CONSUMER GRIEVANCES REDRESSAL FORUM;

MSEDCL NAGPUR (RURAL) ZONE NAGPUR

COMPLAINT NO. 11 /2015

M/s Simplex Papers Limited At.Changera Po.Satona Tq.Gondia District - Gondia.

Complainant

,,VS..

- 1. Superintending Engineer, MSEDCL,O&M Circle, Gondia
- 2. Executive Engineer/Nodal Officer. I. G. R. C., Circle Office, MSEDCL.Gondia.

Respondents

Applicant represented by

1) Shri D.C.Shrimali, Authorized signatory Respondents represented by 1) Shri A.S.Fulkar, Superintending Engineer, Gondia 2) Shri C.C.Darvekar, Dy.Executive Engineer, Gondia

CORAM: Shri Vishnu S. Bute, Chairman. Adv. Gauri D. Chandrayan, Member Ms. S. B. Chiwande, Member-Secretary.

JUDGEMENT

(Delivered on this 17th day of March, 2015)

2. M/s. Simplex Papers Limited, Village Changera, Po.Satona, Tq. and Dist.Gondia is the appellant in this case. It is a public company incorporated under the Company Act, 1956. It used to manufacture paper & paper products. It used to procure electricity from the respondent. It had been allotted H.T.S.C. no.43001900209-2. The appellant has a grievance about the energy bill issued by the respondent for August 2003. The appellant approached the IGRC Gondia on 09-05-2014. The IGRC Gondia, without going into the merits of the case disposed of the matter. The case was dismissed on the ground that the cause of action took place in 2003 and the application was time barred. The matter had been amicably settled in the court. The appellant approached

this Forum on 19-01-2015 under the provisions contained in Regulation 6.4 of the MERC (CGRF & EO) Regulations 2006.

3. The case was fixed for personal hearing on 09-03-2015. Shri D.C.Shrimali, authorized signatory, for the mill, was present for the appellant. Shri A.S.Fulkar, Superintending Engineer, Gondia and Shri C.C.Darvekar, Dy.Executive Engineer, Gondia represented the respondent. Both the parties were heard.

4. Before going into merits of the case, it is necessary to verify the tenability of the instant proceeding.

In application, in annexure I, in item 4, the appellant mentioned that the dispute relates to the bill of August 2003. As per the appellant the bill was assessed and issued on the basis of a meter, which used to give incorrect reading. The meter was out of order. The assessment was not done as per the terms and conditions of supply. The prayer of the appellant is that the amount of Rs.15,67,506/- may be refunded back to the appellant. He also claimed interest @ Rs.18% p.a. from 10-03-2005.

Para VIII of annexure, to the application reads as under,

That, like a bolt from the blue the appellant has been served through Respondent no.2 on 17-02-2005 with final assessment order dated 17-01-2005 as passed by respondent no.1 alongwith working of alleged arrears as done by respondent no.2. It is this order, which is being impugned in this appeal.

The respondent stated that the cause of action took place in 2005. The grievance is barred by limitation. The IGRC Gondia recorded the same finding. It may be confirmed. The case may be dismissed.

On perusal of the record, it is clear that the dispute is about the energy bill of August 2003. The appellant contended that the bill was raised and assessed on basis of a faulty meter. The cause of action took place in February 2005 when he got the bill. As per the appellant he got the bill on 17-02-2005.

Regulation 6.6 of the MERC (CGRF & EO) Regulations 2006 reads as under,

6.6 The Forum shall not admit any grievance unless it is filed within two (2) years from the date in which the cause of action has arisen.

In the instant case the appellant approached this Forum after the period of two

years. Thus it is clear that the case is barred by limitation.

So, we pass the following order,

<u>O R D E R</u>

i) The application no.11 of 2015 is hereby dismissed being barred by limitation.

ii) No order as to cost.

Sd/-sd/-(Adv.Gauri D.Chandrayan)(Ms.S.B.Chiwande)(Vishnu S. Bute)MEMBERMEMBER SECRETARYCHAIRMANCONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR ZONE NAGPUR(Nagpur Dtd.17th day of March, 2015)

CONSUMER GRIEVANCE REDRESSAL FORUM

NAGPUR ZONE (RURAL) M. S. E. D. C. L.

Plot No.12, Shrikrupa, Vijaynagar, Chhaoni,

NAGPUR - 440013

Email.id- cgrfnz@mahadiscom.in cgrfnz@gmail.com

(0) 0712- 2022198

Date :

NO. CGRF/NZ/

Certified copy of order dated 17th March, 2015 in Case No.11 / 2015 is

enclosed herewith.

Member-Secy/ Exe.Engineer, C.G.R.F.(NZ)MSEDCL NAGPUR

To,

M/s Simplex Papers Limited, At.Changera Po.Satona, Tq. & Dist.Gondia

Copy s.w.r.to :-

1. The Chief Engineer(NZ), MSEDCL, Vidyut Bhavan, Katol Road, Nagpur.

Copy f.w.cs.to:

- 1. The Superintending Engineer, O&M Circle, Gondia
- 2. The Executive Engineer/Nodal Officer., O&M Circle Office, MSEDCL.Gondia for information and necessary action.

Address of the Electricity Ombudsman is given as below.

Office of - The Electricity Ombudsman, 12, Srikrupa, Vijay Nagar, Chhaoni, Nagpur-440 013 0712-2596670