

**BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)**

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

**REPRESENTATION 170 OF 2019**

In the matter of refund of Security Deposit

Indus Towers Ltd. .... Appellant  
(C.No.174213057888)

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: 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.11 of 2019.

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. 174213057888) at S.No. 2384, Azim Plaza Campus, Sayyedwada, Junnar under Junnar subdivision of the Respondent.
- (ii) The Appellant prays for condonation of delay in filing the representation.
- (iii) It has applied for permanent disconnection and refund of Security Deposit (SD) vide its letter 23.02.2018 which 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 SD. It has paid SD of Rs. 8000/-.
- (iv) Arrears outstanding as on date of application is shown as Rs. 80/- only. 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. 174970003663.
- (v) The Respondent has not yet reverted on this issue.
- (vi) 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 dismissed the case.
- (vii) The Appellant prayed for 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 14.10.2019 has stated as below: -

- (i) The Appellant is a LT consumer (No. 174213057888) at S. No. 2384, Azim Plaza Campus, Sayyedwada, Junnar.

- (ii) The supply of the Appellant was permanently disconnected in August 2016 against the arrears of Rs.7747/- which is adjusted in the SD of Rs. 8000/- in the month of January 2017.
- (iii) The amount of Rs.253/-, after adjusting the outstanding arrears of the permanently disconnected consumer, has been adjusted in the consumer No. 174970003663 which is also in the name of Appellant and in the same subdivision. This transfer adjustment of SD is as per request of the Appellant.
- (iv) Suitable B80 adjustment has also been done in respect of the Appellant.
- (v) Therefore, there is nothing pending against SD of the Appellant. This has been informed to the Appellant vide letter dated 12.04.2019.

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 inform it about the action taken.

6. The Respondent argued that vide its letter dated 12.04.2019 has already informed the Appellant about the action taken in grievance. There is nothing pending against SD. The Forum has also observed the same in its order dated 30.05.2019.

### **Analysis and Ruling**

7. I perused the documents on record and after considering the arguments advanced by both the parties, it is felt that the Appellant has not properly appreciated the last paragraph of the order of the Forum. May be because of misunderstanding on the part of the Appellant, it has filed the instant representation.

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. Now, the Appellant's connection No. 174213057888 has been permanently disconnected and its SD has also been adjusted against another live connection of the Appellant in the same subdivision. 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 order of the Forum is modified to the extent above and other prayers of the Appellant are not accepted.

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

13. The representation is disposed of accordingly.

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

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai

