

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION 171 OF 2019

In the matter of refund of security deposit

Indus Towers Ltd. Appellant
(C.No.172032477564)

V/s.

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

Appearances

For Appellant : 1) Dhirendra Shrivastav
2) D. S. Talware, Representative

For Respondent : 1) P. S. Khandekar, Ex. Engineer, Manchar
2) D. P. Gaikwad, Dy. Ex. Engineer, Junnar

Coram: Deepak Lad

Date of Order: 31st October 2019

ORDER

This Representation is filed on 13th September 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 30th May 2019 passed by the Consumer Grievance Redressal Forum, MSEDCL Pune Zone (the Forum).

2. The Forum, by its Order dated 30th May 2019 has dismissed the grievance application in Case No.10 of 2019 by majority.

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

- (i) Appellant is a LT consumer (No.172032477564) at House No. 108, Hotel Lajiri, Pune Nashik Highway, Manchar.
- (ii) The Appellant prays for condonation of delay in filing the representation as the order of the Forum was received late.
- (iii) It has applied for permanent disconnection vide its letter dated 06.01.2018 as there was no need of electricity supply at this location. The application has been acknowledged by the Respondent and Indemnity bond and copy of the bill is also submitted with the said application. The indemnity bond is in lieu of non-availability of original receipt of the Security Deposit (SD). It has paid security deposit of Rs.12000/-.
- (iv) The Respondent was requested to adjust the balance amount of SD in the bill of Appellant's other live consumer in the same subdivision having consumer No.172032527308.
- (v) The Respondent has not yet reverted on this issue.
- (vi) The Appellant filed common grievance application in Internal Grievance Redressal Cell (IGRC) and then the Forum. The Forum by its order dated 30.05.2019 has dismissed the case.
- (vii) The Appellant prayed for refund the security deposit, grant of compensation under Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014 (SOP Regulations) and award of Rs.10000/- towards mental harassment and agony.

4. The Respondent in its reply dated 04.10.2019 has stated as below: -

- (i) The Appellant is a LT consumer (No.172032477564) at House No. 108, Hotel Lajiri, Pune Nashik Highway, Manchar from 27.11.2008.
- (ii) The supply of the Appellant was permanently disconnected for non-payment of electricity bill dues of Rs.66715/- in the month January 2017. The Appellant has SD of Rs. 12000/- which was adjusted in the outstanding arrears of Rs.66715 /- in February 2017. The balance amount along with interest totalling to Rs.55055/-was recoverable from the Appellant.

- (iii) The Appellant made an application for refund of SD by its letter dated 06.01.2018. The Appellant requested, to adjust the balance amount if any after adjustment of SD, in live consumer having No. 172032527308 in the name of Appellant in the same subdivision.
- (iv) The Appellant filed the common grievance application in IGRC on 30.01.2019 for refund of SD at different locations including the existing consumer. In this case, there was recovery from the Appellant after adjustment of SD. The recoverable amount of Rs.55055/- (after adjusting the SD of the PD consumer) has been debited to another live consumer of the Appellant having C. No. 172032527308 by transfer adjustment on 21.02.2019. The IGRC, in its order dated 28.02.2019 has noted it in its order.
- (v) The Appellant approached the Forum on 22.03.2019. The Forum, by its Order dated 30.05.2019 has dismissed the grievance.
- (vi) Therefore, there is nothing pending against SD of the Appellant.
- (vii) The Respondent prayed that the representation of the Appellant be rejected.

5. The hearing of this representation was held on 23.10.2019 at the CGRF Pune office. Delay in filing the representation is hereby condoned. During the hearing, the Appellant and the Respondent argued in line with their written statement. The Appellant's only point of argument was that the Respondent did not inform it about the action taken.

6. The Respondent argued that there was no question of any refund of SD as the arrears were much more than SD. It would have been in the fitness of the things had the Appellant paid the outstanding arrears at one go.

Analysis and Ruling

7. I perused the documents on record and after considering the arguments advanced by both the parties, I am convinced that there is nothing that could be done by the Respondent in this case.

8. I understand that the issue of application of appropriate tariff to such businesses is under adjudication at the Appellate Tribunal for Electricity (ATE) through Appeal No. 337/2016 and batch of matters. In the interim judgment dated 12.09.2017, the Hon. ATE directed that the Appellants (in ATE Appeal) shall pay to Maharashtra State Electricity Distribution Co. Ltd., the tariff in terms of industrial

category including all outstanding and current dues, without prejudice to the rights and contentions of all the parties. The Appellant in the instant representation has also filed IA Nos. 1090, 1089 & 1091 of 2017 in DFR No. 3976 of 2017. The ATE passed interim judgment on dated 13.12.2017. In this judgment it is ordered that the judgment dated 12.09.2017 in Appeal No. 337/2016 and batch of matters shall apply to the Appellant in the instant representation. Accordingly, provisional bills are issued by the Respondent at the tariff applicable for LT Industrial.

9. If the outcome of the appeals at ATE mentioned at paragraphs above, goes in favour of the Respondent i.e. MSEDCL, then the recovery of tariff difference between LT Commercial and LT Industrial would be evident. Then in the instant case, it will be a big question as to how such recovery would be done in a permanently disconnected connection.

10. In view of this, I, therefore, direct the Appellant to submit a suitable indemnity bond (as may be drafted by the Respondent) in favour of the Respondent to take care of the above eventuality by consenting for such recovery through other live connection of the Appellant. The Respondent may even think of a common indemnity bond as the Appellant have many connections for the same purpose throughout the State of Maharashtra. This part needs to be completed within one month.

11. It is difficult to believe that the Appellant is unaware of the mounting arrears against this connection. It was also aware of the fact that it has paid SD of Rs.12000/- only. Had the Appellant applied its mind and done some inhouse work, then there would not have been any case of refund of SD. I failed to understand as to what interest of the Appellant would have been served by transferring these arrears of PD consumer against the live consumer when it was much simpler to have paid the arrears in one go and close the case. The representation does not warrant any interference as it is a frivolous litigation without any inhouse study by the Appellant.

12. It goes without saying that the outcome of the appeals at ATE mentioned above shall apply in the instant case.

13. Therefore, the representation is dismissed.

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


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

