

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.5412 OF 2015

**The Executive Engineer,
Maharashtra State Electricity
Distribution Company Ltd.,
Shivajinagar, Division, Pune.**

.. Petitioner

Versus

Anil Sabharwal

.. Respondent

Mrs. Anjali R. Shiledar-Baxi, for the Petitioner.

CORAM : R.M. SAVANT, J.

DATE : 23rd JUNE, 2015

PC.

1. The Writ Jurisdiction of this Court is invoked against the order dated 20.03.2015 passed by the Consumer Grievance Redressal Forum ("CGRF" for short) by which order the grievance of the Respondent No.1 came to be allowed and the Petitioner was directed to pay compensation of Rs.28,500/- for failure to meet the "Standards of Performance" in respect of the refund of Security Deposit. The Respondent No.1 herein had sought the refund of the Security Deposit made by him on 08.05.2009 from the Petitioner herein which is a distribution company. The said application it seems was kept pending and ultimately on 12.12.2014 an amount of Rs.8428/- was refunded to the Respondent No.1

being the refundable amount. It appears that the present regulations i.e. Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014 came into force with effect from 20th May 2014. In terms of the said regulations and especially Annexure-A thereof the applications of the nature filed by the Respondent No.1 that is for refund of the Security Deposit were to be dealt with within 30 days of the application. In terms of regulation 12.2 which is part of regulation 12, a consumer has to apply for claim of compensation with the Distribution Licensee within a maximum period of 60 days from the time such a person is affected by such failure of the Distribution Licensee to meet the Standards of Performance. The said regulation 12.2 governs the determination of compensation.

2. In the instant case, the Respondent No.1 consumer applied to the Internal Grievance Redressal Forum ("IGRF" for short) for payment of compensation in terms of the said regulations. The IGRF allowed the said application, but directed the payment of interest on the said Security Deposit. Not satisfied by the order passed by the IGRF, the Respondent No.1 approached the CGRF claiming compensation in terms of clause-F to Annexure-A of the Regulations 2014. The said application was opposed to on behalf of the Petitioner on the ground that the application filed by the

Respondent No.1 was belated and beyond the period of 60 days as contemplated by the proviso to Regulation 12.2. The CGRF tried the said application made by the Respondent No.1 and allowed the application filed by the Respondent No.1 and directed the payment of compensation to the tune of Rs.28,500/- to the Respondent No.1. In so far as objection taken on the ground of limitation is concerned, the CGRF rejected the said objection in view of the fact that payment for the Security Deposit of Rs.8428/- was refunded by the Petitioner on 12.12.2014 and therefore, the application was not barred by limitation.

3. The Learned Counsel appearing on behalf of the Petitioner would reiterate the case of the Petitioner before the CGRF and would contend that it was necessary for the Respondent No.1 to file an application for compensation within 60 days, on failure of the Petitioner to consider the said application for refund which was made on 08.05.2009. In my view, it is not possible to accept the said contention urged by the Learned Counsel. Firstly, it is required to be noted that the regulations have come into force in the year 2014, whereas the Respondent No.1 had made an application on 08.05.2009. Secondly, it is required to be noted that the Petitioner has communicated its decision of refunding the amount of Rs.8428/- on 12.12.2014 i.e. almost after a period of five years and three months and for no justifiable reason. Since by that time, the

regulations 2014 had come into force, the Respondent No.1 was entitled to file an application seeking compensation from the Petitioner for the delay in communicating its decision. The CGRF has accordingly awarded compensation for 285 weeks calculating the sum at Rs.100/- per week as posited in the said Clause-8 of the Annexure-A. The instant case is a case where for no explicable reason the application of the Respondent No.1 was kept pending and the refund seems to have been made on 12.12.2014 in view of the Respondent No.1 approaching the IGRF. In my view, therefore, the order passed by the CGRF awarding compensation to the Respondent No.1 for the delay caused in terms of the Standard of Performance cannot be found fault with. Hence, no case for interference in the Writ Jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed.

[R.M. SAVANT, J]