

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

CaseNo.264/2018 Date of Grievance:21.12.2018
Date of Hearing :13.06.2019
Date of Order:**EE/CGRF/BUZ/458 dtd.26.11.2019**

In the matter of billing

M/s. Kalpataru Properties,
Korum Mall office,
Eastern Express Highway,
Thane West-400606.(Consumer No. 400000414296)

VS

TheExecutiveEngineer, ----- Respondent
M.S.E.D.C.Ltd.,
Thane Circle,
Thane.

A] – 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 ofAppellant

Mr.–Shailesh Pilankar- Consumer Representative

B] - On behalf of Respondent

Mr. P.P.Gulhane, Addl. Executive Engineer, Sarvoday Sdn.

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. The applicant says that we are LT PD consumer of MSEDCL bearing PD LT consumer no. 400000414296. He is part of M/s. Kalpataru Group. His sister company M/s. Kalpataru Retail Ventures Pvt. Ltd., is also part and parcel of M/s. Kalpataru Group.

He has paid security deposit amount to MSEDCL and time to time request to MSEDCL to refund the amount with interest, however, the MSEDCL failed to refund the S.D., further, interest on S.D. also not provided to us time to time in spite of his frequent requests and reminders.

It is kindly requested to refund security deposit amount Rs. 927610/- with applicable interest from dtd.27.09.2006 as per MERC orders issued time to time by way of credit adjustment in his HT Consumer No. 000019026250, M/s. Kalpataru Retail Venture Pvt. Ltd., till actual refund as per rates provided by MERC.

3. The respondent utility submits point wise reply on 05.03.2019. M/s. Kalpataru properties, Korum Mall office Eastern Express Highway, Thane was live LT consumer form 27.09.2006 to 26.03.2010 having consumer No.4000000414293 and connected load 150Kw respectively, and then it was permanently disconnected dated 27.03.2010. No application is received form applicant to this office and IGRC prior to grievance that submitted to CGRF applicant. The grievance application is submitted to CGRF by applicant date 17.12.2018 and stated to refund Security Deposit amount with interest by the way of credit adjustment in their HT consumer.

This LT connection is permanently disconnected since 27.03.2010 as per available records and given remark. No any specific remark/condition is mentioned in the sanction order given by higher office regarding transfer of security deposit form LT to HT consumer in the same name. Hence, SD is up of this permanently disconnected consumer and was not transferred to HT consumer. Further, no application is submitted by applicant to refund the security deposit. The security deposit of permanently disconnected consumer is refundable only after the receipt of application along with original security deposit money receipt form consumer as per the procedure of MSEDCL.

4. Therefore, it is cleared that since the permanent disconnection date 27.03.2010. The applicant has not filed any application for recovery of

security deposit with interest till this time are the respondent utility they have not claim any arrears till time. Now by way of this application the consumer is claiming his security deposit with interest by deducting the arrears if any in his them with the utility what it is the right of about that claim of security deposit whereas it is duty of utility to return it to the applicant by deducting any due.

Hence, this applicant as proved his claim. Hence, we proceed to pass the following order:

ORDER

1. This application is hereby allowed.
2. The respondent hereby directed to return the amount of security deposit to the applicant along with interest by deducting due if any in the name of applicant within a month.
3. No order as to the cost.
4. 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.