

REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/11/104

Date:11.07.2017

Case No.11/2017

Hearing Dt. 13.06.2017

In the matter exorbitant and incorrect bill issued to the consumer showing arrears

Mr. Sajid Ansari

H.No 1095,Nagaon-I

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.13010778403

1. Above named consumer complainant filed the complaint against the respondent utility, MSEDCL and M/s. TPL alleging that respondent utility issued bill for amounting Rs.337839/- old recovery for the period 11.07.94

11.06.2006. Consumer stating that he obtained supply to the premises used as power loom sanction load 10HP connecting load 14HP. Consumer lastly deposited bill on 17.08.94 for amounting Rs. 1530/- . It is inform that the consumer that said connection was removed by utility and procedure of permanent disconnection occurred during the period 11.12.2006. Thereafter consumer made application to the respondent utility for exorbitant and incorrect bill. Accordingly on 13.08.2006 according to consumer the premises was inspected and spot inspection was made. Consumer attached the said spot inspection report .On 26.01.2006 distribution Francis's Bhiwandi handed over affaires to M/s. TPL and accordingly on 08.10.2007 the meter was Change thereafter the said connection was make PD on 13.12.2006. During the spot inspection it is revealed that the meter was not in exist. However the representation made by consumer M/s. TPL supply for verification and issued the correct bill. Thereafter M/s. TPL installed new meter for electric power loom unit .Consumer initially made application under Abhay Yojana Scheme which was applicable during period 17.04.2017 and requested to verify and correct the bill for amounting Rs. 3,37,839/-.Earlier to that the consumer inform to MSEDCL authority on 17.08.94 informing that consumer deposited last bill on dated 17.08.94 copy of the said bill attached. Thereafter the power loom unit was removed from the place and the meter was made PD at the relevant time. Consumer inform to stop issuing electricity bill again on 11.12.2006 to make representation to MSEDCL authority and inform to stop the electric bill .It appears that consumer wanted to settle old arrears of MSEDCL in this proceeding. Initially consumer approach to IGRC authority and filed application in Schedule 'X'. IGRC authority not decided the dispute within 2 month from the date of application. Therefore consumer approach to the Forum and filed complaint in Schedule 'A' on date 25.05.2017 and requested to withdraw the exorbitant bill issued by MSEDCL ,the copy of CPL

since 1994 ,informing disconnection of meter in 01.10.2015 and revise and reissue the correct bill during the period 1994 and 2006

2. After filing the said dispute and upon receiving the reply 13.06.2017 by IGRC, Nodal officer the dispute is not within the period of 2 years from the date of cause of action and IGRC refuse to place the complaint before the IGRC and it was returned.
3. Being aggrieved the said letter consumer approach to the Forum and filed his dispute thereafter the office issued notice to the consumer for filing para wise reply. After receiving the said notice respondent utility MSEDCL appeared and filed reply on 12.06.2017 .MSEDCL inform that consumer made the dispute by issuing letter on 11.12.2006 and earlier letter by consumer dated. 17.08.94 requested for disconnection of supply even thereafter the regular bill was issued to the consumer but the said bill is not accepted and paid by consumer time to time. On 26.01.2007 the affair handed over to Francis distribution supply under taken in Bhiwnadi area to M/s, TPL for the period of 10 years. The consumer raised the dispute of the period 1994 to November 2006 as per document available which is submitted by consumer. The respondent utility M/s. TPL supply company inform that consumer applied on 31.03.2016 effecting period November 2016 to August 2017 made application under amnesty scheme according to the request of consumer on date 17.04.2017 Nodal officer inform to the consumer and forwarded copy of CPL. The Nodal officer made spot inspection on 17.12.2006 the meter replacement report as the record found on 18.10 .2007 and IGRC already rejected the application of consumer and not entertain as grievance was beyond the period of 2 years. Consumer approaches under amnesty scheme indicate the meter no 10300864 which was already replace as per record since July 2005. The consumer intended to grab more benefit under amnesty scheme and requested already PD connection on 1994 wanted to settle the dispute beyond

the period of 2 years .Consumer send letter on 11.12.2006 and inform he was receiving bill regularly under section 56(2) of I.E.A. 2003 MSEDCL can recover the arrears of monthly bill demanded as maintained as per copy of CPL and other record. According to MSEDCL respondent utility the dispute is raised beyond the period of 2 years now almost 11 years have pass and the consumer raised the dispute asking settlement of the bill which is issued incorrectly is time barred dispute hence liable to be dismiss with cost.

4. Respondent utility and consumer filed all relevant document request letter copy of bill 2005-2006 992006,09/09/2002, 12.07.1999 ,the copy of application dated 17.04.2017 and 24.04.2017. I have perused all the document and nature of dispute raised by the consumer following point arose for our consideration to which I have recorded my findings to the point further reason given below.
 - a) Whether consumer dispute within the period of 2 years from the date of cause of action.
 - b) Whether consumer is entitled for any relief.

Reasoning

5. I have given opportunity to consumer and his representative who appear before this forum at the time of hearing. I also gave opportunity to representative of respondent utility MSEDCL and M/s TPL Supply Company.
6. The document filed by consumer indicates that he informed in the year 1994 disclosing intention to close down the power loom business but the electricity meter was continued and in existence of the premises till the affair handed over the M/s. TPL. It is further reveal that again 2006 consumer informed to the respondent utility for closer of power loom business and on 13.12.2006 the spot inspection was made. According to report filed on spot inspection indicate that there was no meter exists. During the course of hearing respondent utility pointed out from the document that copy of application

and rubber stamp used by the consumer are forged and not correct. Coming to the dispute the consumer of challenge the bill issued by respondent utility for amounting 3,37,338/- this bill is for the period 17.08.1994 to 08.10.2007. Admittedly, the dispute was raised by consumer merely informing to respondent utility M/s. TPL company and spot inspection was made. During the spot inspection the Meter number and details given by consumer does not match. Apparently Ms/. TPL issued bill during the period which was calculated of old arrears of MSEDCL which was not paid by consumer during the said period.

7. Considering the intention of consumer he wanted the reconnected the supply and settle the earlier old dispute but this Forum unable to lay hand on the issue as the dispute is absolutely time barred not coming the 2 years from the date of cause of action and prama-facie the record disclose the dispute is between the periods 2006 to 2007 which is period raised against the order of IGRC.
8. I have gone through order of IGRC and found that IGRC justified in rejection of claim as it is time barred beyond the period of 2 years from the date of cause of action. In view of regulation 6.6 of Consumer Grievance Redressed Forum and Electricity Ombudsman Regulation 2006 this Forum and IGRC could not grant any relief
9. To my view if at all the respondent utility MSEDCL wanted to recover old arrears of bill it can be consider under amenity scheme available during this period even consumer approach to the amnesty scheme and requested for settlement of dispute. In the fair interest of justice I gave instruction to the respondent utility official to calculate accurate minimum bill till the supply exist to the premises and settle the dispute under amnesty scheme this Forum unable to grant any relief the consumer as dispute raised by the consumer is

beyond the period of 2 years of limitation . I am not inclined to grant any relief. Hence I proceed to pass following order.

ORDER

1. The consumer complaint No. 11/2017 is dismissed.
2. Consumer is at liberty approach to amnesty scheme if he desire.

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**

