

consumer time to time made representation to respondent utility MSEDCL and M/s TPL showing that the respondent utility issued the bill for his establishment under the power loom category since 2002. The consumer is issuing the bill excessive and incorrect charging in correct bill and not giving the benefit of power loom tariff properly. No proper tariff is applied by respondent utility since the period 08.05.2004 to 29.04.2013 last representation made by consumer to the respondent utility making reliance of letter dated 06.08.2008 issued by Superintending Engineer to consumer directing pay amount of Rs. 91505.19/- in the bill collection centre TPL Bhiwandi by demand draft cheque or .on failure if the amount is not paid in due date the supply will be disconnected. Consumer made representation since time to time challenging in appropriate application of tariff to this connection by respondent utility.

2. Consumer initially made representation to IGRC cell in occupation form No. 'X' which was decided by IGRC against the consumer claiming that consumer raised the dispute for the year 2007-08 which is time barred beyond the period of 2 years. Hence, the dispute raised by consumer is time barred and cannot be entertain. Being aggrieved by the order of the IGRC consumer approach to the Forum and filed representation in Schedule 'A'. Consumer pray that respondent utility issued wrong bill and not applied proper tariff not gave proper benefit to the consumer since period 2004 to 2013 even his representation was not heard by respondent utility properly. Consumer pray much reliance on the letter issued by Superintending Engineer as referred earlier and pray for set aside the demand bill of M/s TPL for the amount 2,31,000/- and not to disconnected the supply. Consumer also prays for compensation against the respondent utility for not taking proper action on his representation filed earlier.
3. Consumer attached copy of establishment, copy of licenses, copy of ID proof, copy of earlier meter report, copy of spot inspection report 28.12.94 and all other relevant document.
4. After filing this consumer complaint consumer case is registered as no. 18/2017 notice was issued to the respondent utility and after service of notice respondent utility appeared and filed reply on 14.11.2017. Respondent utility submitted that M/s. TPL supply came in existence on 26 Jan 2007. Consumer applied to the Forum on August 2015 and raised the dispute of excessive bill in the year 2002. Consumers not produce to the

documentary evidence properly. Hence the IGRC forum pass order on the basis of non submission of the proper document and as per Regulation of MERC 6.6 consumer Grievance redressed Forum and Electricity Ombudsman 2006 the grievance is filed beyond the period of 2 years from the date of cause of action and no proper reason for delay in filing the grievance is mention no application for continuation is delay in filed as per regulation 39.3 of MERC Regulation 2004. Hence consumer complaint is time barred. Respondent utility submitted that the amount is recoverable under 56(2) is continuously showing in the bill and there old arrases of MSECL shown in the bill of august 2017. The meter testing Report dated 25.06.2004 confirm all seal the meter body and box found tampered and non installation of capacitor by consumer there is violation of Regulation. The Consumer accordingly charge in the bill since last several years but consumer not raised any dispute for several year and in 2016 consumer demanded refund of power loom tariff after laps of 14 years without permitting any document and the evidence in support of his claim and as the record of concern period is not available due to laps of 10 years existing nodal officer could not found the said record those the respondent utility pray dismissal of complaint as it is beyond the period of 10 years from the date of cause of action liable to be dismiss to the cost.

5. After perusing all the documents and grievance raised by consumer following point arose for our consideration to which I have recorded my findings to the point further reason given below.
 - a. Whether consumer complaint within limitation.
 - b. Whether bill issued by M/s TPL supply in March 2017 showing arrears of 2, 31,000/- is legal valid and proper.
 - c. Whether consumer is entitled for any relief.
 - d. What order?

Reasoning

6. It appears from the record and various complaint filed by consumer against the respondent utility since reference given application dated 08.05.2004 and last application is made are 29.04.20013. In the mean time admittedly no complaint is filed within the period of two years as referred by respondent utility in IGRC record filed complaint in 2016. The cause of action as claim by the consumer himself wrong and incorrect bill issued to the consumer shown arrears by respondent utility M/s. Torrent supply Limited. I have given fair opportunity to the consumer and his representative. I have also perused copies of document filed by consumer in support of this dispute raised. It appears from the record in the year 1995 the consumer was given supply up to level of 10 HP which was increase subsequently on the representation of the consumer and it was increased up to 22HP. The dispute which was earlier raised installation of capacitor and the power loom factory is in running condition the said application as file on 2/1/2007. The assurance of installation of capacitor and the said dispute was not considered as alleged by the consumer and he made representation since then. The dispute consumer try to raise the incorrect and exorbitant claim showing old due arrears of MSEDCL for amounting Rs. 2, 31000/- . Consumer contented that he received letter on 06.08.2008 and according to consumer the said credit was given to the consumer and earlier bill was waved off.
7. Admittedly, there is no arrears amount stand against M/s. Torrent supply Ltd. The bill generated against the consumer and there are no arrears and the connection is alive. Therefore, it appears from the reason of dispute consumer received bill from M/s. TPL showing old arrears in spite of fair opportunity given to MSEDCL by reference of letter dated 08.08.2008 explaining amount of 91,505/-. Since August 2008 no satisfactory document produced by either consumer or the respondent utility MSEDCL explain before this Forum. In this circumstances I have no other option to record my observation that M/s. TPL not justified in showing arrears old of MSEDCL amount 2,31000/- to be recover against this consumer as question of limitation raised by the respondent utility positively beyond period of two years. In earlier judgment it is observed that period of limitation run against both consumer and the respondent utility the reason of dispute whether respondent utility can recovered the said arrears amount after laps of 10 years and show in the continues bill. To my view the respondent utility cannot recovered this amount by showing arrears against the consumer now. Respondent utility authorities to file appropriate and proper civil litigation for recovery of old arrears

subject to law of limitation. Therefore claim of the recovery efforts his by section 56(2) of E.A. and no fresh amount can be recovered. Coming to the dispute the IGRC justified in showing to the Forum the consumer raised the dispute of incorrect and in appropriate tariff capacitor charges and claiming arrears old MSEDCL recovery. The dispute of beyond the period of 2 years in view of Regulation No.6.6 MERC (CGRF & EO) Regulations 2006 there in Regulation 6.6 which reads 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". As describe the consumer complaint cannot be entertained by this Forum as it is filed beyond the period of limitation. At the same time respondent utility cannot recovered old due arrases of MSEDCL in view of section 56(2) of E.A. hence I am not inclined to grant any relief to the consumer nor any relief can be enforce against consumer by respondent utility . I proceed to pass following order.

ORDER

- i. The consumer complaint No. 18/2017 stands dismiss.
- ii. 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, and 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**