

JHARKHAND STATE ELECTRICITY REGULATORY COMMISSION  
RANCHI

Case No. **20/2007-08**

Shri **P.C. VERMA**, Member (Tech)

IN THE MATTER OF

An application for a direction to the respondent-JSEB to refund the security deposit

AND

IN THE MATTER OF

Santosh Khetan

.....

Petitioner

Versus

Jharkhand State Electricity Board & Others

.....

Respondents

For the petitioner:                     :       Shri Prabhat Pati, Attorney of Santosh Khetan

For the respondent                   :       S/Shri Rajesh Shankar & Abhay Prakash, Advocates

**ORDERS**  
**(19.03.2008)**

Heard.

This is a case in which the petitioner has filed an application for issuance of a direction upon the respondent-JSEB to refund the security deposit amounting to Rs.1,25,250/- (Rupees One lakh twenty five thousand two hundred and fifty only) with interest as per the provision of the Electricity Act 2003 (hereinafter referred to as 'the Act' for the sake of brevity) and to initiate action under Section 43(3) of the said Act.

The brief facts of the case are that on 17.12.2005 the petitioner applied for 167 KVA electric power for its plant and deposited an amount of Rs.1,25,250/- towards the security deposit vide Money Receipt No. 117019 dated 29.12.2005 on verbal orders of the Electrical Superintending Engineer, Jamshedpur Circle. The load was sanctioned vide Electrical Superintending Engineer Letter No.849/ESE dated 21.04.2006.

The contention of the petitioner is that he completed all the formalities for taking electricity connection within specified time including, obtaining permission from the Chief Electrical Inspector, Ranchi for this purpose which was issued vide his letter No. 422 dated 10.5.2006, but the electrical connection was not provided. Finally the petitioner wrote a letter on 3.10.2006 surrendering the sanctioned load and asked to

refund the security deposit amount. The petitioner followed it by reminder letters on 19.12.2006 and 14.1.2008 but no action was taken and hence the present application was filed on 19.2.2008 for issuance of direction as stated above.

The respondent-JSEB filed their reply in which the contention of the petitioner about deposit of security amount of Rs.1,25,250/- has been accepted and it is submitted that the petitioner after sanction of the load never responded back and informed the respondents that the petitioner has completed all the required formalities and that many formalities are yet to be observed by the petitioner. Respondents further submitted that the petitioner for the first time informed them vide their letter dated 14.01.2008 that he (petitioner) is surrendering the sanctioned load and the petitioner surrendered the original receipt of security deposit along with this letter for refund of security money. It was submitted by the respondents that they are ready to refund to the security amount deposited by the petitioner along with interest as per the statutory provision of the Act and process for the same is already initiated. But at the same time it was also submitted that the respondent-Board is not at a fault for the facts and circumstances stated in the reply and as such no action under Section 43(3) of the Act may be initiated.

After hearing both the parties and with the consent of both the parties, I direct that the respondent-JSEB should refund the security deposit amounting to Rs.1,25,250/- to the petitioner along with interest at a rate equivalent to bank rate of the Reserve Bank of India on or before 9<sup>th</sup> April 2008. If the respondent-JSEB fails to refund the security deposit along with interest by the aforesaid date it shall be liable to pay penal interest rate to the petitioner at a rate 2% higher than the Bank rate.

With the above direction the application is disposed of.

Sd/-  
(P.C. Verma)  
Member (Tech)