



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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IN THE MATTER OF GRIEVANCE NO. K/E/563/664 OF 2011-2012 OF
MOHAN JYOT CO. OP. HOUSING SOCIETY LTD. AMBERNATH (EAST)
REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM
KALYAN ZONE, KALYAN ABOUT EXCESSIVE ENERGY BILL.

Mohan Jyot Co. Op. Housing Society Ltd.
Survey No. 166 (P), CTS No. 8873,
Plot No. 3, 4, 5, Shivmandir Road,
Ambarnath (East), Dist : Thane

(Here-in-after
referred
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Dy. Executive Engineer
Ambarnath East Sub-Division

(Here-in-after
referred
as licensee)

- 1) Consumer Grievance Redressal Forum has been established under "Maharashtra Electricity Regulatory Commission (Consumer Grievance

Redressal Forum & Ombudsman) Regulation 2006” 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. The Consumer is billed as per residential tariff. Consumer registered grievance with the Forum on 05/01/2012 for Excessive Energy Bill.

The details are as follows :

Name of the consumer :- Mohan Jyot Co.Op.Hsg.Society Ltd.

Address: - As given in the title

Consumer No : - 021520528153

Reason of dispute : Excessive Energy Bill

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/017 dated 05/01/2012 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/AMB(E)/S-Dn/65, dated 23/01/2012.
- 4) A hearing was held on 24/01/2012 @ 15.00 hrs. The Member Secretary and Member of the Forum heard both the parties in the meeting hall of the Forum's office. Shri Gautam Banerji, Shri Amith Ghosh, Shri S. A. Pal, Shri Somnath Kothaware, Shri D. A. Barase representatives of the consumer, & Shri Kale Nodal Officer, Shri Kashal, Asstt. Engr., Shri Agarwal, Dy. Ex. Engr. representatives of the licensee attended hearing. Minutes of the hearing including the submissions made by the parties are recorded and the same are kept in the record.

- 5) The brief facts of the case are as follows :
- The consumer Mohan Jyot Co. Op. Hsg. Society states as under :
- a) The consumer made an application somewhere in 2007 to the licensee to test it's meter as it was recording very high units and the excessive bills were issued by the licensee.
 - b) Consumer further states that after it's complaint licensee revised the bills and credit was given by the licensee.
 - c) Consumer further states that during the scrutiny of it's record of electricity bills it was observed by the auditor of the consumer society that the electricity bills which were paid by the consumer society were 10 times more than the actual consumption bills.
 - d) It is pleaded by the consumer that it had made the complaint of defective meter in the year 2007 and the said meter was replaced in 2008 by the licensee. Hence as per MERC rules benefit of revision is applicable to the consumer society since two years prior to the date of it's complaint.
 - e) It is the grievance of the consumer that though it had made a lot of correspondence with the licensee, licensee did not heed to it's request. The consumer therefore approached the Forum and prayed that excess payment made to the licensee due to faulty meter be refunded to the consumer.
- 6) Notice was issued to the licensee who appeared and filed it's say. The licensee states that :
- a) The bill of faulty meter was revised and credit was given to the consumer in the month of March 2008.

- b) The consumer being convenience / satisfied with the revision (then Secretary) has paid the full amount of revised bill in the month of April 2008.
 - c) The faulty meter of the consumer was replaced in the month of January 2008.
 - d) The licensee further states that MERC Regulation 2006 does not allow the consumer to file the grievance beyond the period of two years.
 - e) The licensee further pleads that since the consumer has accepted bill revision and paid the full amount in the year 2008, the consumer's case be dismissed as the period of two years is over as per MERC Regulation. Licensee therefore requested the Forum to dismiss the grievance application of the consumer.
- 7) We have gone through the submissions made by both the parties and the documents placed before us, our observations are as follows :
- a) Lethargy has been caused on the part of the consumer to take recourse to the statutory remedy provided in Electricity Act 2003.
 - b) The consumer also failed to approach licensee for redressal of it's grievance in relevant time.
 - c) We have also observed that the said grievance application is not maintainable for the reason that the said dispute is barred by Clause No. 6.6 of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 which reads as under :
- “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.”**

- d) The said grievance application is not filed within two years from the date of cause of action, hence it is liable and ought to be rejected on the above ground.
- e) The mistake / dispute brought to the notice of the licensee after a lapse of more than three years when the auditor of consumer put up a query regarding the amount paid by the consumer towards electricity bills. The grievance lodged by the consumer is therefore not maintainable as inordinate delay has been caused to file a grievance application.
- f) The consumer has not raised the grievance before any authority of the licensee except two letters dated 16/06/2011 and 21/10/2011 raising objection regarding improper bill. The consumer also has admitted before the Forum that it has not raised any grievance in the past.
- g) We therefore find a great force in the contentions of licensee.
- h) We also feel that the date of cause of action does not continue its existence on account of subsequent letters which were sent after thought. Moreover, subsequent letters written by consumer after the period allowed by Law (i.e. within two years from the date of cause of action) will not be taken into consideration as a valid date of cause of action.
- i) Record shows that the said grievance is related to the transaction which took place in the year 2008, hence it is barred by time.
- j) We therefore hold that the contention raised by the consumer about the improper and wrong billing being devoid of any merit has to be dismissed.
- 8) We therefore pass the following order :

O-R-D-E-R

- 1) The grievance application stands dismiss on the ground of Clause No. 6.6 of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006
- 2) The consumer 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”.

Date : 31/01/2012

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

(R.V. Shivdas)
Member Secretary
CGRF Kalyan