

**Consumer Grievance Redressal Forum
Maharashtra State Electricity Distribution Co. Ltd.
Bhandup Urban Zone, Bhandup**

Ref. No. Secretary/MSEDCL/CGRF/BNDUZ/

Date :

Case No. 260

Hearing Dt. 31/03/2009

**In the matter testing of disconnection without notice and
Compensation thereof**

Shri Chaganlal Mepa Hariya

- Appellant

Vs.

MSEDCL, (Bhiwandi)

- Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri S.L. Kulkarni, Chairman, CGRF, Bhandup.
- 2) Shri R.M Chavan, Member Secretary, CGRF, Bhandup.
- 3) Mrs. Manik P. Datar, Member, CGRF, Bhandup.

B - On behalf of Appellant

- 1) Shri Manoj Kanji. Hariya, consumer representative.

C - On behalf of Respondent

- 1) Shri S.Anand Ex. Eng. MSEDCL.

Preamble :

The Consumer's representative approached this Forum directly stating that despite his approach to ICGRU to Bhwandi but no cognizance was taken for two months.

Consumer say :

His grievance is that, his power supply was disconnected several times without giving any prior notice. He also stated that as per the provision in IE Act 1910 Utility should issue a notice along with the reason for disconnection which Utility did not follow in year 2002 and hence he demands the compensation towards damage cost from concerned officer for 1lakh and for mental agony from Utility for 10lakh. He also reiterated the reason for delayed approach to the Forum due to the fact that information was received by him under RTI-2005 from ACB-Thane in 2008 which could support to the unjustified disconnections of his electric supply. On this ground he requested the Forum to consider the delay.

Utility Say :

The Utility (MSEDCL) stated that the electricity supply was disconnected due to heavy billing arrears, which were not being paid by the consumer despite continuous pursuance by the Utility officials. It's surprising that the disconnection was made in 2002 and the consumer approached the Forum in 2009. They reiterated that since 2002, consumer neither complained nor raised any grievance about the compensation therefore his claim stands time barred as per regulation 6.6 of MERC (CGRF & Ombudsman) regulation and limitation Act. It has requested the Forum to reject

the case due to abnormal delay i.e. 7 years since cause of action arose in 2002.

Observations :

The matter was heard on 31st March 2009 when Shri Manoj Kanji Hariya the appellant was present the respondent was represented by Shri S.Anand Ex. Eng and Nodal officer, MSEDCL Bhiwandi.

After hearing both the sides and on perusal of available record Forum comes to the conclusion that the appellant has approached the Forum too late i.e. about 7years from cause of action i.e. disconnection of supply without notice in year 2002.

In course of hearing consumer could not give any satisfactory reply as to why he did not ever approached the Utility for his grievance also he could have approached this Forum in 2005 when it was established. Thus the case on all account is time barred considering the limitation Act and MERC (CGRF&EO) Regulation 2006,regulation 6.6 which stipulated raising of grievance within a period of 2 years from the cause of action.

ORDER

The case is therefore dismissed. Both the parties being informed of this decision.

No orders as to cost.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 2nd April 2009.

Note : 1) If Consumer is not satisfied with the decision, he may go in appeal within 60 days from date of receipt of this order to the Electricity Ombudsman in attached "Form B".

Address of the Ombudsman
The Electricity Ombudsman,
Maharashtra Electricity Regulatory Commission,
606, Keshav Building,
Bandra - Kurla Complex, Bandra (E),
Mumbai - 400 051.

2) If utility is not satisfied with order, it may go in appeal before the Hon. High Court within 60 days from receipt of the order.

MRS. M.P. DATAR
MEMBER
CGRF, BHANDUP

S.L. KULKARNI
CHAIRMAN
CGRF, BHANDUP

R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP