

(A Govt. of Maharashtra Undertaking)
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Consumer Grievance Redressed Forum
"Vidyut Bhavan", Gr. Floor,
L.B.S.Marg,Bhandup (W),
Mumbai – 400078.

REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/23/166

Date: 26.09.2017

Case No. 23/2017

Hearing Dt.06/09/2017

**In the matter in correct recovery bill issued by respondent utility July 2008 for
amount Rs.37999/-**

Shri. J. Ahmad, - Appellant
88,Kaneri,Near A R Tailor
Opposite .Ajmari Hotel,Bhiwandi
V/s.

Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL)
Bhiwandi - Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri. Anil P. Bhavthankar, Chairperson, CGRF, Bhandup.
- 2) Shri. R.S.Avhad, Member Secretary, CGRF, Bhandup.
- 3) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Appellant

- 1.Sajid Ansri – Consumer Representative
- 2.Adil Punjabi

C - On behalf of Respondent

Beloskar Ex.Engineer Nodal Office Bhiwandi

Consumer No. 13010115901

1. Above named consumer received bill in the month of 08.05.2008 showing high level of arrears recovery committee gave benefit to the consumer amount 5375/- on 11.08.2008. The said benefit was reverse by responded utility in the month of October. Respondent utility issued bill for amounting Rs. 37900/- along with current bill. After receiving the said bill consumer raised the dispute to the responded utility by filing grievance before IGRC. After receiving the said dispute IGRC registered case No.183 on

30.06.2017 IGRC dismiss the complaint of consumer on the ground of limitation consumer filed this grievance after six years and it not within 2 years from the date cause of action. Being aggravated by the judgment and order passed by IGRC 04.07.2017. This consumer approach to the Forum on 11.07.2017 and raised the grievance stating that responded utility issued wrong recovery bill which is required to be rectify and compensation Rs. 5000/-. After filing the said grievance notice was issued to the responded utility on 11.07.2017. On dated 08.08.2017 responded utility filed reply stating that after receiving affiance of Distribution Franchise 26.01.2007. The consumer prepared fabricated document old corresponded between years 2000-2002. The connection was made PD by the authority meter was replace on 22.10.2007 and PD arrears not paid by the consumer .On 08.05.2008 consumer was directed to pay amount Rs. 5375/- and after payment of amount TPL given credit of Rs. 37,900/- July 2008. Thereafter high level arrears recovery committee send approval for the said proposal giving credit by TPL to chief Engineer MSEDCL Bhandup. The said proposal was not accepted by approval committee authority and accordingly the credit given by TPL as per directive of Distribution Franchise Head Office the said proposal was reverse in June 2011. As consumer not raised the dispute after communication and demand of the bill within stipulated period of 2 years and therefore as per Regulation No.6.6 MERC Consumer Grievance Redressal Forum, Electricity Omdurman Regulation period of limitation provided 2 years. No application for condonation of delay made by consumer hence as per section 39(c) of MERC conduct of Regulation 2004 consumer complained is time barred. After 9 years the grievance raised by the consumer not considered by IGRC and therefore bill revision and consumer grievance cannot be entertain even by Forum. Responded utility prayer for dismissal of complaint with cost. Consumer filed copy of letter dated 27.03.2017, copy of letter 26.05.2008, copy of bill payment 5375/- dtd. 23.05.2008, copy of resolution communication made by responded utility to consumer, copy of

receipt dated 21.06.2008, copy of IGRC decision and extract of accounts 07.06.2017.

2. I have perused all the document filed by consumer and respondent utility and considered the same at the time of hearing following point arose for our consideration to which I have recorded by finding to the point for the reason given below
 - I. Whether consumer complaint is time barred by limitation as per Regulation of 6.6 of Ombudsman Regulation 2006.
 - II. Whether consumer is entitled to rectify the bill recovery made 39700/- old arrears claim by MSEDCL.
 - III. Whether consumer was entitled for any relief?.

Reasoning

1. I have given opportunity to the consumer and his representative was personally present at the time of hearing. It appears from the record the consumer given benefit on 08.05.2008 directing him to pay the amount Rs 5375/- and accordingly it was deposited by consumer .The said letter is time by Superintending Engineer, Nodal officer Bhiwandi, copy of bill issued by MSEDCL dated 23.05.2008 shown amount 43373/- benefit was Rs. 37900/- was given and consumer was directed to pay the amount 5375/-. As such consumer was kept in the understanding that there are no arrears and benefit was already given and proposal was send to higher authority of MEDCL. It appears that internal dispute of approval of credit given by TPL without seeking proper approval and it was communicated by respondent utility M/s. TPL Bhiwandi. The issue is old the receipt filed by consumer of raising the dispute at appropriate time which was duly communicated by consumer. Complaint copy filed 31.05.2008 revealed that the said complaint made by consumer. The revenue recovery which was considered by responded utility and MSEDCL at appropriate time and consumer was kept under impression that there are no arrears. Now the period of limitation is considered it has to be binding effect on both the side consumer as well as responded utility. The

recovery which was attempted and shown against the consumer ultimately lay in absence.

2. Now the consumer informs that the power loom was sold and connection is permanently disconnected by responded utility long back. Therefore there is no application of reconnection but old dispute remains unsolved So far as period of limitation is concern responded utility is taken and stands against the consumer that dispute is old in the year 2008 which was continued since 2011. As the arrears was not shown in the bill the period 18.07.2008 and 04.06.2011 by MSEDCL authority and no revenue recovery was made at appropriate time by fault the dispute of consumer raised earlier period on verification of earlier document. To my view consumer redressed Forum should consider the benefit of consumer as well as give priority of revenue recovery. As consumer kept under impression by communication and document and he was directed to pay the amount Rs.5373/- which was paid by consumer. At the stage of hearing consumer brought to the notice of Forum similar dispute in the premises which was solved by the consumer and this only remain for fair opportunity. I gave opportunity to consumer and responded utility to solve the dispute under amnesty scheme 20016-17. The scheme which was initiated 31.08.2017. The consumer was benefit of reducing of interest on the amount but consumer disagrees for the same. As this Forum considered the period of limitation from the period of decision of IGRC which was not considered on the reason of time barred by limitation of 2 years. In this particular case old arrears benefit was given to the consume subsequently withdrawn by responded utility on the ground of preapproval. To my view this cannot be done the mode of recovery as provided by civil suit is open to the responded utility subject to period of limitation. However if the consumer complaint is dismissed. The responded utility cannot make recovery under this proceeding hence the benefit which was already given and communicated to the consumer for fair and natural justice cannot be withdrawn. Hence arrears of recovery cannot be directed to the consumer in this proceeding. Ultimately, the consumer complaint as it is beyond the period

of 2 years from the date of cause of action remains time bared. Hence this Forum cannot entertain the dispute which is beyond the period 2 years as per statute. Hence I proceed to pass following order.

ORDER

The consumer complaint 23/2017 is stands dismissed.

No order as to the cost.

Both the parties should be informed accordingly.

Proceedings close.

The compliance should be reported within 45 days.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, and Bhandup.

Note:

1) If Consumer is not satisfied with the decision, he may file representation within 60 days from the 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 file representation before the Hon. High Court within 60 days from receipt of the order.

(I Agree/Disagree)

(I Agree/Disagree)

**DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP**

**ANIL P. BHAVTHANKAR
CHAIRPERSON
CGRF, BHANDUP**

**RAVINDRA S. AVHAD
MEMBER SECRETARY
CGRF, BHANDUP**

