

**BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)**

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

**REPRESENTATION 175 OF 2019**

**In the matter of refund of Security Deposit**

Indus Towers Ltd. .... Appellant  
(C.No.181012965812)

V/s.

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

Appearances

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

For Respondent: 1. Kishor Gorde, Ex. Engineer, Rajgurunagar  
2. Umesh Chavan, Addl. Ex. Engineer, Lonavala

**Coram: Deepak Lad**

Date of Order: 31<sup>st</sup> October 2019

**ORDER**

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

2. The Forum, by its Order dated 30.05.2019 has dismissed the grievance application in Case No. 13 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.181012965812) at Sr. No. 29, Vardhaman enclave, Kondgewadi, Dist Pune.
- (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 29.12.2017 as there was no need of electricity supply at this location. The application has been acknowledged by the Respondent. 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 SD of Rs.5000/-.
- (iv) The Respondent was requested to adjust the balance amount of SD, if any, in the bill of Appellant's other live consumer having Consumer No. 181012027162.
- (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 of SD, 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.181012965812) at Sr. No. 29, Vardhaman enclave, Kondgewadi, Dist Pune, from 25.05.2016.

- (ii) The supply of the Appellant was permanently disconnected for non-payment of electricity bill dues in the month of January 2017. The Appellant has SD of Rs. 10/- on record.
- (iii) The Appellant made an application for refund of SD by its letter dated 29.12.2017. The Appellant requested to adjust the balance amount if any after adjustment of SD, in live consumer having No. 181012027162 in the name of Appellant of the same Sub-Division.
- (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. The IGRC by its order dated 28.02.2019 has disposed of grievance directing to submit all required papers.
- (v) The Appellant approached the Forum on 22.03.2019. The Forum, by its Order dated 30.05.2019 has dismissed the grievance.

5. The hearing was held on 23.10.2019 at the CGRF office Pune. During the hearing, the Appellant and the Respondent argued in line with their written submissions. The Appellant argued that the SD of Rs.5000/- was paid at the time of releasing connection on 25.05.2016, however it was shown Rs.10/- only in the bill. The Appellant's other point of argument was that the Respondent did not inform it about the action taken. Difference, if any, on account of SD or arrears can be transferred to the other live consumer No. 181012027162 of the Appellant which is in the same subdivision.

6. The Respondent argued that since there are arrears against the connection, the same will be adjusted in the SD and balance amount will be transferred to its other live consumer as suggested by the Appellant. On the issue of SD of Rs.10/- displayed on the bill, the Respondent argued that it cannot be Rs.10/- and it will check with old records available with it. It further submitted that the Appellant should also come forward with suitable document which will help fix the issue of SD amount.

## **Analysis and Ruling**

7. I perused the documents on record. Delay in filing the representation is hereby condoned. After considering the arguments advanced by both the parties, it is felt that unless the amount of SD is finalized, the issue cannot be settled. It is, therefore, necessary for both the parties to sit together, examine the documents and settle the issue of SD. Then the remaining amount may be on account of SD or arrears can be adjusted against the other live consumer of the Appellant.

8. In its recent email communication dated 30.10.2019 with this office, the Respondent informed that both the parties considered the documents available on record and finally concluded that the amount of SD is Rs.5000/- and not Rs.10/-. The amount of arrears has been adjusted against the SD and the balance is transferred to the live consumer of the Appellant.

9. Further 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'ble 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.

10. 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.

11. 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.

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


- (a) The Respondent shall calculate the interest on the amount of SD at the rate which the Respondent gives on SD of all consumers. The amount of SD along with interest after adjusting the arrears, shall be transferred to the other live consumer of the Appellant as suggested by it.
- (b) It goes without saying that the outcome of the appeals at ATE mentioned above shall apply in the instant case.
- (c) The Appellant shall be intimated suitably with full details.
- (d) Other prayers of the Appellant are not accepted.

13. The order of the Forum is modified to the extent above.

14. The representation is disposed of accordingly.

15. Compliance is to be reported by the MSEDCL within two months from the date of this order.

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

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai

