

**CONSUMER GRIEVANCE REDRESSAL FORUM,
AMRAVATI ZONE, AKOLA.**

“ Vidyut Bhavan”

Ratanlal Plots,

Akola : 444001

Tel No.2434476

Email Id; cgrfamravati@mahadiscom.in

Dt.6/03/2014

Complaint No.111 /2013

In the matter of of claim and compensation for bill and restoration of supply, etc.

Quorum :

Shri T.M.Mantri, Chairman

Shri P.B.Pawar, Secretary

Shri A.S.Gade, Member

Shri Shreeram Sitaramji Thokal , Murtizapur

..... Complainant

...VRS....

The Executive Engineer (R.)Dn. Akola

..... Respondent

Appearances :

Complainant Representative : Shri Ashish S. Chandrana

Respondent Representative : Shri N.S Chitore Ex, Engineer, (R.) Dn. Akola.

Shri P. N. Phuzhele, Assistant Engineer, Murtizapur.

1 The complainant is seeking relief for getting compensation as per the Regulation, delay in restoration of supply and cost. According to the Complainant the supply was interrupted during June 2006 and inspite of bringing this fact by making grievance to the Officers of N.A, by the Complainant and other consumers, nothing was done hence the Complainant is compelled to approach this Forum.

2. It is alleged that the N.A. has given the bills of progressive reading and complainant paid the amount on the assurance that after making payment, supply shall be restored, but nothing was done. It is alleged that on 25th Nov.2013, Times of India has published the report about the dis-connection of supply as well as issuing of progressive reading bill, thereafter only the Administration of Licensee woke up and started to take effective steps for restoration of supply which was ultimately restored on 3.12.1012.(which ought to have been 3.12.2013) It is alleged that on 4th December 2013, the Complainant has pointed out the liability of the N.A. to pay the compensation at the rate of Rs.50/- per hour. Further, the N.A. failed to respond that letter, hence the Complainant approached this Forum, seeking relief prayed for such as: compensation from 1st July 2006 to 3.12.2013 and refund of excess amount collected from the Complainant with 18% interest and cost of Rs.5000/- with other relief. Alongwith the Complaint copies of documents came to be filed.

3. In response to the notice of this Forum as per the Regulation, reply of the N.A. came to be filed, belatedly. That objection has been raised that the Complainant Shri Shriram Thokal is not the consumer. The complainant appears to be occupier but it is not clear whether he is legal owner or legal heir. Reference has been made to the definition of the consumer under the regulation 2005. As the name of Sitaram Balaji Thokal is mentioned in the Bills, the complainant Shriram Thokal is not consumer of the N.A. Hence Shri Shriram Thokal has no right to file grievance before the Forum, it needs to be rejected.

4. Reference has been made to Regulation 6.2 of MERC Regulation of 2006. It is stated that the Complainant Shri Thokal has notfiled any new application for connection or correction in the name, hence has no right to approach the Forum for his grievance.

5. It is further stated that the Complainant Thokal has submitted the letter / application to the Licensee under signature for and on behalf of Shri S.B. Thokal and merely because of making correspondence in that manner, it does not mean that the Complainant Shri Shriram Thokal is the consumer of the Licensee. Then objection has been raised that the present complaint is not in limitation, by referring to regulation 6.4 to 6.6 of Regulation 2006. As the grievance has been made on 4.12.2013 and the period of two months is yet to expire, therefore the complaint is not tenable. According to the complainant the cause of action arose in June 2006, therefore from that date the complainant ought to have approached to the Forum within 2 years i.e. before 2008. Hence it is time barred. Reference has been made to the judgement of Hon. Bombay High Court in Writ Petition No.1650/2012.

6. It is further stated that as per demand, material was provided to JE Hatgaon on 13.7.2009 therefore, it appears that supply which was interrupted in June 2006 was restored, hence the Complainant's contention that the supply was not restored then, is not factual position. Further, it is stated that as per the demand letter dated 17.2.2010 of JE Hatgaon, 800 feet conductor was provided and that time the entire new work was carried out. There was no grievance of the Complainant about interruption of supply.

7. It is further stated that on 27.6.2011, to avail benefit of Scheme of Krishi Sanjivani, Shri S.B.Thokal has made payment of Rs.1630/- which means that the Pump was in working condition, hence he was ready to make payment at that time. There was no grievance from his side about the interruption of supply. If there is any difference in the bills, the same has been corrected or will be corrected.

8. Further it is stated that the damaged meter of Shri Thokal was replaced in Nov. 2006. Then reference has been made to the meter reading under CPL, from which it is clear that by installing new meter in 2006 and upon restoration of supply the last reading thereunder was 11940 which means that it was showing the consumption of electric energy. For intervening period the bills of Zero reading were given which means that the Complainant did not consumed Electricity during that period. Lastly pressed for disposal of the Complaint. Alongwith the reply copies of documents came to be filed.

9. Written notes of arguments came to be filed on behalf of the parties with documents. Herd Shri Ashish Chandarana Learned Representative for the Complainant and Mr. Chitore, Executive Engineer alongwith Shri Fulzele, Asstt. Engineer, Learned Representatives of N.A. After going through the available material on record and by giving anxious thought to the submissions made on behalf of the parties by their Learned Representatives, this forum is passing this order:

10. As far as the objection of the N.A. about the non-tenability of the complainant on the ground that the Complainant Shriram Thokal is not the consumer, suffice to say that the said objection cannot be up-held, as per the Regulation, definition of consumer is clear. Admittedly, Sitaram Balaji Thokal was the original consumer and the complainant Shriram S.Thokal is one of his legal heir. His name is also recorded in 7/12 extract. The Complainant Shriram, being son of Shri S.B.Thokal and being occupier of the premises, he has right to file the complaint. Noting has been brought on record from the side of the N.A. that their Legal Representatives have any objection therefor. Consequently, this Forum holds that the Complainant Shri Shriram S.Thokal can file the complaint and it is tenable.

11. On going through the recitals of the Complainant, it is clear that according to the Complainant, Electric supply was interrupted in June 2006 and as per averments made in the complaint as well as during the course of argument on behalf of the Complainant, supply was restored on 3.12.2013. So as per the complainant there was continuous interruption of supply during that period i.e. more than 7 and half years. On behalf of the N.A. apart from taking other pleas in defense, it has been vehemently submitted that the filing of the present complaint after 7 and half years is patently time barred. No doubt on behalf of the complainant attempt has been made to point out some documents more particularly letters dated 13.7.2009 and 17.7.2009 of JE Hatgaon. The record clearly shows that there is letter correspondence of the Complainant with the Office of the N.A. in the year 2012 only. The first letter is of 17.3.2012 , second is of 17.12.2012 and 11.10.2013. So from the record particularly, documents filed by the Complainant himself, it is clear that after March 2012, the Complainant has made correspondence with the concerned office of the N.A. and prior to that there is not grievance/letter correspondence in writing. During the course of arguments, it has been submitted that the Complainant is ex-employee of the N.A. Licensee and naturally he is aware of the procedures and technicalities, etc.

12. At this stage, it will be just and proper to refer the CPL of the consumer. It is for the period of March 2006to Sept.2013. The various readings therein show corresponding progressive reading and status of meter is normal. Here also, it is to be noted, the CPL of further reading upto December 2013 is filed on record. So also copy of meter replacement report dated 3.12.2013 is filed on record. It bears signature of the concerned staff / officers of the N.A. licensee so also on behalf of the Consumer there is signature in Marathi "S.S.Thokal". During the course of argument, the complainant herein has admitted that it is his signature. So record

clearly shows that meter was changed on 3.12.2013. Even in the CPL filed on record, there is entry in Dec.13 about the change of the meter. As already observed above, the stand of the N.A, was about restoration of supply long back and issuing of continuous bills, whereas according to the complainant since June 2006 till 3.12.2013, there was continuous interruption of supply. The learned representatives of the N.A. have relied upon the judgment of Hon. Bombay High Court in Writ Petition No.1650/2012, MSEDCL + 1 vrs Electricity Ombudsman +1. On going through the said judgment, it is clear that there in also similar controversy was involved about the dis-connection of electric supply for years together and approach made to the Forum for compensation. The same type of objection was raised on behalf of the Licensee therein about the bar of limitation. The Hon'ble Bombay High Court has after dealing with the various types of submission like raised in the present complaint on behalf of the Complainant, has laid down that the Complaint is time barred. Therein Electricity connection was dis-connected in 2003 and the Complainant therein approached some time in 2011 to the authority for redressal of grievance. The Hon. Bombay High Court allowed the Writ Petition of the Licensee therein holding that the Complaint is time barred. In Para 12 of the said judgment Hon.High Court has dealt with the similar type of contentions raised by the Complainant therein and held that the complaint is barred by limitation. Apart from the judgment of the High Court, it is clear that the present complaint has been filed alleging that there was continuous interruption of electricity since June 2006, Regulations 2005-2006 came into existence that time. The Complainant could have availed the remedies provided under the Regulation that has not been done. The submission of continuous cause of action has also been dealt with by the Hon. Bombay High Court in the above referred judgment. Consequently, this forum has to follow the judgment and ruling of the High Court in such contingency.

13. Here, it is to be noted that the even according to the Complainant, he was receiving bills of progressive readings but he has not made any complaint in writing for years together. On the contrary has paid the bill to avail benefit of Krushi Sanjivani that too without making of grievance of interruption in supply. All these events goes against the complainant. Even according to him he has not approached the IGRC. According to the complainant, as the N.A. has failed to respond his letter dated 4.12.2013, he has filed the complaint on 16.12.2013. The record clearly shows that the Complainant has slept over his right for years together and only after publishing of News in the News Paper, published at his instance, is making basis for filing the complaint. This Forum therefore held that the complaint is barred by limitation. Consequently, the Complainant is not entitled for the reliefs much less the compensation etc claimed in the Complaint, hence this Forum proceeds the following unanimous order

ORDER

1. The Complaint of 111/2013 filed by the Complainant is hereby dismissed.
2. In the circumstances, the parties to bear their own cost.

Sd/-
(A.S.Gade)
Member

Sd/-
(P.B.Pawar)
Secretary

Sd/-
(T.M.Mantri)
Chairman