

**CONSUMER GRIEVANCE REDRESSAL FORUM
M.S.E.D.C.L., Bhandup Urban Zone, Bhandup**

Case No. 248/2018 Date of Grievance: 19.12.2018
Date of Hearing Date: 15.01.2019
Date of Order: **EE/CGRF/BUZ/456dt** 26.11.2019

In the matter of billing

M/s. Cheiro Caters Pvt Ltd.,
Louiswadi Express Highway Road,
Thane(W),400604.
(Consumer No. 40000040281)

VS

The Executive Engineer, ---- Respondent
M.S.E.D.C.Ltd.,
Thane Circle,
Thane.

Quorum:

1. Dr. Santoshkumar Jaiswal, Chairman.
2. Shri. Mr. Ravindra Avhad, Member Secretary.
3. Mrs. Sharmila Ranade, Member.

Present during the hearing:-

A] - On behalf of Appellant

Mr. –Hemant Hatkar - Consumer Representative

B] - On behalf of Respondent

Not present

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'.

2. This is a case of non awarding interest on security deposit paid by the consumer from time to time. MSEDCL is declaring interest on security deposit every year and it is the duty of S.D.O. to monitor the said process. But it is regretted to state that interest on security deposit has not been credited in his energy bill. Since financial year 2000 to 2016 due to laxity and gross negligence in part of MSEDCL staff. This is also a case of violation of Income Tax Act 1961 in force since Exe. Engineer, Thane-I is failing to issue T.D.S. certificate years together. The provision of 6.6 of Regulation is not applicable since MSEDCL shows liability in book of account every year and same stands payable without hesitation. To direct S.D.O. to credit interest on security deposit. To direct Executive Engineer, to issue T.D.S. certificate and avoid for faulty TDS base on time barred. To take appropriate action on defaulter stand on MSEDCL.
3. The consumer was filed grievance with IGRC on dated 27.09.2018 and stated that MSEDCL has not paid interest on security deposit held. This office has already paid interest on security deposit held. This office has already paid interest on security deposit held through the energy bill of the consumer. Similarly, it is also mentioned by consumer that award interest on security deposit held since year 2000. However, it is observed that the consumer has not submitted any application or complaint to this office regarding this matter. As per the MERC Regulation 2006, clause no. 6.6, the Forum shall not admit any grievance unless it is filed within 2 years from the date on which the cause of action has arisen. In this case the consumer has filed the grievance which is time barred. As per the Thane IGRC order, the grant of interest on security deposit is rejected partly allowed for 2 years which was already given since 2015 and also directed to issue TDS certificate to consumer for the said period.
4. This application is filed by the applicant against the order of IGRC dated 02.11.2019 in which IGRC has rejected the claim prior to 2 years under Regulation No. 6.6 whereas issued direction to TDS Certificate.

The given of the applicant is that the respondent has not avoided interest on security deposit two years 2000 to 2016. They have also prayed Regulation 6.6 is not applicable to this liability and also prayed to issue the TDS certificate and to take appropriate action against the defaulter staff.

Respondent say that they have paid the interest to the consumer from 2015-2016 to 2017-2018. He further submit that interest claim by the applicant is time barred.

5. We have heard both sides, and gone through the submission made by both the parties. It appears that the respondent has paid the interest on security deposit to the application from 2015 onwards, but not paid prior to it. It is the duty of utility to pay the interest on the deposit every year. It is not the case that earliest the applicant and claimant claim for if they and they only interest on security deposit will be paid otherwise not. It the right of applicant and it is the duty of utility to pay interest on security deposit which may be claim or not claim by the applicant. The Regulation No.6.6 is not applicable in this matter.

Hence, we proceed to pass the following order:

ORDER

1. This application is hereby allowed.
2. The respondent hereby directed to pay interest on the security deposit given by the applicant, from the year 2002 to 2014-2015 as per rule and the amount be adjusted in their future bill.
3. The respondent hereby directed to the issue TDS certificate as per Rule accordingly.
4. No order as to the cost.
5. The Licensee is directed to report the compliance within one month from the date of this order.

I Agree/Disagree

I Agree/Disagree

**MRS. SHARMILA RANADE,
MEMBER
CGRF, BHANDUP**

**Dr. SANTOSHKUMAR JAISWAL
CHAIRPERSON
CGRF, BHANDUP**

**MR. RAVINDRA AVHAD
MEMBER SECRETARY
CGRF, BHANDUP**

The order is issued under the seal of Consumer Grievance Redresses Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup.

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, Keshav Building, Bandra - Kurla Complex, Bandra (E), Mumbai - 400 051"

- b) b) consumer, as per section 142 of the Electricity Act, 2003, can approach Hon'ble Maharashtra electricity Regulatory Commission for non- compliance, part compliance or
- c) Delay in compliance of this decision issued under" Maharashtra Electricity Regulatory Commission (consumer Redressed Forum and 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.