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

Date

Case No.94/2016

Hearing Dt. 19.10.2016

In the matter of wrongly charging bill of November 2006 by MSEDCL and TPL

Mr. M.P.Gelepli

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Applicant

Vs.

1. M.S.E.D.C.Ltd., Bhiwandi,

2. M/s Torrent power Ltd.,

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Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

1. Shri. Anil P. Bhavthankar, Chairperson, CGRF, Bhandup.

2. Shri. Ravindra S. Avhad, Member Secretary, CGRF, Bhandup.

B - On behalf of Appellant

Shri. Sajid Ansari - Consumer Representative.

C - On behalf of Respondent No. 1

1. Shri. S.K.Dope, Assistant Engineer, MSEDCL, Bhiwandi.

2. Mrs. Hemangi Mayekar, Assistant Manager, TPL

Consumer No. 13010923594

Above said consumer filed this complaint against respondent utility alleging that the service connection obtained for the purpose of power loom premises since 08.04.1997 connecting load 25KW. The said connection was used by consumer for his premises .In the month of Jan. 2002 respondent utility MSEDCL charge wrong bill unit 88411 &

immediately the spot inspection was carried out on 26.03.2012. However in the month of 2006 debit bill wrongly shown for amounting Rs. 1,52,630/- and Rs 156/- without accessing account properly. On dated 08.01.2007 consumer raised the dispute before respondent utility for revising the wrongly bill and the amount as earlier but the said dispute was not solve. After filing the dispute initially in Form No. 'X' before IGRC Cell. However the record shows that consumer filed this grievance in Form No.' X' on 16.03.2016. IGRC cell registered the case of consumer and gave opportunity of hearing. In case no 167 order pass on 12.05.2016 & IGRC cell pass order against the consumer observing the dispute is referred as debit and credit adjustment in the system and the consumer pray for refund of amount Rs. 1,52,786/- in Oct. 2006 is not correct debit given in Oct. 2006 so far as credit given Rs. 4,35,558/-. The debit revised shown towards wrong credit adjustment. It is observation by IGRC cell on Feb.2004 and April 2007 & July 2004 amount Rs. 1, 62,795/- and Rs 78858/- and Rs 69,000/- consume was given wrong credit. The consumer meter is working condition and supply is continued therefore system generated Rs. 1, 52,786/- given in the bill was legal valid and proper.

Consumer attach copy of judgment of IGRC cell meter change slip copy of representation made by consumer, copy of bill dated 10.02.2002, billing inspection report dated 2002 ,letter 08.01.2007 and copy of CPL. Consumer also raised the dispute before this Forum in schedule 'A' on dated 01.09.2016.

After filing the said complaint notice was issued to respondent utility No.1&2. After service of notice respondent utility appeared and filed

reply on 16.09.2016 and 05.10.2016. Reply of TPL submitted that as per order of IGRC cell dated 12.05.20016 in case No. 167 & 596 relied by the respondent utility. The grievance is raised against the bill for the period Nov. 2006 and Jan. 2007. However the TPL taken charge on 26.01.2007. The dispute related to the period concerned with respondent utility MSEDCL the details record available with respondent utility which may be consider. I have also considered reply filed MSEDCL dated 07.10.2016. It is submitted that the consumer raised the dispute against the bill of 08.01.2007 consumer approach to IGRC cell and Nodal officer after 9 years and two months. The grievance required to be raised by consumer for the bill generated Jan. 2008 and Nov. 2006 as per Regulation MERC 6.6 Consumer Grievance Redressed Forum and Electricity Ombudsman Rules and Regulation 2006. The stipulate limitation for filing the grievance within 2 years from the date of cause of action. In this petition consumer not explain and show any ground to cause delay and as per regulation 39(c) the application and grievance raised by consumer beyond the period of limitation. It is further submitted by respondent utility connecting load is 25HP excess bill Jan. 2002 cannot be revised as prayed by the consumer & old arrears of MSEDCL continuously shown in the bill of consumer in monthly bill and MSEDCL entitled to claim the arrears .Consumption pattern as recorded in CPL by M/s. TPL monthly consumption pattern per unit 5000 per month recorded .The debit shown in the monthly bill against the wrong credit was shown in bill of consumer in the month July 2002, September 2003 Nov. 2003 ,Feb. 2004 , May 2004, July 2004 and Feb. 2005 and debit shown in the month of November 2006. However consumer raised the dispute only against debit shown in the bill on November 2006.

It is also submitted by respondent utility at the time of hearing 28-09-2016 the matter was discuss and as per record of CPL wrong credit was given to the consumer for the above said period amount Rs. 4,65,704/- including arrears 1,52,630/-. The record and account statement disclosed the debit amount is 1,32,652/- which is till payable by the consumer along with interest and therefore proper direction may be given to the consumer and also permission to recover the said arrears continuously shown in bill . The respondent utility MSEDCL entitled to received amount 1, 32,552/- form consumer. Respondent utility also filed details of credit and debit statement bill generated and issued to the consumer along with reply. I have perused all the record filed by respondent utility. Respondent utility also relied on judgment of Hon' ble Ombudsman in Representation No. 13/2012 in the matter *Ahmed Noor Jumman Shaikh Vs MSEDCL* decided on 14.03.2012.

On dated 19/10/2016i gave opportunity to the consumer and his representative and also Nodal Officer of MSEDCL & M/s Torrent Power Ltd

After considering rival contention of both sides following points arose for our consideration

- a. Whether MSEDCL respondent utility entitled to recovered the amount of recovery of f wrong credit bill Rs,1,32,652/-.
- b. Whether consumer complaint is within period of limitation as per provision 6.6 Regulation.
- c. What order?

Reasoning

I have perused the dispute initially raised by consumer it is pertaining to note that the bill generated time to time and issued to the consumer.

According to utility wrong credit was given the efforts and settling of account was continued till Nov. 2006 and the debit recovery shown against the consumer showing amounting Rs. 1,52,000/- along with current bill.

It is contention of utility that till they want to continued to recover the bill was wrong credit given to the consumer the period of limitation shall applied as applied to the consumer it shall also applied for respondent utility.

In this dispute effect of wrong credit given to the consumer and the debit bill shown in November 2006 is concern with MSEDCL. The said arrears was carry forward & shown recovery bill of M/S. TPL and they continuously showing the bill therefore if the complaint is determine for the purpose of settling the account of wrong credit given to the consumer in earlier bill in the period. The dispute which was already initially raised by consumer seems to not decide at the time of hearing before this Forum the issued was limitation was seriously concern. Therefore, both the party during discussion was directed to settle the account of mutual concern and they shown their willingness to settle the said dispute in respondent utility office itself .As no complaint was filed when wrong credit of given to the consumer it is not brought and shown to the official but consumer seems to obtained the said benefit of wrong credit . When this fact was notice by respondent utility official in the month of Nov. 2006 system generated bill calculated on computer shown debit entry in the account of consumer and obviously it is reflected in bill of November 2006. The action of respondent utility related to settling of account as decided to be settle outside the scope of Forum jurisdiction and the

agree for same. Coming to the issued of point of limitation consumer challenge the said issue of debit bill given in Nov. 2006 and raised the dispute before IGRC on dated 16.03.2016. The period of limitation under 6.6 Regulation of 2006 permit to raise the dispute within the 2 year of date of cause of action. Further adding of M/s TPL as a party in this proceeding the debit was continuously shown in the bill issued M/s. TPL in the monthly bill of consumer continuously.

The period of limitation applicable to the forum as provision contemplated 6.6 the Forum shall not entitled any dispute which is not filed within period of 2 year from the date of cause of action. It is submitted by consumer representative that they approach to the Forum within the period of 2 month from the decision of IGRC and therefore there dispute is within the period of limitation for shorter period available to approach to this Forum. In the better interest of justice I consider that objection raised by respondent utility in the reply dated 05.10.2016. Certainly clause for the period of limitation "*The Forum shall not admit any Grievance unless it is filed within two (2) years from the date on which the cause of action has arisen.*" As mention in the circular and guideline it is the beyond the period of 2 years. Therefore to my view dispute of November 2006 showing debit bill challenge by the consumer cannot be entertain and decide by this Forum for the period of limitation barred. Hence, consumer complaint stands dismiss. Hence I proceed to pass following order.

ORDER

The consumer complaints No. 94/2016 stand dismisses.

No order as to the cost. However the consumer and respondent Utility is at liberty to settle the account amicably.

Both the parties should be informed accordingly.

Proceedings closed.

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, Bhandup.

Note:

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)

SHRI. ANIL P. BHATHANKAR
CHAIRPERSON
CGRF, BHANDUP

SHRI. RAVINDRA S. AVHAD
MEMBER SECRETARY
CGRF, BHANDUP