

# BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

## REPRESENTATION NO. 68 OF 2021

In the matter of permanent disconnection and refund of security deposit

Shirish Ratnakar Patil ..... Appellant

V/s.

Maharashtra State Electricity Distribution Co. Ltd., Nashik Urban II (MSEDCL)...Respondent

Appearances:

Appellant : Shirish Ratnakar Patil

Respondent : S. M. Dhalpe, Addl. Executive Engineer, Nashik Urban II

**Coram: Deepak Lad**

Date of hearing: 16<sup>th</sup> November 2021


Date of Order : 18<sup>th</sup> November 2021

## ORDER

This Representation is filed on 28<sup>th</sup> October 2021 under Regulation 19.22 (d) of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2020 (CGRF Regulations 2020).

Preamble

2. The Appellant had initially filed the grievance in Consumer Grievance Redressal Forum Nashik (the Forum) on 11<sup>th</sup> August 2021. However, the Forum not being operational due to vacancy of Chairperson and Independent Member, the case could not be heard for more than

  
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60 days. Therefore, the Appellant was informed that it can file the Representation under Regulation 19.22 (d) if it deems it fit. Accordingly, the Appellant filed this Representation.

3. Being the grievance not resolved by the Forum, the Appellant's submission in brief is as under: -

- (i) The Appellant is a Residential Consumer (No. 049088192035) from 01.06.2006 having sanctioned load of 3 KW at Flat No. A-2, Akshar Estate, Kate Lane, Dwarka, Nashik. The Appellant has registered online request (Complaint No.000001433341) on 27.12.2019 for permanent disconnection (PD) of this connection. The Appellant has also paid the bill on 27.12.2019. There was no outstanding on the Appellant as on 27.12.2019.
- (ii) The same was also informed vide his letter dated 06.01.2020 to the Respondent. Accordingly, the Respondent removed meter within a week. However, the Respondent continued to issue bills for further period of 8 months.
- (iii) The Appellant has paid Rs.1500/- towards Security Deposit (SD) which is shown in the bill and needs to be refunded. The Respondent did not take any action and therefore, he filed the grievance in Internal Grievance Redressal Cell (IGRC) on 02.02.2021. The IGRC by its order dated 29.06.2021 has directed as below.

*“(a) As consumer submitted online complaint No/ 000001433341 dt. 27<sup>th</sup> Dec-2019 and letter dt. 6<sup>th</sup> Jan 2020 for permanent disconnection of consumer no. 049088192035, so bill issued from month of Feb-2020 to Sept-2020 is to be refund of consumer.  
(b) For refund of security deposit consumer should submit online application through portal.  
(c) Refund of security deposit amount of consumer.”*


- (iv) The Appellant approached the Forum on 11.08.2021, however, there is no hearing in the forum as the Forum is not constituted.
- (v) Even though the meter was removed in first week of January 2020, the Appellant was shown temporary disconnected in August 2020 and then permanent disconnected in September 2020. The Respondent billed the Appellant up to

  
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September 2020. There is a fictitious billing from February 2020 to September 2020 which needs to be withdrawn.

- (vi) The Appellant has to run from pillar to post for refund of security deposit, however, till date the Respondent did not refund the same. It is a classic example of harassment.
  - (vii) The Respondent has deducted the amount of wrong bills from SD and the SD is shown only for Rs. 622.71 in the bill of October 2021 as per CPL when the connection was permanently disconnected.
  - (viii) The Appellant prays that the Respondent be directed
    - (a) to refund the security deposit (SD) of Rs.1500/- along with interest and to withdraw the bill issued from February 2020 to September 2020.
    - (b) to issue no due certificate.
    - (c) to return electricity meter which was purchased by the Appellant with latest Meter Test Report.
    - (d) to compensate towards harassment which was done by the Respondent's officials.
4. The Respondent MSEDCL filed its reply dated 11.11.2021 stating in brief as under: -
- (i) The Appellant is a Residential Consumer (No. 049088192035) from 01.06.2006 at Flat No. A-2, Akshar Estate, Kate Lane, Dwarka, Nashik. The Appellant has submitted online application on MSEDCL Web Portal on 27.12.2019 for permanent disconnection of his connection. The Appellant has also submitted written application on 06.01.2020 for PD of his supply.
  - (ii) The Appellant was temporarily disconnected in January 2020 however there was delay in feeding the TD report into the computerized system due to Covid-19 epidemic and was done in August 2020. The Appellant was permanently disconnected in September 2020.
  - (iii) The Appellant filed the grievance in IGRC on 02.02.2021. The IGRC by its order dated 29.06.2021 has directed to refund the SD of Rs.1500/- (which is on record) and revise the fictitious billing from February 2020 to September 2020.

  
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- (iv) There was adjustment in SD of pending bills and the SD is remained only Rs.622.71 in the month of October 2021. The adjustments are system generated. The fictitious billing for the month February 2020 to September 2020 was revised by feeding B-80 documents in the system. The Appellant has now credit bill of Rs.795/-.
- (v) The Respondent has intimated the Appellant by email on 08.11.2021 to submit the document of bank account details to process the refund of Rs.1417.71.
- (vi) The Appellant did not submit the required document of the bank for refund till date. The refund of Rs. 1417.71 will be given immediately after receipt of required document.
- (vii) The Respondent request to consider the facts and situation mentioned above and pray for disposal of grievance.

5. Physical hearing was held on 16.11.2021 at Conference Hall of SCADA Control Room of MSEDCL, Nashik. During hearing, the Appellant argued in line with his written submission and informed that he has been unnecessarily harassed in the entire episode. He further argued that the order of the IGRC being very clear, the Respondent ought to have implemented it immediately. The Appellant also raised the issue to return the meter to him as it was purchased at the time of taking connection. He requested for grant of compensation towards harassment meted out to him. The Respondent argued that the case has been resolved and fictitious billing post permanent disconnection has been withdrawn from February 2020 to September 2020. The delay in feeding the information into the system is on account of Covid-19 epidemic and situation arising out of it. There was no intention to deliberately keep the issue pending which resulted in so called harassment to the Appellant. This may kindly be viewed in proper perspective.

### **Analysis and Ruling**

6. Heard both the parties and perused the documents on record. The Appellant had requested PD on 27.12.2019 on the web portal of MSEDCL. The Respondent MSEDCL

  
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removed the meter in first week of January 2020 and was supposed to feed the TD/PD report within 30 days in the system. However, the said report was fed in the system in August 2020 and the connection was permanently disconnected in September 2020. There is fictitious billing from February 2020 to September 2020.

7. I perused one document submitted by the Respondent which appears to be its response to the online request / complaint filed by the Appellant for refund of SD. The relevant excerpt is quoted below:

*“Last Login Time: 2020-12-03 11:58:41  
No due certificate for the said connection*

*Status: Disposed*

*Company Remarks: Due to technical issues, the disconnection got fed in system lately on 21.07.2020. After temporary disconnection fed in system, **for feeding permanent disconnection, system requires 3-month period.** Hence on 07.09.2020, permanent disconnection is fed. Due to this, bills were issued.”  
**(Emphasis added)***


It is not understood why the system requires three months period to feed the information. The system of the Respondent needs to be in conformity with the Regulatory Provision which is as follows:

*“Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014*

#### ***Disconnection of Supply***

***6.7 On expiry of 30 days’ notice from receipt of an application for termination by consumer, in accordance with the MERC Supply Code Regulations, 2005 amended from time to time, the Distribution Licensee shall disconnect the supply within three (3) days in Class-I cities, within seven (7) days in Urban Areas and within ten (10) days in Rural Areas.***

***6.8 The Distribution Licensee should intimate the consumer of any amount outstanding against the consumer whose supply has been disconnected within seven (7) days in Class***

  
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*I cities and Urban Areas, and within ten (10) days in Rural Areas from the date of disconnection.*


*Provided further that licensee shall remit the credit amount, if any, as per the timeline specified above.*

*6.9 In case of closure of account (permanent disconnection), refund of credit amount (if any), advance consumption deposits / consumption security and meter security along with "No- Dues certificate" should be made by the Distribution Licensee **within thirty (30) days in Class I cities and Urban Areas, and within forty five (45) days in Rural Areas** from the date of application for closure of account.*

*Provided that in the case where the consumer has outstanding dues to the licensee, the timeline specified above would stand revised to higher of the applicable timeline specified above and seven (7) days or ten (10) days after the date of making payment against such outstanding dues by the consumer in Class I cities/ Urban Areas or Rural Areas respectively." (Emphasis added)*

From the above, it is seen that the Respondent has miserably failed to implement the Regulatory Provision in this case, though however, it has cited Covid-19 epidemic situation to be the main cause for delay. Even if this alibi is accepted, it is not understood where from three months period for feeding the information into the system has been borrowed.

8. The Appellant claims that the meter initially connected while releasing the connection is purchased by him. Therefore, in the event of PD, the same meter needs to be returned to him along with meter test report. The Appellant did not submit any documentation for this claim. The PD report of the Respondent shows that the meter is single phase static and of Elymer make with Sr. No. 13135793. The report further mentions that it is owned by MSEDCL. The connection is released on 01.06.2006. The KWh reading in the month of April 2013 is 1289. It indicates that the initial meter might have been replaced sometime back between 2006 and 2013, obviously for technical reasons. Therefore, there is no propriety for the old meter to be physically returned. In addition, there are no Regulatory Provisions in this regard. Moreover, the Appellant has not provided any details in support of his claim.

  
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9. In view of the above, I direct as below: -

- (i) The Appellant to submit his bank details along with cancelled cheque to facilitate credit of final closing amount towards refund within 10 days from the date of order.
- (ii) The Respondent to refund the amount of Security Deposit within a month after submission of documents as per (i) above after due adjustment of outstanding energy bills, if any, up to January 2020 only with accrued interest if the credit of the same is not already given.
- (iii) The Respondent to withdraw the bill/s after January 2020.
- (iv) The Respondent to issue No Due Certificate to the Appellant.
- (v) Other prayers of the Appellant are rejected.
- (vi) Compliance to be reported by the Respondent within two months from the date of issue of this order.

10. The Representation is disposed of accordingly.

Sd/-  
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Electricity Ombudsman (Mumbai)

  
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