

CONSUMER GRIEVANCE REDRESSAL FORUM
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION COMPANY LTD.
NASHIK ZONE

(Established under the section 42 (5) of the Electricity Act, 2003)

Phone: 0253-2591031

E.Mail: cgrfnsk@rediffmail.com

**Office of the
Consumer Grievance Redressal Forum
Kharbanda Park, 1st Floor,
Room N. 115-118
Dwarka, NASHIK 422011**

**No. / CGRF /Nashik/NUC/759 to 793/ C.No. 12 to 46/19-20 /
(BY R.P.A.D.)**

Date:

In the Matter of Refund of Security deposit

Date of Submission of the case :02/05/2019

Date of Decision : 05/07/2019

To.

1. M/s. Indus Towers Ltd.,
2010, E-core, 2nd floor,
Marval Edge, Viman Nagar,
Pune 411014

Complainant

(Consumer No. 35 nos.)

2. Nodal Officer ,
Maharashtra State Electricity Distribution Com. Ltd.,
Urban Circle Office Nashik.

Distribution Company
(Respondent)

3 Executive Engineer,
Maharashtra State Electricity Distribution Com. Ltd.
Division Office , Nashik (U-1), (U-2), Nashik (R)
Chandwad

DECISION

M/s. Indus Towers Ltd , (hereafter referred as the Complainant). Nashik is the Industrial consumer of the Maharashtra State Electricity Distribution Company Ltd. (hereafter referred as the Respondent). The Complainant has submitted grievance against MSEDCL for refund of Security Deposit. The Complainant filed a complaint regarding this with the Internal Grievance Redressal Committee of the Maharashtra State Electricity Distribution Company Ltd. But not satisfied with the decision of the Respondent , the consumer has submitted a representation to the Consumer Grievance Redressal Forum in Schedule "A". The representation is registered at Serial No. 44 to 78 of 2019 on 02 /05/2019.

The Forum in its meeting on 10/05/2019, decided to admit this case for hearing on 21/06/2019 at 12.30 pm in the office of the forum . A notice dated 10/05/2019 to that effect was sent to the appellant and the concerned officers of the Distribution Company. A copy of the grievance was also forwarded with this notice to the Nodal Officer, MSEDCL, Urban Circle Office Nashik for submitting para-wise comments to the Forum on the grievance within 15 days under intimation to the consumer.

Nodal Officer Smt. P.V. Bankar , , Add.Ex.Engr. Shri. A. G. Pingale, Shri. Shri. S.P. Borse, Shri. H.S. Chaure, Shri. A. M. Zatkare , Dy.Ex.Engineer Shri. B.A. Surwase, Shri. M.V. Donde, Dy. Manager Smt. R.D. Satpute, Asstt. Auditor Shri, M.R. Jadhav, Shri. B.V. Maind, Shri. S.P. Mahale, Shri. P.P. Ahire,, Shri. P.B. Gite, UD.C. Smt. S.A. Gangurde, Shri. S.S. Yerulkar, Shri. P. R. Kandekar, Shri. R. V. Joshi. represented the Distribution Company during the hearing. Shri D.S. Talware appeared on behalf of the consumer.

Consumer's Representation in Brief :

- a) Representative of consumer submitted prayer for refund of Security Deposit of MSEDCL's connections which are permanently disconnected long back with interest applicable from time to time.
- b) Demanded S.O.P. as applicable.

Arguments from the Distribution Company:

The Distribution Company submitted a letter dated 20/06/2019 from the Nodal Officer, MSEDCL, Urban Circle Office Nashik and other relevant correspondence in this case. The representatives of the Distribution Company stated that:

- A) As per applicants prayer in most of the cases the Dist. Co. refunded / adjustment of Security Deposit of permanently disconnected consumers against their live consumers is done.
- b) Process of refund of security deposit of some connections is under progress.
- c) In some cases even after adjustment of Security Deposit some amounts remains payable which is to be paid by the M/s. Indus Towers Ltd. immediately.
- d) The consumers demanded SOP compensation.

Observation of forum :

Heard both parties it has come to the notice that out of 50 cases registered for refund of security Deposit (SD) on permanently disconnected.

- a) some connections are observed still live .
- b) S.D. in some case is already refunded.
- c) The refund Security Deposit of some connection is under process
- d) in some cases it is observed that even after adjustment of security deposit against arrears of that connection, some outstanding dues are payable.
- e) The Consumer demanded SOP Compensation.

So instead of going through case to case this forum directs as below.

After considering the representation submitted by the consumer, comments and arguments by the Distribution Company, all other records available, the grievance is decided with the observations and directions as elaborated in the preceding paragraphs and the following order is passed by the Forum for implementation:

ORDER

1. The Security Deposit be adjusted against arrears if any on said connection & balance be refunded with interest payable as per RBI interest upto date of refunded within 30 days.
2. The outstanding dues if any even after adjustment of arrears be either recovered or be posted on other live connections after due discussions with representative of Indus Towers Ltd. and submission of written application in accordingly within a month.
3. Joint survey be done in cases where some connections found still live and necessary action be taken in consultation with representative of M/s. Indus Towers Ltd. within a month.
4. SOP be given as per the provisions.
5. As per regulation 8.7 of the MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006, order passed or direction issued by the Forum in this order shall be implemented by the Distribution Licensee within one month and the concerned Nodal Officer shall furnish intimation of such compliance to the Forum .
6. As per regulation 22 of the above mentioned regulations, non-compliance of the orders/directions in this order by the Distribution Licensee in any manner whatsoever shall be deemed to be a contravention of the provisions of these Regulations and the Maharashtra Electricity Regulatory Commission can initiate proceedings *suo motu* or on a complaint filed by any person to impose penalty or prosecution proceeding under Sections 142 and 149 of the Electricity Act, 2003.

7. If aggrieved by the non-redressal of his Grievance by the Forum, the Complainant may make a representation to the Electricity Ombudsman, 606, 'KESHAVA', Bandra Kurla Complex, Bandra (East), Mumbai 400 051 within sixty (60) days from the date of this order under regulation 17.2 of the MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006.

sd/-
(Smt. Vaishali V.Deole)
Member

sd/-
(Prasad P. Bicchal)
Member Secretary

sd/-
(Vivekkumar R.Agarwal)
Chairman

Consumer Grievance Redressal Forum Nashik Zone

Copy for information and necessary action to:

- 1 Chief Engineer , Nashik Zone, Maharashtra State Electricity Distribution Company Ltd. , Vidyut Bhavan, Nashik Road 422101 (For Ex. Engr.(Admn)
- 2 Chief Engineer , Nashik Zone, Maharashtra State Electricity Distribution Company Ltd. , Vidyut Bhavan, Nashik Road 422101 (For P.R.O)
- 3 Superintending Engineer, Maharashtra State Electricity Distribution Company Ltd. , Urban Circle office, Nashik .