

Arjun

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

WRIT PETITION NO.12183 OF 2023

Maharashtra State Electricity Distribution ...Petitioners
Company Ltd. & Ors.

V/s.

M/s. Ultra Tech Cement Ltd. ...Respondent

Ms. A. R. S. Baxi, for the Petitioners.

**CORAM : MADHAV J. JAMDAR, J.
DATED : OCTOBER 10, 2023**

P.C.:

- 1.** Heard Ms. Baxi, learned counsel appearing for the Petitioners.
- 2.** By the impugned order dated 26th May 2023 passed by the Consumer Grievance Redressal Forum Kolhapur Zone, Kolhapur, the Petitioner-Maharashtra State Electricity Distribution Company Ltd. (MSEDCL) has been directed to waive off excess demand charges of Rs.9,55,443/- from energy bill of May 2022 of the Respondent-Complainant i.e. HT consumer and the Petitioner-MSEDCL was also directed to refund the amount of excess demand charges of Rs.9,55,443/- with interest at the rate of 5% per annum from the date of payment of the said amount by

consumer till the date of the refund of the said entire amount to the Complainant consumer.

3. There is no dispute about the factual position that the Respondent-Complainant has paid amount of Rs.81,76,011/-. It is the contention of Ms. Baxi, learned counsel appearing for the Petitioners that the said amount of Rs.81,76,011/- should have been deposited in CD enhancement account instead of energy bill account.

4. It is admitted position that the said amount has been deposited in the account maintained by the Petitioner-MSEDCL in energy bill account and the same was required to be deposited in CD enhancement account.

5. It is the contention of the Respondent that the Respondent received mail and letter from Superintendent Engineer Ratnagiri Office on 29th April 2022 at 4:00 p.m. stating to deposit Rs.81,76,011/- as additional security deposit through Online Portal. However, as there was no response from Online Portal, the Respondent deposited the said amount through RTGS in MSEDCL account and the same was informed to Superintendent Engineer Ratnagiri by the letter dated 30th April 2022.

6. It is further significant to note that on 2nd May 2022, the Respondent received letter from Superintendent Engineer Ratnagiri confirming the receipt of additional security deposit

amount and that the Respondent can draw 700 + 2100 i.e. 2800 KVA from 1st May 2022 onwards. Thereafter, on 24th May 2022, the Respondent again deposited the said additional security deposit amount through CD enhancement account. Thus, it is clear that the Respondent has deposited the said security deposit amount in energy bill account and, thereafter, the same was deposited on 24th May 2022 in CD enhancement account. It is further significant to note that, in fact, the Respondent has been communicated by letter dated 2nd May 2022 by the Superintendent Engineer Ratnagiri that the Respondent could draw 700 + 2100 i.e. 2800 KVA from 1st May 2022 onwards. Therefore, the Consumer Grievance Redressal Forum Kolhapur Zone, Kolhapur has rightly directed refund of the excess amount from May 2022 energy bill of the Respondent of Rs.9,55,443/-.

7. Ms. Baxi, learned counsel appearing for the Petitioners has relied on the dissenting opinion of the Member-Secretary Executive Engineer of the Petitioner-MSEDCL. In the said opinion, it is stated that although the Respondent has contended during the hearing that a technical error occurred while paying the amount of security deposit in the NC Portal System and, therefore, the payment was made in energy bill account, however, no such proof of screenshot of technical error is submitted by the Respondent. However, the factual position is very clear that the

Respondent has deposited the said amount of additional security deposit of Rs.81,76,011/- in energy bill account on 30th April 2022 and thereafter, again deposited the said amount in MSEDCL account on 24th May 2022. Therefore, there is no substance in the reasoning given in the dissenting opinion.

8. Accordingly, the Writ Petition is dismissed, however, with no order as to costs.

[MADHAV J. JAMDAR, J.]