

REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/146/73

Date:13.06.2017

Case No.146/2017

Hearing Dt. 05/05/2017

**In the matter of incorrect and exorbitant bill issued by respondent utility on 25.06.2003  
for amounting Rs.4313/- and 1,32,940/-**

**Mr. Gorakhanath Shantharam Patil**

**H.No 653,Kalher**

**Bhiwandi-421302**

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**Applicant**

Vs.

**M.S.E.D.C.Ltd., Bhiwandi,**

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**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**

Mr. Dhope Satish K, deputy Executive Engineer, MSEDCL, Bhiwandi.

**Consumer No.13272173740 SL- 0.4 KW CL- 0.4KW category Residential**

1. Above named consumer raise old dispute regarding incorrect and exorbitant bill alleged to be issued to him by respondent utility between 4/7/2001 to

25/2/2003 old dispute was already raised by consumer before IGRC by filing application in Schedule 'X' .Consumer attach old bill and letter issued to respondent utility on 17.12.2014 and pray for issuing of correct bill as per meter reading. After receiving the said complaint IGRC registered the case and opportunity was given by IGRC for hearing on 20.02.2017.IGRC please to dismiss the complaint as barred by limitation.

2. Being aggrieved by the order of IGRC this consumer filed grievance in schedule 'A' before this Forum and pray that on 25.06.2003 respondent utility paid bill amount Rs. 4323/- showing arrears unpaid up to 25.06.2003 132940/- .Consumer pray for issuing correct bill as per meter reading and appropriate relief. After filing the complaint opportunity was given to respondent utility by issuing notice. After service of notice respondent utility appeared and filed the grievance stating that old dispute against wrong bill was already settled by the respondent utility office for April 2002. However this consumer raised the dispute on 07.11.2016 after 12 years. As per Regulation MERC 6.6 consumer Redressed Forum and Ombudsman Regulation 2006 the limitation for filing the grievance within two years from the date of cause of action here the present complainant not mentioning reason for delay and not filed any application. Therefore the dispute is barred by limitation. Respondent utility pray that dismissal of consumer complaint with cost.
3. After perusing rival contention following point arose for our consideration to which I have recorded my findings to the point further reason given below.
  - a) Whether consumer filed this complaint within limitation.
  - b) Whether consumer is entitled for any relief

### Reasoning

4. I have given opportunity to consumer and his representative who appear before this hearing at the time of hearing. It appears that the consumer after laps of 12 years wanted to settle the dispute by paying approximate amount if correct bill issued by respondent utility office as per meter reading therefore intention of the consumer was clear to settled the dispute.

It is brought to the notice of this Forum since 26.01.2007 Torrent power Ltd Company to came in existence all the affairs regarding distribution franchises handed over to TPL supply at Bhiwandi area. Therefore apparently the dispute raised against the respondent utility MSEDCL office is old due arrears pending and not paid by the consumer since 1998. Therefore the revenue yet to be recover by respondent utility office. Considering the dispute raised by the consumer before IGRC mentioning the period between 2002-2005 as raised by the consumer apparently barred by limitation in view of provision of MERC Regulation which define as under Section 6.6 of I.E.A MERC (CGRF and EO) Regulations 2006 which speaks as “**The Forum shall not admit any Grievance unless it is filed within two (2) years from the date on which the cause of action has arisen**”.

5. After hearing it appears that IGRC cell rightly dismiss the complaint as it is barred by limitation. Therefore this consumer not entitled to grant any relief. However in the fair interest of justice I have orally directed consumer to approach for the scheme which is for old arrears dispute Abhay Yojana if case of the consumer fit all fact and the circumstances. respondent utility under taken to settle the dispute by giving benefit of Abhay Yojana Scheme to consumer as this Forum found grievance raised by this consumer alleging exorbitant bill Rs.1,32,940/- dated 25.06.2003 is absolutely barred by limitation. Hence the consumer complaint cannot be entertain is liable to be dismissed.

### **ORDER**

1. The consumer complaints No. 146/2017 is dismissed.
2. 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**