
REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/011 Date:18.04.2017

Case No.135/2017

Hearing Dt. 17.01.2017

In the matter of billing

Mr. VijayKumar Shankar Anam - **Applicant**

Vs.

M.S.E.D.C.Ltd., Bhiwandi, Torrent power Ltd., - **Respondent**

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri. Anil P. Bhavthankar, Chairperson, CGRF, Bhandup.
- 2) Shri. Ravindra S. Avhad, Member Secretary, CGRF, Bhandup.
- 3) Mrs. Archana G. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Appellant

1. Shri. Sajid Ansari - Consumer Representative.

C - On behalf of Respondent No. 1

1. Mr. Dhope Additional Executive Engineer .MSEDCL, Bhiwandi

Consumer No.13010328394 category power Loom MP SL 32HP CL-32HP Date of connection 01.1.1986

1. Above name consumer using the said power supply for power loom respondent utility official issued debit bill for amounting Rs. 1,56,400.24/- by preparation of B-80 for the period May 2004 to July 2008. After notice by utility in the month of November 2008 consumer found wrong credit was given since May 2004 to July 2004 . It is prayed by the consumer that allegation of respondent utility

that wrong credit was given by consumer giving the period May 2004 to Nov. 2006 is wrong. On 12.01.2017 he made application to respondent utility for claiming debit bill in the month of Jan. 2017 for amounting Rs.1, 56,400/- and 192.52 paisa. Consumer submitted that after the span of 10 years. Respondent utility issuing debit bill is wrong time barred and without any reason. Therefore consumer approach initially to IGRC by filing application under falls Act and request that to withdraw of debit bill Rs.1, 56,400/- .On dated 1.01.2004 application is filed along with demand bill issued by respondent utility and M/s. Torrent power Company Limited in the month of 2016. Consumer filed copy of those bills between disputed period 2004-2006 and latest demand of M/s Torrent power company Ltd. In the month of Jan. 2007 and copy of CPL.

2. Consumer initially approach of IGRC against which IGRC registered case No. 175/2017 opportunity given to both the parties on 05.01.2017 and on dated 23.1.2017 IGRC pronounce the judgment that prayer of consumer for withdrawal of bill stands dismiss. Being aggrieved by the said order Consumer approach to this Forum along with copy of judgment and all necessary relevant documents. After filing the said complaint notice was issued to respondent utility. Respondent utility appeared and filed reply stating that at present sanction load is 32 HP connecting load is 32HP use for power Loom. The dispute is very old raised after notice in November 2006 for recovery of credit given to the consumer during the Period May 2004 - November 2006 for amounting 1,56,4200/-. Accordingly to respondent utility on 26 Jan. 2007 all affair of Torrent power supply Company came in existence and after laps of 10 years when document and record was available for notice was issued to the consumer .The dispute filed of laps of 9 years and 11 month is delayed action when cause of action arose to the consumer in November 2006. According to utility under Regulation MERC 6.6 CGRF and Electricity Ombudsman regulation 2006 stipulated the limitation for filing grievance with in the period of 2 years from the date of cause of action. Hence the complaint filed by

consumer is barred by limitation even no reason for the cause of action arose in Jan.2017 occurred to the consumer was explain and therefore inordinate delay cause in filing grievance as per Regulation No. 39 of MERC conduct and business consumer complaint is liable to dismiss.

3. According to utility connecting load 32HP is enhance on the request of consumer against which bill raised regularly paid but consumer not paid old arrears of MSEDCL. Therefore notice was issued under 56(2) for claiming old arrears in the month of Nov. 2006 and therefore the consumer given credit time to time between July 2002 , September 2003, Nov. 2003, May 2004, July 2004 & Feb 2005 and the service is debited in the month of November 2006 .As such the credit amount is more than debit tune of Rs. 1,97,524/- out of which 354117 -156593 which was shown in the bill along with interest and therefore respondent utility pray that complaint is filed mischievously after laps of 9 years and 11 months. Hence consumer complaint liable to be dismiss with cost.
4. I have perused consumer complaint copy of IGRC order, copy of CPL and notice issued demand debit amount claim against the consumer. It seems that IGRC entertain the dispute and registered the claim and give the finding IGRC dismiss the complaint for want of limitation. Again the said order consumer has right the challenge the said dispute before the Forum. Therefore in view of limitation objection raised by the respondent utility seems to be not proper and not legally tenable. I also found that continuously demand of wrong credit given to the consumer was notice is November 2006 but since then no continuous demand was made for recovery of those arrears.
5. It is first time appear in the bill of Jan. 2017 respondent utility Torrent power supply Ltd Continuously shown old pending arrears in the bill printed on the head of consumer and amount 156400.24/- shown in arrears. At the one step if the continuous demand is made for recovery of old arrears and the consumer raise no objection for seeking relief initially before respondent utility official and

then filed initial complaint before IGRC then respondent utility cannot brought hot and cold together as old pending arrears are liable to be paid and recovered from consumer.

6. In the fair interest of justice at the time of hearing consumer agreed to pay the said arrears if it is considered to be and arrears shown in the bill of November 2006 restricted to the said amount. It appears that request of the consumer is not without any reason but having good faith he ready and willing to pay the bill. Even process of amnesty scheme launch for old recovery arrears the reasonable opportunity should be given to the consumer by utility. During the course of hearing I have given instruction to the respondent utility official to try and place the dispute before amnesty scheme and directed them to recover only due amount shown exactly wrong credit given to the consumer at appropriate time. The respondent utility shall not charge any interest and penalty against the consumer even the consumer ready and willing to pay the same in equal six monthly installments along with current bill and therefore in the fair interest of justice the consumer complaint is allowed.

ORDER

1. The consumer complaints No. 135/2017 is allowed.
2. The respondent utility hereby directed to recover the exact amount shown in bill November 2006 after proper verification restricted to the wrong credit amount and shall not charge any interest DPC and penalty against the consumer. The said bill should be recovered in six monthly installment along with current bill.
3. No order as to the cost.

Both the parties should be informed accordingly.

Proceedings closed.

The compliance should be reported within 45 days.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup.

Note:

If Consumer is not satisfied with the decision, he may file representation within 60 days from the date of receipt of this order to the Electricity Ombudsman in attached "Form B".

Address of the Ombudsman
The Electricity Ombudsman,
Maharashtra Electricity Regulatory Commission,
606, Keshav Building,
Bandra - Kurla Complex, Bandra (E),
Mumbai - 400 051

2) If utility is not satisfied with order, it may file representation before the Hon. High Court within 60 days from receipt of the order.

(I Agree/Disagree)

(I Agree/Disagree)

DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP

SHRI. ANIL P. BHATHANKAR
CHAIRPERSON
CGRF, BHANDUP

SHRI. R.S. AVHAD
MEMBER SECRETARY
CGRF, BHANDUP