROOM NO.207, 2ND FLOOR, SHERAWALI COMPLEX, NEAR CHOPADA COURT, ULHASNAGAR-3, DIST-THANE, PIN CODE-421 003 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING REFUND OF SDO.

Shri.Chandu K.Khatri,
Room no.207, 2nd floor,
Sherawali complex, Near Chopada Court,
Ulhasnagar-3, Dist-Thane,
Pin Code-421 003

(Consumer No. 021510712053) . . . (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution
Company Limited
Through it's Nodal Officer/Addl.EE.
Kalyan Circle-II

. . . (Hereinafter referred as Licensee)

Appearance : For Licensee - 1) Shri.Aditya Joshi, AEE, Ulhasnagar-III S/dn.
2) Shri.Rajesh Joshi, A.A., Ulhasnagar-III S/dn.

For Consumer - Shri.J.S.Rajput (C.R.)

[Coram- Shri A.M.Garde-Chairperson, Shri A.P. Deshmukh-Member Secretary
Mrs. S.A.Jamdar- Member (CPO)].

1) Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003 (36/2003). Hereinafter for the sake of brevity referred as 'MERC'. This Consumer Grievance Redressed Forum has been established as per the notification issued by MERC i.e. "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is referred as 'Regulation'. Further the regulation has been made by MERC i.e. Maharashtra Electricity Regulatory Commission. [Electricity Supply Code and other conditions of supply Regulations 2005]. Hereinafter referred as 'Supply Code' for the sake of brevity. Even, regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission (Standards of

Performance of Distribution Licensees, Period for Giving Supply & Determination of Compensation) Regulations, 2014.' Hereinafter referred 'SOP' for the sake of convenience.

2) Consumer herein is Shri.Chandu K.Khatri having Consumer No. 021510712053. Distribution Licensee had filed a criminal case of the theft of electricity against consumer and others on 12/06/2002. The criminal case was pending in the court of JMFC, Ulhasnagar since 12/06/2002 under C.C.no.573/02. The case was disposed of on 29/03/2014 thereby acquitting consumer and others of offence of theft.

3) Consumer further states that before filing the case the electricity company had taken a deposit of Rs.13,435/- which was paid by consumer on 24/04/2003 under receipt no.2740759.

4) Consumer further states that the electricity company was required to refund the deposit to consumer upon acquittal of the consumer of the charge of theft of electricity even without making an application.

5) Consumer applied to Distribution Licensee on 27/07/2015 requesting for the refund, but the Distribution Licensee has been avoiding to pay. Consumer then applied to IGRC who in turn gave the order no.2493 dt.28/06/2018, inspite thereof Distribution Licensee failed to refund the deposit.

6) Consumer therefore prays that the deposit amount along with interest be ordered to be refunded and also compensation for mental torture.

7) Distribution Licensee contends that Licensee is entitled to recover theft assessment amount. Hence there is no need to refund the theft assessment amount on acquittal as per Reg.31(e) of conditions and miscellaneous charges for Supply of Electrical Energy 1976 (Amendment up to 07/02/2011)

8) We heard both sides. As we see there was a theft of electricity case was filed against the present consumer. Simultaneously there was assessment made and bill of Rs.13435/- was recovered from the consumer by Distribution Licensee, which consumer has been calling deposit. When assessment was made and the amount was demanded/recovered from the consumer it was incumbent up on the consumer to challenge the said assessment and bill tendered within the specified time. Limitation period for challenging that assessment order has elapsed long back and the claim to dispute that assessment is barred by limitation. Neither the filing of criminal case nor pendency thereof stops the cause of action from running. Nor the acquittal of the criminal case give rise to cause of action. This being so consumer's grievance is barred by limitation. Mere nomenclature as deposit does not change nature of the grievance.

9) Grievance fails.

Hence the order.

ORDER

Grievance application of Consumer is rejected.

Date : 05/09/2018

(Mrs.S.A.Jamdar)
Member
CGRF, Kalyan

(A.P.Deshmukh)
MemberSecretary
CGRF, Kalyan.

(A.M.Garde)
Chairperson
CGRF, Kalyan.

NOTE :-

- a) *The consumer if not satisfied, may file representation against this order before the Hon. Ombudsman within 60 days from the date of this order at the following address.*

“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission,606/608, Keshav Bldg, Bandra Kurla Complex,Mumbai 51”.

- b) *Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or*

- c) *delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” at the following address:-*

“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”

- d) *It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.*