



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
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No.EE/CGRF/Kalyan Zone/	Date of Grievance : 06/05/2015
	Date of Order : 04/01/2017
	Total days : 610

**IN THE MATTER CASE OF GRIEVANCE NO. K/E/881/1076/2015-16 IN RESPECT OF RAKHI SANJAY PAREKH, GALA NO.6, PLOT NO.6, AGRAWAL UDYOG NAGAR, WALIV, VASAI ( E ) - 401 208, DIST. PALGHAR REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING BILLING RELATED.**

Rakhi Sanjay Parekh,  
Gala No.6, Plot No.6,  
Agrawal Udyog Nagar,  
Waliv, Vasai (E),  
Dist. Palghar,  
Pin Code-401 208.  
(Consumer No. **001840507200**) .....

(Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution  
Company Limited  
through its MSEDCL, Addl. Ex. Engineer,  
Vasai Circle, Vasai ( E ), S/Dvn. ....

(Hereinafter referred as Licensee)

Appearance : - For Consumer : Shri Harshad Sheth-Consumer's representative.  
For Licensee :- Shri K.S.Giri- AEE, Vasai (E) S/Dvn.

[Coram- Shri A.M.Garde-Chirperson, Shri L.N.Bade-Member Secretary and  
Mrs.S.A.Jamdar- Member (CPO)].

Maharashtra Electricity Regulatory Commission, is,  
constituted u/s. 82 of Electricity Act 2003 (36/2003). Hereinafter for the  
sake of brevity referred as 'MERC'. This Consumer Grievance Redressal  
Forum has been established as per the notification issued by MERC i.e.

“Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006” to redress the grievances of consumers vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is referred as ‘Regulation’. Further the regulation has been made by MERC i.e. ‘Maharashtra Electricity Regulatory Commission. Hereinafter referred as ‘Supply Code’ for the sake of brevity. Even, regulation has been made by MERC i.e. ‘Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply & Determination of Compensation) Regulations, 2014.’ Hereinafter referred ‘SOP’ for the sake of convenience (Electricity Supply Code and other conditions of supply) Regulations 2014’.

2] Case in brief is that, the consumer bearing No. 001840507200, billing units 4359, Dy. Exe. Engineer, Vasai ( East) S/dvn. Closed/stopped the production in December 2004. In June 2006, meter was changed. In July 2006, fictitious bill of 19,382 units was given. It was never revised. In October 2010, consumer made last payment and closed the gala. PD was not made intentionally and wrongly fixed charges and RLC were adjusted till PD which was made in February 2014. I Phase supply was not made PD.

3] Consumer prays for revision of bill by delecting wrong consumption entry of the year 2006 and delete the arrears. Consumer asked for refund of SD + interest + RLC + refund of 1 Phase PD totaling 1,12,780/- by cheque as consumer is PD now. Consumer also claimed SOP compensation as per MERC Regulation, 2014 along with interest as per Section 62(6) of Electricity Act.

4] In reply the Licensee – MSEDCL contends that grievance put forth is more than two years old as such liable to be rejected as per Provision of MERC ( CGRF & Electricity Ombudsman) Regulations, 2006. It is further the contention that in January 2005, meter reading was not taken due to premises being locked and average bill of 7721 units was given which was proper and proportionate with average monthly consumption. In the month of March 2005, lock credit of Rs.25,403/ - and in the month of July 2006, lock credit of Rs.40,381/- was given. In the month of July 2006, the average billing of 19382 units for the period of unbilled consumption was given through system. From October 2010 consumer did not pay any amount and lastly in the month of March 2014 the connection was made PD. In view of the progressive reading of consumer on CPL, the grievance of fictitious billing was not true and tenable and further consumer did not submit any document in its support such as application of request PD etc. It is further the contention that as per CPL, the SD of Rs.51,800/- was shown, but in MSEDCL verification of record the ---- SD was 31200/- was held by the consumer and same was liable to be refunded only which MSEDCL has refunded. Further the total RLC was adjusted towards energy bill as such no balance remains to be paid.

5] We have heard both the sides. There are rejoinders and sur-joiners filed which we have gone through.

6] At the outset the alleged fictitious and wrong consumption entry is of July 2006. Complaint was made to IGRC for the first time on 6/12/2014. Thereafter this grievance is filed on 6/5/15 The consumer has woken up after 08 years .

7] Mr. Harshad Sheth- the CR tried to submit that MSEDCL has been till lately i.e. November 2016 of arrears of bill by the consumer, as such the

grievance cannot be said to be belatedly filed. This argument, I am afraid cannot sustain, as declaration of such amnesty scheme does not save limitation for consumer to challenge the bills. CR also does not substantiate his contention in that regard on the basis of any legal provision.

8] Then Mr. Sheth the CR further argued that his grievance before the CGRF was still within limitation, he sought to make another point. He pointed out that the consumer had approached to IGRC on 6/12/14 and thereafter within two years filed the grievance before this Forum. He pointed out also from the Regulation that there is no bar of limitation to file grievance before the IGRC as such filling grievance before the IGRC after 08 years cannot be said to be beyond limitation. Hence the grievance filed before this Forum within two years from the decision of IGRC is within limitation. Mr. Sheth in support of his legal proposition sought to rely on the judgment in the case of M/s. Hindustan Petroleum Corporation Ltd. V/s. MSEDCL ( W.P. No. 9455 of 2011).

9] We have gone through the judgment cited. It is to be noted however that 6.6 of MERC (CGRF and Electricity Ombudsman) Regulations 2006 makes a provision for limitation for taking cognizance of a grievance by the CGRF in which it is clearly mentioned that the Forum shall not take cognizance of any grievance beyond the period of two years from the date when the cause of action arises. The grievance is to be filed with the Forum within two years of the arising of cause of action. There is provision of IGRC made as per the Act by the Licensee to which a consumer has to have recourse and then move the CGRF, but ultimately, the period of limitation for taking cognizance of a grievance by the Forum remains the same as two years. The consumer has to only wait for two months to get the grievance redressed by the IGRC. It is true that there is no period of

limitation provided for moving the IGRC but then it is a settled principle of Law that in such a situation the complaint or grievance should be made within reasonable time. In the present case, the consumer moved the IGRC after three years of the date when cause of action arose. Thus, when the period of limitation for moving the CGRF itself is two years, the period of 08 (eight) years after which in the present case, the consumer has moved IGRC cannot be by any stretch of imagination is said to be reasonable. The other proposition that the two years period of limitation starts from the date of decision of the IGRC cannot also sustain for want of any such provision. 6.6 of the Regulations above referred are very clear that cognizance cannot be taken after two years from the date on which the cause of action arose. Decision of IGRC cannot give rise to a cause of action. The said view finds support in the Judgment in the case of MSEDCL, and another v/s. Electricity Ombudsman and another (WP No.1650 of 2012) in which case His Lordships AV Nurgude J, interalia reproduced the entire list of articles 72 to 91 of Indian Limitation Act 1963, to rule as to when the cause of action arises. His Lordships went on to hold that cause of action does not arise on the date of decision of IGRC.

10] The above being the situation, it can be seen in the present case the consumer has approached the IGRC after 08 (eight) years to dispute bill of July 2006 and has now been demanding meter tests, NABL testing etc. It is very difficult to consider out such belated grievance. The grievance is hopelessly time barred.

11] This matter could not be decided within time as the Hon'ble Chairperson took charge on 20/09/2016 of this Forum and the matter was reheard.

In the result, the grievance application of the consumer is liable to be dismissed.

Hence the order.

**ORDER**

Grievance application of the consumer is hereby dismissed.

Date: 04/01/2017.

(Mrs.S.A.Jamdar)  
Member  
CGRF, Kalyan

(L.N.Bade)  
Member Secretary  
CGRF, Kalyan.

(A.M.Garde)  
Chairperson  
CGRF, Kalyan.

**NOTE**

a) The consumer if not satisfied, may file representation against this order before the Hon. Ombudsman within 60 days from the date of this order at the following address.

*“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”.*

b) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or

c) delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” at the following address:-

*“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”*

d) It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.