

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM  
AURANGABAD ZONE AURANGABAD

Case No. CGRF/AZ/Aur/Hingoli/341/2011/21

Date of Filing 12.08..2011

Date of Decision 01.11.2011

Shri Gokul S/o Laxminayaran Toshniwal,  
Proprietor Bhagwati Jinning Factory,  
Kalamnuri,  
Dist. Hingoli. Consumer  
(Consumer No. 542510003737)

**V/s**

Maharashtra State Electricity Distribution Co.Ltd., Distribution  
Hingoli Licensee

Claim: - Issue revised bills by deducting interest, penalty and  
fixed charges.

**CORAM**

Shri V.B.Mantri Chairperson

Shri V.S.Kabra Member

Shri Mohd.Quamarudin Tech.Member

**JUDEMENT**

The consumer has presented his grievance against the bills.

It is the case of the consumer that, the consumer is running Jinning  
factory at Kalamnuri Dist. Hingoli. The respondent is issuing incorrect  
exorbitant bills and thereby causing financial and mental harassment.

The respondent has issued bill of Rs.170841 on 31.03.2003. The bill of Rs.198960 was issued for the month of February 2003. There was no reason to impose interest or penalty or fixed charges. The consumer has paid all the bills but again bill of Rs.30,950 was issued. The respondent again issued bill of Rs.25260 for the period 30.06.2003 to 31.07.2003. The consumer requested repeatedly for correction of bills, but revised bills were not issued.

The business of Jinning factory is small scale industry. As per Govt. resolution, electricity tax has been exempted to small scale industries. The respondent has charged electricity tax for the period of Nov.2003 to Nov.2005. The same is required to be deducted.

It is submitted that, the consumer had submitted his grievance in District Consumer Forum, but his complaint was dismissed. The consumer then preferred appeal before State Commission bearing appeal No.44/07. The State Commission decided the appeal on 08.10.2010 and remanded the matter for fresh decision. The District Consumer Forum again decided the matter and held that the consumer is NOT CONSUMER as is defined in the Act.

The present consumer has therefore filed his complaint before I.G.R.C. Hingoli on 25.02.2011. The IGRC decided the matter on 04.07.2011 and reduced the bill for Rs.93,709 but declined to deduct excessive bills. The present grievance has been therefore filed in this Forum.

On going through the contents of complaint it revealed to this Forum that, the complaint is not within limitation by virtue of Regulation No.6.6 of MERC Regulation. The complainant is therefore called upon to make his submissions on the point of limitation. As the complaint prima-facie appeared to be barred by limitation, notice to the respondent was not issued.

This Forum heard submissions of the complainant on the point of limitation prior to admission of the complaint. The complainant has submitted his written arguments. We have gone through the written arguments. The following points arose for our decision and we record our decision as follows.

Sr. No.	Points	
01.	Whether the present complaint has been filed within TWO YEARS from the date of cause of action for the present grievance as per Regulation No.6.6 of MERC Regulation ?	NO
02.	What redressal of grievance if any.	The grievance is not filed within limitation, so it can not be allowed to be admitted.

### REASONS

01. At the out-set, the complainant is not specific for his grievance and the bill for which he has come before this Forum for redressal of grievance. It however reveals from oral submissions made on behalf of the complaint, that the grievance is for the bills February 2003, March 2003 and interest, penalty and fix charges. It is an admitted fact that the present complainant had approached to District Consumer Forum for redressal of such grievance. The District Consumer Forum held that, the grievance is not filed within two years from the date of cause of action and as such it is not within limitation. The Competent Forum has decided the question of limitation, therefore also this Forum can not admit the same grievance a fresh.
  
02. It further reveals that, the complainant has preferred appeal against the said judgment before State Commission. The State Consumer Redressal Commission was pleased to remand the matter to District Consumer Forum for fresh enquiry & decision. The District Consumer Forum thereby again decided the matter on 13.01.2011.
  
03. It has been argued that, the time period spent in District Consumer Forum for litigating the grievance is required to be excluded in view of Sec.14 of limitation Act. The consumer has placed reliance upon P.Sarathy V/s State Bank of India reported in AIR 2000 Supreme Court 2023. He further relied upon Phoolchand and Others V/s Shankarlal reported in AIR 1995 M.P.222

04. In the present case, the grievance appears to be regarding bills of February 2003, March 2003, April 2003. The complainant has filed his complaint before consumer redressal Forum on 20.04.2005. The District Consumer Forum ultimately decided the petition on 13.01.2011. The consumer/complainant after decision of District Consumer Forum has presented the grievance petition for redressal of same grievance before this Forum again on 10.08.2011. It is therefore crystal clear that the grievance petition has not been filed within two years from the date of cause of action even before District Consumer Forum itself. There is thereby no question for exclusion of period u/s 14 of limitation Act. The above case law as such the Sec.14 of limitation Act are not applicable to this case. There is no prayer or submission of condonation of delay. The present grievance petition as such is not filed within period of limitation. The complaint can not be thereby admitted in view of Regulation 6.6 of MERC Regulation. The above points is thereby answered accordingly with these reasons, the members of this Forum unanimously proceed to pass following order.

ORDER

01. The complaint/grievance petition is NOT WITHIN LIMITATION.
02. It can not be admitted.

Sd/-  
(V.S. Kabra)  
Member

Sd/-  
(Mohd. Qamaruddin)  
Member/Secretary

Sd/-  
(V.B. Mantri)  
Chairperson