

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION 172 OF 2019

In the matter of refund of Security Deposit

Indus Towers Ltd. Appellant
(C.No.170524370576)

V/s.

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

Appearances

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

For Respondent: 1. R. S. Bundele, Ex. Engineer, Mulshi
2. A. A. Bharate, Dy. Ex. Engineer, Hadapsar

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 disposed of the grievance application in Case No. 9 of 2019 observing that the Respondent Utility shall verify the balance of Security Deposit (SD) amount which shall be transferred as per request of the Appellant.

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

- (i) The Appellant is a LT consumer (No.170524370576) at Gat No. 1188, Hissa No. 1142, Bakori Road, Wagholi, Dist. Pune under Hadapsar subdivision.
- (ii) The Appellant prays for condonation of delay in filing the representation as order of the Forum was received late.
- (iii) The Respondent permanently disconnected the connection in October 2017 as requested. There were no outstanding arrears against the said consumer in September 2017. The Appellant had applied for refund of SD of Rs. 12000/- vide its letter dated 09.11.2017 and has requested to adjust the amount of SD in the bill of Appellant's other live consumer in the same subdivision having consumer No.171571337028. 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 SD.
- (iv) The Respondent has not yet reverted on this issue.
- (v) The Appellant filed common grievance with Internal Grievance Redressal Cell (IGRC) and then the Forum. The Forum, by its order dated 30.05.2019 has not given any substantial relief.
- (vi) 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 30.09.2019 has stated as below: -

- (i) The Appellant is a LT consumer (No.170524370576) at Gat No. 1188, Hissa No. 1142, Bakori Road, Wagholi, Dist. Pune.
- (ii) The supply of the Appellant was permanently disconnected in October 2017 as per request of the Appellant. The Appellant was not in arrears. The SD of Rs.12000/- was outstanding for refund however no proper documentation was done in spite of oral communication.
- (iii) SD of Rs.12000/- has been adjusted on 23.10.2019 through B80 document in the computerised billing system against the other live connection No. 171571337028 of the Appellant which is in the same subdivision. This transfer adjustment of SD is as per request of the Appellant.

- (iv) The delay for adjustment is not deliberate but for want of proper documentation.
- (v) Therefore, there is nothing pending against SD of the Appellant. The Respondent prayed that the Representation of the Appellant be rejected.

5. The hearing 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 submissions. The Appellant's only point of argument was that the Respondent did not act even though the grievance was under process in grievance mechanism. Adjustment of SD was not reflected on consumer No. 171571337028 till date and requested to hand over the refund by cheque.

6. The Respondent argued that there was bug in the computerised billing system. The cheque of Rs.12000/- towards SD will be handed over in due course of time as discussed and directed in the hearing.

Analysis and Ruling

7. I perused the documents on record and the arguments advanced by both the parties. The Appellant's connection No.170524370576 has been permanently disconnected in October 2017. SD has also been adjusted against another live connection of the Appellant in the same subdivision, however the same is not reflected in billing system. The Appellant has requested refund by way of cheque. The Respondent has also assured for refund by cheque.

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. The Respondent failed to refund amount of Rs.12000/- towards SD to the Appellant after the connection was permanently disconnected in October 2017. The Respondent informed that it came across a bug in the billing software and therefore, amount of SD could not be transferred / adjusted. While this may be true, the Respondent was having option to issue cheque of Rs.12000/- to the Appellant which it did not explore.


12. In view of above, I direct the Respondent to issue cheque of Rs.12000/- along with the applicable interest which it normally applies to SD of other live consumers if the same has not yet been adjusted in the billing system within 15 days from the date of this order.

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

14. The order of the Forum is modified to the extent above and other prayers of the Appellant are not accepted. The representation is disposed of accordingly.

15. Compliance is to be reported by the MSEDCL within 2 months from the date of this order.

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


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

