

**MAHARASTRA STATE ELECTRICITY DISTRIBUTION**

**CO.LTD. KALYAN**

**ZONE,**

**KALYAN**

Office of the Consumer  
Grievance Redressal

**Phone 1) 2210707**

**2) 2328283**



hind Tejashri,  
eherwanji Road,

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**Ext-122.**

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**IN THE MATTER OF GRIEVANCE NO. K/E/020/0022 OF 05-06**  
**OF M/S AAKAR RUBBER AND PLASTIC INDUSTRIES LOHOP**  
**410202 REGISTERED WITH CONSUMER GRIEVANCE**  
**REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT**  
**ASSESSMENT OF 15,700 UNITS (LESS BILLED DURING 12/91**  
**TO 2/93) IN THE BILLING MONTH OF MARCH 2001.**

M/s Aakar Rubber & Plastic Industries

(Here in after

38, V.R.I.D. Complex,

referred to

Lohop- 410202, Tal-Khalapur, Dist- Raighad M.S. as consumer)

**versus**

Maharashtra State Electricity Distribution Co. Ltd

(Here in after

through its Assistant Engineer, referred to

(O & M) Khopoli, Dist:- Raighad.

as licensee)

1. Consumer Grievance Redressal Forum has been established under regulation of “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” to redress the grievances of consumers. This regulation has been made by the Maharashtra Electricity Regulatory Commission vide powers conferred on it by section 181 read with sub-section 5 to 7 of section 42 of The Electricity Act, 2003. (36 of 2003).
- 2) The consumer is a L.T. consumer of the licensee connected to their 415-volt network & using power for industrial purpose. The consumer registered grievance with forum on 16/6/2005 vide its application dated 15/6/2005. The consumer disputed assessment of Rupees Twenty four thousand six hundred seventy nine (Rs 24,679/-) only raised by licensee for 15,700 units less billed during December 91 to February 93 shown in the bill of March 2001. The details of grievances are given below.

*Consumer No: - 031540000223*

*a) Disputed amount: - Rs 24,679/-*

*Period of dispute: - December 91 to February 93*

*Reason of dispute: - less charged during above period as per audit report of licensee (Audit carried out by audit department of licensee during 18/6/93 to 29/6/93)*

*b) Refund of interest and delayed payment charges paid against Rs 24,679/-.*

*c) Claim of Rs.2.5 lacs for production loss after disconnecting electric supply on 9/5/2004 without any notice/intimation by licensee.*

*d) Compensation of Rs.1.5 lacs for harassment and mental torchar given by Assistant Engineer, Khopoli every month from March 2001 till disconnection of supply for non payment of wrong arrears.*

- 3) The batch of papers containing above grievance was sent by forum vide letter No. 225 dated 17/6/2005 to Nodal Officer of licensee. Nodal Officer had already responded to the complaint of the consumer vide letter dated 27/4/2005 addressed to the forum.
- 4) All three members of the forum heard both the parties on 27/6/05 and 7/7/2005 from 15 hours to 16 hours in the meeting hall of the forum's office. Shri. Shankar Bishnoi and Shri. Milin Master represented the case of consumer. Shri Prabhune Nodal Officer, Shri. M.B. Sawant Assistant Engineer and Shri Thakur LDC represented for licensee.
- 5) Shri Shankar Bishnoi repeated grievances mentioned in consumers application dated 15/6/2005. He submitted that the licensee had charged consumer an amount of Rs.24,679/- in the bill of March 2001 and this arrears was continued with interest and delayed payment charges on Rs. 24,679/- up to billing month of April 2004. He further submitted that the supply of the consumer was disconnected on 9/5/2004 without any notice and the supply was restored on 10/5/2004 after making

payment of Rs 53,040/-. He further said that consumer suffered a production loss and mental disturbance for sudden disconnection of electric power and as such, the consumer may be compensated Rs 2.5 lakhs and Rs 1.5 lakhs respectively.

- 6) Shri Prabhune Nodal Officer pointed out that the audit unit of licensee conducted audit of the year 1990-91 to 1991-92 during the period from 18/6/93 to 29/6/93 and pointed out that consumer has been under billed during the period from December 91 to February 93. He pointed out that the consumer was billed 1,15,200 units during the period from December 91 to February 93 while the actual consumption as per meter reading was 1,30,900 units and as such the difference between 1,30,900 units and 1,15,200 units that is 15,700 units was charged to the consumer and was shown in it's bill in the month of March 2001. Shri Prabhune clarified that the less billed amount was Rs 24,679/- (Rs 23029/- energy charges for 15700 less billed units + electricity duty and other charges). Shri Prabhune also clarified that the amount of Rs 53040/- paid by consumer on 10/5/2004 was inclusive of interest and delayed payment charges up to April 2004.
- 7) The licensee has charged consumer an amount of Rs 24,679/- in the month of March 2001 i.e. before EA, 2003 coming into force. We, therefore, look to the provision of the Limitation Act, 1963 for deciding the issue of claim of licensee. As per the Limitation Act, 1963, licensee cannot recover any sum, which is due if it has become time barred. The claim or sum, which is

due, becomes time barred if it is not claimed within three years from the date when it first became due. In the instant case, the sum of Rs 24,679/- (for 15700 less billed units) first became due in the month of June 93 as per audit report but was charged to the consumer in the billing month of March 2001 after a gap of nearly 8 years. We, therefore, decide that the claim of the licensee has become time barred and cannot be claimed from the consumer.

- 8) The following short falls were also observed in this case.
- a) The amount of Rs 24,679/- was shown as arrears in the bills of March 2001 onwards without giving any details to the consumer.
  - b) The supply of the consumer was suddenly disconnected on 9/5/2004 without giving any notice / intimation to the consumer.
  - c) No action was taken from March 2001 till May 2004 on the submissions made by the consumer for showing details of claim of Rs 24,679/-.
- 9) After taking the stock of entire episode, we are inclined to pass the following order.

### **O-R-D-E-R**

1. The amount of Rupees Twenty four thousand six hundred seventy nine (Rs 24,679/-) shown as arrears for less billed units of 15700 during the period of December 91 to February 93 is, hereby, set aside and quashed.

2. The licensee should also withdraw the interest and delayed payment charges levied on Rs 24,679/-.
3. The licensee should give credit of the amount paid against item No.1 and 2 above (Rs. 24,679/- and interest and delayed payment charges on this amount up to April 2004) by the consumer to the licensee, in the bill of consumer in the next billing cycle.
4. The claim of the consumer of Rs 2.5 lakhs in respect of loss of production due to sudden disconnection of electric supply and the compensation of Rs 1.5 lakhs for mental disturbance is completely disapproved. There is no basis for awarding this claim and compensation.
5. Consumer can file appeal against this decision with the Ombudsman at the following address.

Maharashtra Electricity Regulatory Commission, 606/608,  
Keshav Building, Bandra Kurla Complex, Mumbai 51.

Appeal can be filed within 60 days from the date of this order.

6. Consumer, as per section 142 of Indian Electricity Act, 2003, can approach Maharashtra Electricity Regulatory Commission at the following address

Maharashtra Electricity Regulatory Commission,  
13<sup>th</sup> floor, World Trade Centre, Cuffe Parade, Colaba, 400005  
for non-compliance, part compliance or delay in compliance of  
this decision issued under "Maharashtra Electricity Regulatory  
Commission (Consumer Grievance Redressal Forum &  
Ombudsman) Regulation 2003"

**Date:- 10/8/2005**

**(S.H.Chaphekarande)**

***Member Secretary***

**CGRF Kalyan**

**(Sau V.V.Kelkar)**

***Member***

**CGRF Kalyan**

**(I.Q.Najam)**

***Chair person***

**CGRF Kalyan**