

**NOTICE**

Subject: Petition of Shri Rajesh Shah @ Dedhia for Enquiry against unfair trade practices of withholding refund to consumer even when final claim is less than the amount deposited at the time of raid.

- **Case No. 32 of 2014**

Rajesh Shah @ Dedhia have submitted a Petition under affidavit on 17.01.2014, under Section 128, of E.A. 2003 for Enquiry against unfair trade practices of withholding refund to consumer even when final claim is less than the amount deposited at the time of raid.

2. The main prayers of the Petitioner are as under -

*a. that this Hon'ble Commission may order a detailed enquiry u/s 128 Electricity Act 2003 against the Respondent whereby the Respondent is directed to :-*

*i. Furnish list of all cases wherein excess amount is ordered not to be refunded.*

*ii. Call for paper & proceedings of all such cases wherein excess amount is ordered not to be refunded.*

*b. that this Hon'ble Commission may direct Respondent to forthwith withdraw / setaside Direction recorded in Document dated 28.12.2011 bearing reference No. ESO/DGM[ES]/2882/2011 with subject "Record Note Determination and issuance of final assessment in vigilance cases registered prior to 16.08.2010. Meeting dated 14.12.2011."*

*c. that this Hon'ble Commission may direct Respondent to forthwith withdraw / setaside Direction/ order by which refund is refused to consumers;*

*d. that this Hon'ble Commission may direct Respondent to forthwith deposit the excess amount with interest with the Commission till such time the excess amount is not claimed by the consumer.*

*e. that this Hon'ble Commission may grant permission to the complainant to assist in the enquiry so ordered against the Distribution Licensee i.e. B.E.S.T Undertaking*

*f. that this Hon'ble Commission may direct Respondent to intimate such affected consumers to lodge their claim for the refund of such amount and / or get the credit for the same in their account.*

*g. that this Hon'ble Commission may order Punitive action as per the provisions of the law against the Respondent and its officers*

*h. that this Hon'ble Commission may grant cost of the complaint.*

*i. that this Hon'ble Commission may grant liberty to the Petitioner to carry out alterations, additions, modifications or deletions to the petition at a future date.*

*j. For such further and other reliefs as the Hon'ble Commission may deem appropriate in the facts and circumstances of the case."*

3. I am directed to communicate that the hearing in the above matter will be held in the presence of the authorized consumer representatives on **Tuesday, 22 April, 2014 at 12.00 hrs** in the office of the Commission at 13<sup>th</sup> floor, Centre No.1, World Trade Centre, Cuffe Parade, Mumbai 400 005.

4. The Petitioner is directed to immediately serve a copy of its above mentioned Petition (both in soft and hard versions) to the Respondent and the authorised consumer representatives before the scheduled date of hearing.

5. The Respondent is directed to submit its say on affidavit, if any, on the above mentioned Petition with a copy to the Petitioner and the authorised consumer representatives well in advance.

Sd/-  
(R. S. Sonawane)  
Dy. Director (Legal)

Shri Rajesh Shah @ Dedhia  
Human Right Activist and press Reporter,  
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E-mail :-

Petitioner

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Respondent

Cc: **Consumer Representatives:**

Prayas (Energy Group)  
Amrita Clinic, Athvale Corner,  
Lakdipool-karve Road Junction,  
Deccan Gymkhana, Karve Road,  
Pune 411 004.  
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