



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 : 23/05/2017

Date of Order : 20/07/2017

Total days : 59

IN THE MATTER CASE OF GRIEVANCE NO. K/E/1223/1446 of 2017-18 IN RESPECT OF M/S. KALURAM YADAV & SONS, NEAR ASHOKA HOTEL, CHAROTI NAKA, TAL.DAHANU, DIST. PALGHAR, REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING BILLING DISPUTE.

Kaluram Yadav & Sons,
Near Ashka Hotel,
Charoti Naka, Tal. Dahanu,
Dist. Palghar,
(Consumer No. 006000005345)

... (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited
through its Dy. Ex. Engineer
Palghar Circle,

... (Hereinafter referred as Licensee)

Appearance : - For Consumer :Shri V.K.Vaze- C.R.

For Licensee -Shri B.S.Dhodi - Dy.Ex. Engg.-Dahanu S/dn.

[Coram- Shri A.M.Garde-Chirperson, Shri A.P.Deshmukh-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] This is a billing dispute raised by a former consumer (No. 006000005345). The bill pertains to July 2013 amounting to Rs.97510/- . It is the contention that up to June 2013, consumer received bills as per meter reading having average monthly consumption of 35units. The bills and CPL of MSEDCL also shows progressive reading up to June 2013, having last reading 1927 units and current reading 2004 units in 2013, but in July 2013, MSEDCL has given exorbitant bill of 10140 units amounting to Rs.97,510/- . Consumer complained to MSEDCL after which check reading was done by MSEDCL in which meter was showing abnormal fast reading and hence bill of July 2013 needs to be corrected and should be as per 12 month’s average bill i.e. 35 units.

3] In reply MSEDCL contends that meter installed to the connection is having Sr.No. K11 279519, make Emco, was having no decimal point and it showed full reading in kwh. Bill for July 2013 has been issued for 10140 units as per photo reading. On 23/8/2013 check reading was also submitted by Section Officer and has instructed the consumer that bill is as per actual consumption and it should be paid by the consumer. PD was made on 28/8/2013.

4] It is further the contention that no complaint was lodged for more than three years.

5] We have heard both sides. It is clear from the record that present grievance has been filed after three years and as per 6.6 of the MERC (CGRF & Electricity Ombudsman) Regulation 2006, the Forum cannot entertain the present grievance. Check reading was done on 23/8/2013 and thereafter PD was made on 28/8/2013. No complaint is made even thereafter. It is not the case that consumer did not know about PD done or he came to know about it recently anytime. That being so the grievance is barred by limitation under Regulation 6.6 of MERC (CGRF & Electricity Ombudsman) Regulation 2006.

6] The consumer relied on a judgment in the case of M/s. Hindustan Petroleum Corpn. Ltd. V/s. MSEDCL (W.P.No. 9455 of 2011).

“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 03 (three) years after which in the present case, the consumer has moved IGRC cannot be by any stretch of imagination 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 Nirgude 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.”

The above being the situation, it can be seen in the present case the consumer has not lodged complaint for three years. It is very difficult to consider such belated grievance. The grievance is hopelessly time barred.

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: 20/7/2017

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

(A.P.Deshmukh)
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

d) on (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”

e) 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.