

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION 168 OF 2019

In the matter of refund of Security Deposit

Indus Towers Ltd. Appellant
(C.No.181102241490)

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) Kishore Gorde, Ex. Engineer, Rajgurunagar
2) Umesh Chavan, Addl. Ex. Engineer, Lonavala

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 30.05.2019 has dismissed the grievance application in Case No.14 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. 181102241490) at village Karla, Gat. No. 502, under Lonavala subdivision of the Respondent.
- (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 29.12.2017 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 Security Deposit (SD). It has paid security deposit of Rs.17648/-.
- (iv) The Appellant opted for refund of S D either by cheque to its account or adjust the same against other live connection (No. 181012027162) of the Appellant.
- (v) The Respondent has not communicated anything on the action taken by it.
- (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 29.09.2019 has stated as below: -

- (i) The Appellant is a LT consumer (No. 181102241490) at village Karla, Gat. No. 502, under Lonavala subdivision of the Respondent.
- (ii) The decision of the IGRC was communicated to the Appellant but the Appellant has not complied the order of the IGRC. Further, the Forum, by its order dated 30.05.2019 in Case No. 14 /2019 has dismissed the grievance application.
- (iii) In view of the Forum's reasoned and speaking order, the representation be dismissed.

Analysis and Ruling

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 submissions. The Appellant's only point of argument was that the Respondent did not inform it about the action taken.

6. The Respondent submitted that the connection of the Appellant was permanently disconnected on 01.03.2016 due to outstanding arrears of Rs.1218/-. After lapse of six months in November 2016, arrears were adjusted against the S D and net payable S D is Rs. 17648/-. Since the Appellant did not submit original S D receipt, the same was not refunded.

7. I perused the documents on record and after considering the arguments advanced by both the parties, it is clear that the balance amount of S D is yet to be refunded either by way of cheque or by adjustment in another live connection of the Appellant.

8. The Respondent telephonically informed on 25.10.2019 that it has sent an email giving the details of the action taken by it post hearing at Pune. On perusal of the said email dated 25.10.2019, I observed that the Respondent has issued a letter bearing No. AEE/LNL/B-2033 dated 24.10.2019 addressed to the Appellant indicating therein that it has adjusted amount of Rs.17248/- along with interest of Rs.5275.33 against Appellant's other live connection No. 181012027162 in the month of October 2019 which will be reflected in the bill of November 2019.

9. After perusing the order of the Forum, it is observed that the Appellant has not been diligent in complying the requirements in the matter which unnecessarily dragged the issue. The Respondent also ought to have looked into the matter diligently at the initial stages itself which would have avoided the litigation. The Forum has not allowed compensation under SOP as prayed for, the reasons for which has been spelt out clearly. I, therefore, do not intend to interfere in the order of the Forum in this respect.

10. 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.

11. Now, the Appellant's connection No.181102241490 has been permanently disconnected on 01.03.2016 and its security deposit has also been adjusted against another live connection of the Appellant (No.181012027162) 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 case of a permanently disconnected connection.


12. 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.

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.

15. The representation is disposed of accordingly.

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


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

