

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

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

Date :

Case No. 391

Hearing Dt. 05/09/2011, 16/09/2011

Shri A.A. Gaffor Momin

- Appellant

Vs.

M/s. MSEDCL, Bhiwandi

- Respondent

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.
- 3) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Appellant

Shri Shakeel Ansari –Consumer Representative

C - On behalf of Respondent

Shri A.L. Deshpande, Ex. Engr/Nodal Officer, Bhiwandi.

The consumer has filed this complaint for faulty and average reading of meter.

The consumer (consumer number being 013011236159) has preferred this complaint before us. Though he has failed to put up his grievance in detail in writing, the allegations which we have gathered from oral submission of Shri Shakeel Ansari, a consumer representative are as follows :

The utility had sanction (installed) meter in April 2004 in shop of the consumer. No reading was taken by the utility since installation of the said meter. In December 2004 the meter became faulty

Thereafter in on 19/04/2007 M/s. Torrent Power Ltd. replaced the said meter when old meter reading was showing 3323 units.

On 26/01/2007, i.e. at the time of handing over to M/s. T.P.L., total dues of this said meter were ` 64,006.98 contention of the consumer is that he is liable to pay only 3 months average bill as per MSEDCL circular no. 65 dtd. 31/10/2007 & also directives of Hon'ble Supreme Court in Civil Appeal no. 2846 of 2006.

The Forum has also heard Mr. Deshpande for the utility and has gone through the written say filed by him.

He has submitted that there was request for slab benefit from consumer from March 2004. The meter became live from April 2004. From June 2004 till October 2004 the meter was inaccessible.

In the month of November 2004, reading available was 3218. Thereafter the reading was 3323 from January 2005 to January 2007. During this period the consumer has paid only once, i.e. in August 2007, an amount of ` 940/-.

Though from June 2004 to November 2004 total consumption recorded was 3218, average of only 504 units was given during this period of 6 months to the consumer. The meter was not showing consumption for a period from December 2004 till January 2007, for against which in December 2004 average of 105 units & thereafter average of 353 units was given to the consumer upto January 2007, except for March 2005 & April 2005 when average given was 423 units. As against this, TPL period per month consumption recorded was ranging from 200 to 500 units, except in few cases. Thus the consumer was given average which was lesser & also the consumer was not a regular payee. The consumer has not asked for meter replacement, hence, not eligible for slab benefit.

After going through the documents placed on record before the Forum & oral arguments during the proceedings by both the parties, Forum has observed that the cause of action arose during the period ranging from July 2004 to January 2007

Thus, Forum hold that the complaint is barred by limitation vide as per clause no. 6.6 of MERC (CGRF & EO) Regulations, 2006 which states that *"The Forum shall not admit any Grievance unless it is filed within (2) years from the date on which the cause of action has arisen"* & pass following order.

Complaint no. 391 stands dismissed.

Both the parties to bear their own cost.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 13th of December 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