

**BEFORE THE CONSUMER GRIEVANCES REDRESSAL FORUM
MADHYA GUJARAT VIJ CO LIMITED
CORPORATE OFFICE, 5TH FLOOR SP VIDYUT BHAVAN,
RACECOURSE, VADODARA 390 007**

Subject	Consumer Grievances Complaint No.MG-III-78-2014.15
Complainant	Shri Anilbhai Laxmiprasad Patel, C/o Shivkrupa Infrastructure Pvt. Ltd, At : Vania Pole, Nagarwada, Nadiad, Dist : Kheda
Respondent	Shri S.L.Varma, Ex.Engr., MGVCL, Godhra
Date of hearing	07.11.2014 at Vadodara

QUORUM	NAME
Chairperson	Shri P J Patel, Gandhinagar
Independent Member	Harsha S Chauhan, Vadodara
Technical Member	Shri A G Shah, MGVCL

The complaint dated NIL received on 27.10.2014 regarding refund of Security Deposit and interest thereof.

On 07.11.2014, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein representative Shri Anilbhai Laxmiprasad Patel appeared on behalf of M/s. Shivkrupa Infrastructures, whereas Shri S.L.Varma, Ex.Engr. Godhra appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

The brief details of the case are :

1. The complaint had HT consumer No. 41050.
2. CGRF Order dtd. 25-10-2012. As per the Order, refund of Security Deposit and final bill payment of Rs. 2,50,386.35 was done by MGVCL on 18-09-2010.
3. The Complainant demanding interest on late payment of Security Deposit.

The representative of the complainant contended that though he received payment of security deposit vide Cheque No. 112357 and 112358 both dtd. 18-09-2010, his demand for interest on late payment against final bill and security deposit are not paid. Forum is requested to look into and give justice.

The Respondent Shri S.L. Varma contended that the matter was earlier represented by the party on 28.9.2012 to the Forum & it was ordered by CGRF to refund RS. 2,50,366.35 as full & final payment & no dues pending thereafter. Payment of above charges were already done by MGVCL before approaching to the Forum i.e. Cheque issued on dt. 18-09-2010. Therefore, it is not delayed by MGVCL and refunded as soon as the party demanded for it.

The Forum Members present at the hearing considered contention of both the parties and perused the records. While issuing the Order by CGRF on 25-10-2012, the demand for interest on delayed payment was discussed but it was not mentioned in the order. The Complainant had written a letter dtd. 31-10-2012 to Executive Engineer, Godhra for non-consideration of interest on delayed payment. Ex. Engineer, Godhra had sent the letter with his forwarding letter to Convener, CGRF, Vadodara. The Convener, considering the content of the CGRF Order dtd. 25-10-2012 as first and final payment, did not put up it to the Forum Members. Therefore, considering the application within the stipulated time period, but not addressed to the correct authority i.e. CGRF / Ombudsman, the case is taken up by the CGRF, MGVCL. As per the record, the payment made by MGVCL in 2010 i.e. before representation to the CGRF in the year 2012. The Forum Members have considered the contents and observed that there is no much delay after request by the complainant, but there was no proper communication between MGVCL and the Complainant for issue of Cheques and its credits in Complainant's Account, which leads to misunderstanding.

The Forum is of the opinion that the payment of Security Deposit and HT Final Bill done after receipt of request for refund and completion of administrative procedure. Therefore, delay payment charges and interest is not liable to pay.

ORDER

The Forum directs M/s. Shivkrupa Infrastructure Pvt. Ltd, At : Vania Pole, Nagarwada, Nadiad, Dist : Kheda that the CGRF Order dtd. 25-10-2012 is in order.

(A G Shah)
Technical Member

(Harsha S Chauhan)
Independent Member

(P J Patel)
Chairperson

PS :

If the complainant is not satisfied with the order of this Forum, the complainant may approach The Staff Officer, Office of the Electricity Ombudsman, Gujarat Electricity Regulatory Commission, Barrack No.3, Polytechnic Compound, Ambawadi, Ahmedabad 380 015 in accordance with Clause No.2.63 Chapter-2 of GERC Notification No.2 of 2011.

Procedure to make representations before Ombudsman***

1. Representation should be in writing duly signed by the complainant with his name and address.
2. Representation should be supported with affidavit.
3. True copy of order of Forum and original complaint made before Forum should be attached. Enclosed documents should be certified copies of the original documents.
4. The representation before Ombudsman should be submitted within 30 days from the date of order of Forum.
5. Copy of representation should be submitted at the office of Ombudsman. Copy of representation should be submitted to all respondents.
6. If the complainant is required to pay any amount according to the order of Forum, one-third of such amount should be deposited by complainant and proofs should be attached along with the representation.
7. The matter should not be pending before the competent Forum or any other court, tribunal, arbitrator or any other authority.
8. All representations should be with a sufficient cause, reasonable diligence causing the consumer prima facie loss and damages / inconvenience.
9. Representation may be submitted in English or Gujarati language

*** <http://www.gercin.org/docs/Cosumer%20Grievances/Procedure/Procedure.pdf>