

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

(Appointed by the Maharashtra Electricity Regulatory Commission
under Section 42(6) of the Electricity Act, 2003)

REPRESENTATION NO. 207 OF 2019

In the matter of compensation

Shobhana Waman Patwardhan..... Appellant

V/s.

Maharashtra State Electricity Distribution Co. Ltd. Ratnagiri (MSEDCL) Respondent

Appearances

For Appellant : Shrikant Waman Patwardhan, Representative

For Respondent : R. G. Bele, Executive Engineer, Ratnagiri

Coram: Deepak Lad

Date of Order: - 28th January 2020

ORDER

This Representation is filed on 25th November 2019 under Regulation 17.2 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (CGRF Regulations) against the order dated 11th October 2019 passed by the Consumer Grievance Redressal Forum, MSEDCL Ratnagiri, Konkan Zone (the Forum).


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2. The Forum by its order dated 11.10.2019 has partly allowed the grievance application No. 14/2019 by majority. The Forum directed the Security Deposit (SD) of the Consumer No. 210010082841 and Consumer No. 210013359711 of the Appellant to be refunded within one month from the date of its order along with interest rate of 9.65 % per annum.

3. Not satisfied with the order of the Forum, the Appellant has filed this representation stating in brief as under: -

(i) The Appellant was having two electric connections, one for residential (Consumer No.210010082841) and the other for commercial (Consumer No.210013359711) use at Nachane, Survey No. 268, Shivaji Nagar Housing Society, Ratnagiri. The Appellant was going to redevelop the said plot by demolishing the existing structure.

(ii) Residential

- a) The Appellant applied for temporary disconnection of residential connection (Consumer No.210010082841) vide by letter dated 23.09.2017 duly acknowledged by the Respondent on 26.09.2017.
- b) However, the connection was permanently disconnected on 19.12.2017.
- c) The SD of this connection was not refunded by the Respondent at its own.
- d) The Appellant, therefore, approached for refund of SD of Rs.3083/- on 10.07.2019 along with original receipt but the SD was not refunded in time.

(iii) Commercial

- a) The Appellant submitted the application for new electric connection and paid the statutory charges on 30.10.2017.
- b) The connection (Consumer No.210013359711) was released on 12.12.2017. There is delay in releasing the connection.
- c) The Appellant requested to disconnect the commercial connection having Consumer No. 21003359711 permanently on 03.05.2019. The electric connection was disconnected on 10.05.2019 permanently.
- d) The Appellant requested to refund the SD by application dated 10.07.2019. The SD of Rs. 880/-was not refunded in time.


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- (iv) The Appellant, therefore, approached the Forum for redressing the grievance in both the cases on 16.08.2019. The Forum, by its order dated 11.10.2019 has partly allowed the grievance by majority. The Member (CPO) has taken different view and rightly supported the prayer of compensation towards delay in refunding the SD at the rate of Rs. 100 per week as per provision of Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014 (SOP Regulations).
- (v) The Appellant has made correspondences for the work however, the Respondent did not reply in time. The Respondent has to give compensation for delay in replying the issue as per the SOP. The Forum did not consider the same.
- (vi) The Respondent did not refund SD in time although the Forum directed to refund within one month from the date of order along with interest at 9.65%. Finally, the Respondent MSEDCL has refunded the SD with interest on receipt of letter dated 05.12.2019.
- (vii) The Appellant prayed that the Respondent be directed
- (a) to grant compensations as per SOP Regulations for delay in reply to his both applications which is ignored by the Forum.
 - (b) to grant compensation at the rate of Rs.100/- per week for non- refunding SDs within one month as per SOP Regulations.
 - (c) to grant compensation for delay in releasing the new connection at the rate of Rs.100/- per week as per SOP Regulations.
 - (d) to grant additional relief of Rs.5000/- as a token for noncompliance of the order of the Forum within time limit.
 - (e) to pay cost towards mental torture and agony in this case.

4. The Respondent MSEDCL has filed reply by its letter dated 11.12.2019 stating in brief as below: -

- (i) The Appellant was having two electric connections, one for residential (Consumer No.210010082841) and the other for commercial (Consumer


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No.210013359711) use at Nachane, Survey No. 268, Shivaji Nagar Housing Society, Ratnagiri.

- (ii) The Appellant has demolished the entire existing structure to build multi-storied building. It was informed to the Appellant that the residential connection was disconnected permanently from safety point of view, and to pay the charges of connection as there will a separate identity of increased load of multi-storied building etc.
- (iii) The Appellant approached the Forum for redressing the grievance on 16.08.2019. The Forum, by its order dated 11.10.2019 has partly allowed the grievance by majority. As per the order of the Forum, the Respondent has refunded SD of Rs.4404/- with interest thereon on 05.12.2019 to the Appellant by crediting in his, Bank of India, Ratnagiri (Account No. 146312110000054).
- (iv) The SDs of both the connections were refunded within reasonable time after receipt of indented amount from Corporate Office, Mumbai.
- (v) Also, a new connection is released within 40 days, despite the shortage of meter.
- (vi) The Respondent has cooperated in every stages where the Appellant approached the office of the Respondent.
- (vii) The grievances of the Appellant are fully resolved. The Forum has given speaking and reasoned order. Hence the Representation of the Appellant be rejected.

Analysis & Ruling

5. During the hearing on 21.01.2020, the Appellant and the Respondent argued in line with their written submissions. The Appellant argued that there was total non-co-operation by the Respondent whenever he approached it. After disconnection of supply it was supposed to refund Security Deposit unilaterally. The Respondent did not refund it even after the order of the Forum dated 11.10.2019. The Respondent has refunded the SD amount on 05.12.2019 after it came to know that the Appellant has filed representation at the Electricity Ombudsman (Mumbai). Hence, the Appellant prays that the compensation be given for delay in refund of SD and releasing new connection.


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6. On the contrary, the Respondent pointed out that permanent disconnection of Residential connection was done in concurrence with the Appellant who has demolished total existing structure and planned to construct multi-storied building. Hence there is no question of grant of compensation on this account. Secondly, to refund the SDs, Respondent needs to submit original SD receipts. After receipt of the application for refund of SDs along with original receipts, the Respondent has immediately approved the refund. The indent for funds of SD was submitted to the Corporate Office. After receipt of the SD amount, it was refunded along with interest. Therefore, there was delay in refund of SDs. This was not at all intentional. Thirdly, as regard release of connection, there was delay of only ten days as the Respondent was running shortage of meters at that point of time. Had the Respondent the meter, it would have been released immediately. Here also, delay is not intentional. There is no specific application for compensation for delay in release of connection as well as refund of SDs which the Appellant is legally bound to submit within a stipulated time as per SOP Regulations. Therefore, the Respondent humbly submits that the issues have been resolved and there is no fault on the part of the Respondent, hence, the representation may be rejected.

7. Heard both the parties and perused the documents on record. I am surprised to note that the Respondent has submitted its reply which is extremely short and not at all self-explanatory. This is indicative of scant regards of the Respondent in submitting reply to the adjudicating authority. The order of the Forum is speaking and reasoned one. The fact cannot be lost sight of that, the entire existing structure was demolished by the Appellant. The Respondent disconnected the existing connection as per the request of the Appellant. However, since the construction of the building took long enough a time, the Respondent treated the connection as permanent disconnection, the time being more than six months from temporary disconnection. Therefore, the grievance of the Appellant that the connection was permanently disconnected instead of temporary disconnection, does not hold good. Hence no compensation can be granted on this account.

8. Secondly, completed application with original receipts for refund of SDs of both the connections was submitted on 10.07.2019 by the Appellant. As per SOP Regulations, the Respondent is under obligation to refund the SDs within one month i.e. by 10.08.2019. Factually, the deposits have been refunded on 05.12.2019. Therefore, there is delay of 16


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weeks to refund the amount of SDs, on the part of the Respondent for each connection. In accordance with Regulation 12.1 & 12.2 Appendix A Sr. No.8 (ii) of SOP Regulations, the compensation amount works out to Rs.1600/- for each connection. The Appellant has also prayed for grant of compensation for delay in release of connection. However, this compensation is not granted considering the submission of the Respondent that it was running short of meters at that point of time.

9. However, I also noticed that despite the Forum's order dated 11.10.2019, the Respondent initiated the indent for allotment of funds for payment of SDs in December 2019 to its Corporate Office as the funds are required to be allotted by it only. Surplus funds are not available with the drawing and disbursing Authority which could have been used for refund of SDs.

10. In view of the above, I hereby pass the following order: -

- (a) Respondent to pay Rs.1600/- as compensation for delay in refunding the amount of SD for each connection. The Respondent, therefore, should pay by way of depositing Rs.3200/- for both connections put together in the bank account of the Appellant within one month from the date of issue of this order.
- (b) If the Appellant is having live connection at the same premises and in the name of the Appellant, then Rs.3200/- shall be adjusted against the ensuing bills of the Appellant.
- (c) The Respondent is at liberty to recover the amount of Rs.3200/- from the concerned responsible officials.
- (d) The order of the Forum is modified accordingly.
- (e) No order as to cost.

Sd/-
(Deepak Lad)
Electricity Ombudsman (Mumbai)


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

