



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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NO. K/E/1582/1894 OF 2019-20

Date of registration : 16/05/2019

Date of order : 03/07/2019

Total days : 48

IN THE MATTER OF GRIEVANCE NO. K/E/1582/1894 OF 2019-20 OF M/S INDUS TOWERS LIMITED, 2010, E-CORE, 2ND FLOOR, MARVEL EDGE, VIMAN NAGAR, PUNE, PIN CODE – 411 014 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT SD REFUND.

M/S Indus Towers Limited,
2010, E-core, 2nd Floor,
Marvel Edge, Viman Nagar,
Pune, Pin Code – 411 014

(Consumer No. 005591361033) . . . (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution
Company Limited

Throughit's Nodal Officer/Addl.EE.

Palghar Circle, Palghar

. . . (Hereinafter referred as Licensee)

Appearance : For Licensee - Shri.Vishwanath Dawla, AA, Palghar S/dn.

For Consumer - Mr.Talware (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 Redressal 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) The brief facts of the grievance application are :-
Consumer M/S Indus Towers Limited has given intimation to the Licensee on 13/10/2017, that it is in no need of power supply and requested to disconnect the same permanently. Consumer in that letter also requested to refund it's security deposit along with interest by cheque.
- 3) According to the consumer he has complied with all the formalities of documents and intimated to the Licensee within a time frame prescribed by the Act. Consumer further submitted that all the procedure of giving the relevant documents to the Licensee has been completed by the consumer and that nothing is pending on it's side.
- 4) Consumer also stated that no query has been raised by the Licensee regarding the documents submitted by it, nor Licensee has asked for any compliance.
- 5) *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 the 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.*
- 6) It is further contended by the consumer that it has followed up with the Licensee for refund of S.D. amount but till the filing of this grievance application, amount of S.D. has not been refunded by the Licensee. Consumer submitted that he has even approached IGRC in this regard but no remedy has been provided by IGRC. Consumer therefore approached CGRF and sought the relief as under :
- i) Arrange to issue an order for refund of S.D. along with interest at the rate declared by Licensee from time to time.
 - ii) Arrange to issue an order for compensation as per SOP regulation.
- 7) Notice was given to Licensee vide letter no.EE/CGRF/Kalyan/225 dt.20/05/2019 to which Licensee appeared and filed reply on 04/06/2019.
- 8) Licensee contended that the consumer M/S Indus Towers Limited had made an application for not receiving the S.D. amount. In this reference Licensee further stated that IGRC directed by its order dtd. 09/02/2019 to refund the amount of S.D. to the consumer on production of Indemnity bond/original S.D. receipt. At the time of hearing at IGRC Consumer Representative has assured to produce Indemnity bond/original S.D. receipt by 08/03/2019. However consumer has not produce any of the above document till date. Hence after receiving either of the above document, the procedure of refunding S.D. will take place.

9) We have heard the Licensee. Consumer remained absent at the time of hearing. Hence we have proceeded as per the documents placed on the record.

10) We have observed that consumer has made an application to the Licensee to disconnect it's power supply on 13/10/2017 and has requested to refund it's S.D. amount along with interest, applicable at that time. S.D. amount not refunded. Though Indemnity bond has not been submitted by the consumer Licensee can also verify the amount of security Deposit from F.1 register and refund the same to the consumer along with interest.

11) We have also gone through the Appendix A 8 (ii) which entitles consumer to claim SOP.

Appendix A 8 (ii)

(ii) *****

Closure of account-Time period for payment of payment dues to consumer from the date of receipt of application for closure of account	Thirty (30) days (Class I cities and Urban Area)
	Forty Five (45) days (Rural Areas)

however as per clause 12.2 as per MERC (SOP) Regulation 2014 consumer was supposed to file it's claim for SOP within 60 from the date of cause of action. In the present case consumer has made an application for closure of account on 12/10/2017.

Hence the order

ORDER

- 1) The Grievance application of consumer is hereby partly allowed.
- 2) Licensee to verify its F-1 register and refund the amount of S.D.to the consumer along with R.B.I rate of interest by cheque.
- 3) Interest to be calculated from the date of consumer's application for closure account i.e. from 13/10/2017 till the final payment is made.
- 4) Compliance is made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 03/07/2019

(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, KeshavBldg, BandraKurlaComplex,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.