

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

Ref. No. Secretary/MSEDCL/CGRF/BNDUZ/

Date :

Case No. 375

Hearing Dt. 12/08/2011

Smt. Varjudevi Kothari

- Applicant

V/s.

MSEDCL (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.

Consumer Say: -

- 1) The complainant has alleged that the utility has debited ₹. 3,33,332.68 from the consumer wrongly due to double billing, when the consumer's account was converted from HT to LT. This fact was

brought to the surface during an audit on 15/09/2008. Thereafter, the consumer was given credit on 06/12/2009, i.e. after 15 months. But the utility did not give interest on the said amount for a period of 15 months.

2) On 16/05/2007, the complainant paid ` 1,64,600/- towards the charges for theft. But again on 08/11/2007, M/s. Torrent Power Ltd. debited ` 2,64,600/- towards the same theft. Not only did Torrent debit the account twice, but also it debited ` 2,64,600/- instead of ` 1,64,600/-.

Thereafter, consumer was given credit of ` 1,64,600/- on 14/01/2009.

The consumer therefore has prayed for refund of ` 1,00,000/- alongwith the interest from November 2007 and Inerrest on @ 18 pa on ` 1,64,600/- from Nov-2007 till today.

Written say of utility is not on record.

Forum has gone through the documents on record & also heard the Complainant's Representative

Observation :-

The claim of the Complainant for refund of ` 1,00,000/- alongwith interest & also interest on ` 1,64,000/- is time barred by the limitation.

Reason

The complainant has admitted that the utility has given him credit of ` 1,64,000/- only, instead of ` 2,64,600/-, without any interest on 14/01/2009.

It is thus evident that the cause of action arose on 14/01/2009.

The complainant has filed this complaint before this Forum on 16/03/2011, hence is barred by the limitation as per section 6.6 of MERC Regulation which states 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”.

Prayer of the complainant for refund of interest on the amount which was debited by the utility due double billing is well within limitation as the utility has given credit of the disputed amount on 06/12/2009.

The complainant has prayed for interest @ 18% p.a. on ₹. 3,33,332.68 for 15 months. The above mentioned disputed amount is inclusive of interest ₹. 1,94,135.91 & original amount of ₹. 1,39,196.77.

It is clear from the document that the consumer is claiming interest on ₹. 1,94,135.91. Forum is of the view that compound interest cannot be given to the consumer. Hence Forum is allowing this complaint partly and passing order as follows :

ORDER

- 1) Complaint no. 375 is partly allowed.

- 2) Utility is directed to pay interest at the rate approved by RBI on ₹. 1,39,196.77 for the period from 15/09/2008 till 06/12/2009, if the amount is paid by the Applicant consumer.
- 3) No orders as to cost/compensation.

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 29th of November 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.

- 3) 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