

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

Case No. 48/2019

Date of Grievance : 21.08.19

Hearing Date : 19.09.19

Date of Order : 05.10.19

In the matter of delay in refund of Security Deposit and payment of compensation.

Shri. Anand Dattatray Rajwade, ---- Complainant

804/B, Lane No.14,

Bhandarkar Institute Road,

Deccan Gymkhana, Pune - 411004.

(Consumer No. 170010984087)

VS

The Executive Engineer, ---- Respondent

M.S.E.D.C.Ltd.,

Kothrud Division,

Pune.

Present during the hearing:-

**A] - On behalf of CGRF, Pune Zone, Pune.**

- 1) Shri. A.P. Bhavathankar, Chairman, CGRF,PZ, Pune
- 2) Mrs. B.S. Savant, Member Secretary, CGRF, PZ, Pune
- 3) Shri.Anil Joshi, Member, CGRF, PZ, Pune

**B] - On behalf of Appellant**

- 1) Mr. Anand D.Rajwade, Consumer

**C] - On behalf of Respondent**

- 1) Mrs.Aparna S.Munshettiwar, AEE, Kothrud Dn.
- 2) Mrs.Mrudula J.Soman, AEE, Deccan Sub/ dn.
- 3) Mr. S.S.Bhange, Dy.Manager (F&A) Kothrud Dn.

Commercial 3 phase, 1.0- KW, PC- 9, Date of connection - 13.05.1980, total amount Security Deposit Rs.1660/-

Dispute about delay in refund of Security Deposit and payment of compensation. The above named consumer on 22.05.2018 filed an application

to Deccan Gymkhana Sub/dn. Pune informing for voluntary disconnection of supply permanently and also requested for refund of Security Deposit amounting Rs.16,670/-. The consumer gave details of receipts of Security Deposit and made the application. Thereafter the said application was processed by Sub/dn. office. It is contention of the consumer that Respondent Utility was not refunded Security Deposit amount within the stipulated period of one month from the date of application in his accounts. Thereafter the Security Deposit amount came to be deposited in his account in the month of March-2019. Therefore consumer raised the grievance against the Respondent Utility about negligence in process of his application and delay in credit of the Security Deposit in his customers account within one month.

As per SOP norms 6.9 the consumer claimed compensation of Rs.100/- per week for 8 months' delay and initiated necessary action against the Respondent Utility properly. Initially the consumer raised the grievance to IGRC in application form No.-X on 03.05.2019. Thereafter the IGRC registered the case vide Case No.T-12/2019 and opportunity for hearing was given to the consumer and the representative on 28.5.2019. Thereafter IGRC decided the case on 29.06.2019 directing the Respondent Utility to calculate the SOP compensation from the date of application till date of process of Rs.100/- for 45 weeks and also gave direction to deposit Security Deposit amount in his account. Being dissatisfied with the order of the IGRC the consumer approached to the Forum on 21.8.2019 and filed his grievance in Form No. - A after which this office issued the notice on 26.8.2019 directing to Respondent Utility to submit the reply on or before 09.09.2019. Thereafter the Respondent Utility filed the reply on dated 19.9.2019 i.e. the scheduled date for hearing informing that as per the order of IGRC, Security Deposit amount had already been deposited in the account of the consumer on 29.4.2019 and SOP compensation amounting to Rs.2445/- has also been paid by Cheque No. 126275 dated 11.09.2019. The Respondent Utility submitted that the delay which is caused due to noncompliance of requirements to deposit original receipts and the consumer refused to execute procedure of affidavit and to

give original deposit receipt. However the proposal was sent to Higher Authority which was returned for proper compliances and it was not intentionally delayed but the official procedure preparing vouchers and examination by audit sanction through SAP system and the receipt are tallied by accounts department and after receiving the sanctioned the amount came to be deposited, & oral intimation was given to the consumer. The Respondent Utility filed a copy of letter and the proposal for refund of Security Deposit amount details and other electricity bill of current dues on 17.05.2018 and receipt of depositing amount Rs.450/- towards the current bill and copy of receipts collected from I T Department attached by Respondent Utility alongwith reply of IGRC order and the judgment. I have perused all documents submitted by the consumer and the Respondent Utility thoroughly.

After perusing the rival contention of the consumer and the Respondent Utility following points arose for my consideration to which I have recorded my findings to the points given below :-

1. Whether consumer is entitled for compensation for breach of SOP as per Regulations 6.9 from the date of application till the amount deposited in his account in the month of March-2019.
2. Whether consumer is entitled for any other relief?
3. What Order?

### **Reasoning:-**

I have given the opportunity to the consumer and the Representative to hearing the matter on 19.9.2019. It appears that the consumer made voluntarily disconnection of supply permanently and also made request for refund of deposit amount of Rs. 16,610/-. The required details of the receipt already given by consumer itself in his application on 22.5.2018.

In its reply the Respondent Utility submitted that original receipt was not produced by the consumer at appropriate time. It is also submitted that that delay had not been intentional and it had caused due to official procedures. The consumer refused to file affidavit and provide the details of

bank account and other requirements. In reply letter filed by consumer dated 23.11.2018 perused by me. In the said letter consumer has asked about grievance already made by him and delay has caused not been explained properly. During the hearing it was brought to the notice that the details of receipt and request of voluntary disconnection of supply had already been given to the Respondent Utility by the consumer properly. The detail of official unexplained due to conduct and steps taken by Respondent Utility official is brought to the notice. The proposal for refund of Security Deposit made to the Higher Office on 16.11.2018. The said date is beyond period of one month which statutory direction is provided as per SOP Regulations. I am inclined to quote the provision of SOP Para No.6.9 for claiming and inability of consumer grant compensation and accordingly the order of IGRC already granted compensation for 45 weeks.

It is also brought to the notice that IGRC considered compensation for 45 weeks calculated from the date of application till the proposal is sent by Sub/dn. office to the Head office till 26.11.2018. But the said proposal was not accepted and returned to the Accounts department for further clarifications, which is complied in the month of March-2019 the said queries related to accounts and in no way related by the consumer. This has caused the further delay from 16.11.2018 till the Security Deposit amount actual deposited in the account of the consumer on 29.4.2019 as per the contention of Respondent Utility in the reply. To my view the further delay is not caused by the consumer under the given circumstances. The IGRC was not justified in further period till the actual amount of Security Deposit was deposited denying SOP for in the account or the consumer till date 29.4.2019. Therefore IGRC order is required to be reviewed and modify enabling consumer to grant further compensation for extending period from 12.12.2018 till 28.04.2019. Therefore the Utility is responsible for further delay and as per provision of SOP 6.9, the consumer is entitled for further compensation for extended period also.

I have perused the statement of accounts produced by Respondent Utility. According to the Respondent Utility the amount of Rs.2445/- was

deposited vide Cheque No. 126275 dated 11.09.2019. The direction was given to the consumer for verification of his account as he was not informed by the Utility, about payment of SOP after depositing the said amount. Therefore for the further period from 12.12.2018 to 28.4.2019 additional compensation for breach of SOP for extended period is also required to be calculated and the amount remaining unpaid shall be deposited in the account by the Respondent Utility within 15 days from the date of receiving this order.

I am inclined to allow the grievance of the consumer and proceed to pass the following order:

### **ORDER**

1. The consumer complaint of 48/2019 is allowed.
2. The Respondent Utility is directed to calculate the further SOP compensation for further period of 16 weeks i.e. 12.12.2018 to 28.04.2019 and pay SOP @ Rs.100/- per week within 15 days from the date of receiving this order.
3. The Licensee is directed to report the compliance to this office within one month from the date of this order.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Pune Urban Zone, Pune on 5<sup>th</sup> Oct. - 2019.

#### **Note:-**

- 1) If Consumer is not satisfied with the decision, he may file representative within 60 days from date of receipt of this order to the Electricity Ombudsman in attached "Form B".

Address of the Ombudsman  
The Electricity Ombudsman,  
Maharashtra Electricity Regulatory Commission,  
606, Keshav Building,  
Bandra - Kurla Complex, Bandra (E),  
Mumbai - 400 051.

- 2) If utility is not satisfied with order, it may file representation before the Hon. High Court within 60 days from receipt of the order.

I agree / Disagree

I agree / Disagree

Sd/-  
ANIL JOSHI  
MEMBER  
CGRF:PZ: PUNE

Sd/-  
A.P.BHAVTHANKAR  
CHAIRPERSON  
CGRF: PZ:PUNE

Sd/-  
BEENA SAVANT  
MEMBER- SECRETARY  
CGRF:PZ:PUNE