

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

Case No. 286/2018

Date of Grievance: 13.02.2019

Date of Hearing :13.06.2019

Date of Order:**EE/CGRF/BUZ508dtd.10.12.2019**

In the matter of refund the security deposit

M/s. Premier Industrial Corporation Ltd.,
Survey No. 84/A, Chamunda Co- compound,
Anjur Village Road Manakoli,
Bhiwandi-421302.
(Consumer No.13019030568)

VS

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

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. Harshad Sheth - Consumer Representative

B] - On behalf of Respondent

1. Mrs.Hemangi Mayekar Assist. Gm,TPL
2. Mr. Satish Dhope,Addl.EE, MSEDCL, Bhiwandi

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. Our average monthly bill for current 10 months is approx Rs. 7 to 8 lakhas. Against this, presently we hold Rs. 32, 12, 500/- as security deposit.

So vide MERC Regulation 2005 supply code section 11.5, we request you to refund excess Rs. 22,00,000/- from the current S.D. it may be refunded either by RTGS or by way of credit in our consumer account. By way of credit adjustment. We shall utility in coming months for making our monthly payment.

Please refund the amount along with interest till the date of refund as per the rate of interest announced on MSEDCL web site. Also TDS certificate may be sent to our address or may be intimated to us so that we may collect it by person.

3. The service number 13019030568 is released in the name of M/S Premier Industrial Corporation Ltd. on 24.02.2010. The service is sanctioned for 1285KW for industrial purpose. The applicant has deposited the security deposit of Rs 3212500/- at the time of the connection. Further the applicant have requested for refund of the additional Security deposit as per the average consumption for last 11 months.

The applicant's representative has approached for refund of security deposit vide his written request on 20.02.2018. Based on the request received we have written a letter to MSEDCL, Nodal office Bhiwandi on 26.04.2018 and the copy of the same was marked to the consumer. The applicant has also written a letter to MSEDCL on 28.04.2018 requesting to refund the additional security deposit as per the section 11.5 of MERC condition of supply, 2005. On 5th May 2018 MSEDCL had replied to the utility and requested to submit the below mentioned documents:-

- a. Application of consumer for reduction of load.
- b. Document of load reduction (Requisition form, Test Report and Survey Report)
- c. ID Proof
- d. Original SD Receipt
- e. Old Electricity Bill (Before Load Reduction)
- f. CPL

- g. The consumption pattern for 12 month established by the consumer, prior and after the load reduction.

The MSEDCL have interpreted that the applicant has reduced his load and claims for the refund of Security Deposit. Further, in reply to the letter received on 05th May 2018 from MSEDCL, we clarified the facts that the applicant have not applied for load reduction vide our letter TPL/Billing/11458 dated 04.04.2018. The applicant have requested for refund of Security Deposit based on the average bill amount as per the clause 11.5 mentioned in MERC Regulation 2005, of Supply code. The relevant documents except the load reduction application were attached and forwarded to the MSEDCL office. The reply for the same is still awaited for MSEDCL office.

Torrent Power being the franchise of MSEDCL, the refund for the security deposit will be initiated from MSEDCL office and the same will be passed to the consumer once it is intimated to the company.

Please note that the subject matter of the consumer complaint pertains to your good office. Hence, we request MSEDCL to file appropriate reply to Hon'ble Forum and advise us for further course of action in this matter. Torrent Power limited and MSEDCL are in a Distribution Franchise Agreement since 26th January 2007. In reference to Security Deposit, article 5.6.6 of DFA states as under

The Distribution Franchise shall collect the security deposit from the consumers for giving new connections, which shall be transferred to MSEDCL.

The applicable interest on these deposits shall be borne by MSEDCL and shall be transferred to the distribution franchise to meet its obligations as per applicable regulations.

The adjustment against arrears on account of consumers who are permanently disconnected by the Distribution Franchisee after the effective Date shall allowed from the security deposit of the respective consumer after following applicable regulations. However, In case of the consumer existing on the Effective date, MSEDCL shall have first right on the security Deposit

As per above article and discussion held with MSEDCL since take over, Security Deposit collected from consumer by TPL is transferred to MSEDCL and the process followed for refund of Security Deposit is that the application is received by TPL, TPL processes the said application and forward the same to MSEDCL along with relevant documents. Further MSEDCL directly refunds SD to consumer through RTGS or cheque and provide relevant data to TPL for updating the customer master.

In view of above we would like to inform you that refund has to be processed by MSEDCL directly and no credit can be passed in bill.

It is further requested to the Hon'ble Forum to pass the order considering the clause of DFA agreement. The copy of the DFA agreement is attached for your reference.

We heard both sides and gone through the applicant has filed this application for request to refund excess amount of Rs.22 Lac for current security deposit by way RTGS and by way of credit in consumer account by way of adjustment. Applicant submitted that Service No.13019030568 is release in the name of M/s. Primer Industries Corporation Ltd. on 24.02.2010 for sanction load 1285 KW for industrial purpose and he has security deposit Rs. 32, 12,500 at the time of connection. The applicant approach for refund of Security deposit on 20.02.2018 along with all the necessary document. The utility have shown the pattern for 12 months establish consumer prior and after load the was reduction and therefore it was awaited. The TPL bearing the franchise of MSEDCL the refund for security deposit will be initiated for MSEDCL office. Therefore, applicant claim for its refund along with interest and further adjustment of the amount in future bill.

Looking to the circumstances and admitted position of security deposit is still with MSEDCL only and they are liable to refund excess security deposit due to reduction of connected load. The security deposit in excess is to be refunded to the Applicant/Consumer as request of consumer or it is adjustment in his future bill along with interest.

Hence, we proceed to pass the following order:

ORDER

1. This application is hereby partly allowed.

2. The respondent utility hereby directed to decide the difference of reduction of load and difference of security deposit after reduction and the security deposit in excess along with interest be refunded to applicant and it be adjusted in future bill.
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.