

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

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

Date :

Case No. 392

Hearing Dt. 16/09/2011

Shri Nemzan Choudhary  
Vs.

- Appellant

M.S.E.D.C.L., 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.
- 2) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Appellant

- 1) Shri Sajid Ansari –Consumer Representative

C - On behalf of Respondent

- 1) Shri Deshpande, Ex. Engr/Nodal Officer, Bhiwandi.

Shri Nemzan Choudhary, bearing consumer no. 013092622856, 5/11-4844-0440, meter no. 6000404830, AI 1-338 has filed complaint before this Forum as he has been receiving electricity bills alongwith recovery bills & penalty, though the said meter has been sanctioned for power loom with 23 HP ( sanctioned and connected) of load.

**Consumer's Say: -**

The consumer is holding above mentioned meter was levied overload penalty of ` 1,17,669.34 in the month of March 2005 wrongly.

It is contention of the consumer that as per circular of the Chief Engineer (comm), dtd. 16<sup>th</sup> April 2005, as long as maximum demand meter is not installed, no over load penalty shall be applied to any consumer with the physical verification.

Also order of the Chief Engineer (Comm), dtd. 05/02/2009, vide letter no. PR-3/Tariff-number-4039 states that such wrong penalty of excess load shall be refunded with effect from 01/06/2008.

The consumer therefore has requested to remove wrong penalty of ` 1,17,669.34 alongwith the interest thereon.

Before approaching to the Forum he has filed the grievance before the Internal Grievance Cell, Bhiwandi on 25<sup>th</sup> March 2011 but taken no cognizance.

The Appellant consumer refers his correspondence dtd. 30/05/2005 thereby inspection by the utility officer on 16/03/2006 and complaint to utility vide letter dtd. 05/01/2007.

He insisted that even after frequently approaching to the utility Respondent has taken no cognizance and hence at last approached to this Forum.

**Utility's Say :-**

The Respondent utility was represented Shri A.L. Deshpande, the Nodal Officer and claimed that being the matter is too old and the MERC (CGRF & E.O.) Regulations 2006 therein 6.6 do not permit to entertain the matter where the cause of action arisen is beyond the period of 2 years on this basis required to the Forum to dismiss the case.

**Observation :-**

The matter was heard on 16/09/2011, 22/09/2011 & at last 30/09/2011. The documents on record and arguments during the hearing reveals that the circular quoted by the Appellant is not produced before the Forum, however, even then referring to the circulars which was issued in the year 2008 and if not followed, the Respondent of its own authorities circular, the Appellant should have immediately approached to the Internal

Grievance Cell and to this Forum, but considering the lapse of high time for the cause of action arisen, this Forum is unable to entertain the matter at this stage. The consumer has not filed application for condonation of delay.

The MERC (CGRF & EO) Regulations 2006 therein Regulation 6.6 is very clear and explicit 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 cause of action has arisen”*

Considering above, the limitation bounded by the Regulations and no substantial reason for such huge delay the Appellant could put forth the Forum has no other alternative that to dismiss the case on the ground of limitations of time delay.

### **ORDER**

Considering MERC (CGRF & E.O. Regulation 2006 therein 6.6 the case is time barred and hence dismissed & disposed off by the way of this order.

No order as cost.

Both the parties 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 23<sup>rd</sup> 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.

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**