

Consumer Grievance Redressal Forum Maharashtra State Electricity Distribution Co. Ltd.

Ph. No. 25664314
25664316.

Consumer Grievance Redressal Forum
"Vidyut" Bhavan", Gr. Floor,
L.B.S.Marg, Bhandup (W),
Mumbai - 400 078.

REF.NO. Secretary/CGRF/MSEDCL/BNDUZ/Case No. 372

Date:

No - 0516

14 OCT 2011

To,
Shri Ganpat Kothari,
S.No. 62, Gala no. 51,
Sainath Indl. Comp., Khoni
Bhiwandi 421302

SUB : Decision issued in respect of case No. 372

Dear Sir,

In response to the grievance put up by you with the Forum vide case no. 372 the order passed on vide this office order No. 00515 dtd. 14/10/2011 is enclosed herewith for your information please.

Thanking you,

Yours faithfully


Encl: Decision (Page No.1 of 4)

c.s.w.r.to

- 1) The Chief Engineer (L.M),
M.S.E.D.C. Ltd., H.O., Prakahgad Bandra (E).
MUMBAI - 400 051.
- 2) The Chief Engineer, MSEDCL, BNDUZ, Bhandup.

Copy f.w.cs.to :

- 1) The Executive Engineer (Office) i.e. Nodal Officer,
I.C.G.R.C., Office of the Suptd. Engr.
O&M Circle, Bhiwandi


SECRETARY
CGRF, MSEDCL
BHANDUP

o/c

**Consumer Grievance Redressal Forum
Maharashtra State Electricity Distribution Co. Ltd.
Bhandup Urban Zone, Bhandup**

Ref. No. Secretary/MSEDCL/CGRF/BNDUZI/

Date :

Case No. 372

No - 0515

14 OCT 2011

Hearing Dt. 12/08/2011

Shri Ganpat Kothari
Vs.

- Applicant

T.P.L., Bhiwandi

- Opponent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri S. D. Madake, Chairman, CGRF Bhandup.
- 2) Shri R.M Chavan, Member Secretary, CGRF, Bhandup.
- 2) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Applicant

- 1) Shri Roshankumar - Consumer Representative

C - On behalf of Opponent

- 1) Shri Deshpande, Ex. Engr/Nodal Officer, Bhiwandi.
- 2) Mr. Manoj Mahanubhav, Asstt. Manager (F&A), Bhiwandi.

Preamble: -

The consumer Shri Ganapat Kothari is having power loom at s.no. 62, gala no. 51, Sainath Indl. Compound bearing consumer no. 15542638235 with the lighting connection no. 13542638243. He was having sanctioned load of 10 HP and in energy bill the connected

(Signature)

(Signature)

(Signature)



load shown was 25 HP. The Applicant consumer got the bill for an arrears of amount of ` 27,466/- in August-2010 for the power loom connection which he disputed and file the complaint to the utility vide letter dtd. 16/09/2010 and vide letter dtd. 31/01/2011.

Aggrieved by the wrong billing, consumer has preferred this complaint before the Forum.

Consumer say :

Shri Roshankumar, the representative of Applicant consumer was present to represent the case. He stated that the consumer having sr. no. 13542638235 & 13542638243 was billed by the utility wrongly in Jan-07. In Jan-07 when meter reading was 3815 units, the bill should have been for ` 6,579/- instead of which the consumer was given bill of ` 43,150/-. The consumer stated that he has disputed the said bill & his grievance started since the said bill for which he has filed complaint to utility on dtd. 10/09/2008 subsequently on 16/09/2010 & 03/01/2011.

1) Whether the complaint is maintainable? Forum feels that being consumer should have approached to the IGRC or the concerned authority but enough correspondence is not available and also consumer has not approach to this Forum within stipulated time. Hence could not maintain.

Reason : since the dispute between the consumer & utility originated in Jan-07. The complaint is clearly beyond the limitation. We hold that though the utility had given credit in Sept.-2010, this can neither be said to have fresh case of action, nor has an effect of extending the period of limitation.

Babu

Smolalce



Utility's Say :-

Shri Deshpande, Executive Engineer alongwith Shri Manoj Mahanubhav were present at the hearing on behalf of utility. They requested for one week time to submit their say on the points raised by complainant regarding credit & interest on disputed amount but even after one week period the utility could not produce any relevant say or documents to squash the argument of the Applicant.

Observation :-

The matter was heard on 12/08/2011 both the parties were present, the documents on record and arguments by both the rival parties reveals that the cause of action arisen is too old i.e. Jan-2007, however, consumer could have approach to this Forum in the year 2007. The Applicant also could not produce any adequate reason for such delay in billing the grievance.

The Forum, therefore, feels that considering the grievance is of long back i.e, of the year 2007 and MERC (E.O. & CGRF) Regulations 2006, therein Regulation 6.6 do not permit the Forum to entertain the matter which reads as :

6.6 The Forum shall not admit any Grievance unless it is filed within two (2) years from the date on which the case of action has arisen

The Forum, therefore, have no alternative than to reject the prayer for credit of interest of the deposited amount.

ORDER

Considering the matter is too old and MERC (E.O. & C.G.R.F.) Regulations 2006 therein Regulation 6.6 could not entertain the matter hence, prayer is rejected.

Dubey

Srm



No order as cost.

Both the parties should be informed accordingly.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 14/10/2011.

Note :

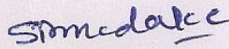
1) If Consumer is not satisfied with the decision, he may go in appeal within 60 days from date of receipt of this order to the Electricity Ombudsman in attached "Form B".

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 go in appeal before the Hon. High Court within 60 days from receipt of the order.


DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP


S. D. Madake
CHAIRMAN
CGRF, BHANDUP


R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP

