

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

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

Date :

Case No. 482

Hearing Dt. 01/03/2013

In the matter of Bill dispute

Shri Dattatray B. Yelmame. - Applicant

Vs.

M.S.E.D.C.L. Lokmanya Nagar S/Dn. - Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri S. K. Choudhari, Chairman, CGRF Bhandup.
- 2) Shri R.M Chavan, Member Secretary, CGRF, Bhandup.
- 2) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Applicant

- 1) Shri D.B. Yelmame, Consumer.

C - On behalf of Respondent

- 1) Shri R.P. Chavan, Dy. Ex. Engr., Lokmanya Ngr. S/Dn., Wagle Estate.
- 2) Shri S.R. Dube, U.D.C., Lokmanya Ngr. S/Dn., Wagle Estate.

ORDER

Shri Dattatray B. Yelmame is a single phase commercial consumer under sr. no. 000060507023 of MSEDCL, at shop no. 5, Shelke Chawl, nr. Thane Bharat Sahakari Bank Ltd., Shivaji Nagar, Pokharan Road, Thane-2.

According to the bill connection seems to be released on 28/10/1993 but as stated by the consumer applicant it was some where in 1996. From the record consumption pattern shows that there is variation of consumption between 10 units to 40 units per month. In the early period of 1997 i.e. from

April-97 to Jan-99 this consumer was billed with heavy average consumption of 6300 units to 9450 units with Inaccessible status. The consumer had regular and vigorous correspondence with the utility for correction of bills.

According to the utility the bill were already corrected and effect of ₹ 48,754.98 is credited in the consumers bill. The Respondent reiterated that consumer is not paying bill regularly, they claimed that in 20 years of utilization of supply consumer had paid 5 times in this prolonged period due to which interest and DPC amount is charged and now bill amount is reached to the tune of ₹ 1,18,072/- by Dec-2012

For non payment of dues, the Respondent had sent notice of disconnection under section 56 (1) of E.A. 2003 by Registered A.D., and accordingly supply was disconnected on 14/12/2012. On payment of partial dues ₹ 11,040/- and restoration charges ₹ 100/- the supply was restored.

Shri D.B. Yelmame, the consumer was present to represent the case, as per his say the payment made and the energy used during the period is not matching, the utility should recalculate the faulty billing done in year 1997 to 1999, he insisted the rectification done is not to his satisfaction, neither utility had explained him, nor was corrected. According to the consumer there should not be balance such a huge arrears, if the bill were properly corrected.

On behalf of utility Shri R.P. Chavan, Dy. Ex. Engr. Was present, according to him he had gone through all records and confirmed the rectification of bill done time to time and no further relief can be given to the consumer; He insisted that these arrears are raised due to interest & delayed payment charges for non payment of regular bills.

On query that the paper of proposal for rectification i.e. B-80, can be verified again, the Respondent shows inability on the reason the matter being too old.

The matter was heard on 1st March 2013, both the parties were present the documents on record and argument during the proceeding reveals that, the case is too old i.e. of year 1997 to 1999. Forum feels that it is too late to verify the record which is unavailable with the utility. Moreover on formation of this Forum by the end of 2004, consumer should have approached to this Forum for non response of utility.

It is also seen from the CPL, as claimed by the Respondent utility the credit towards bill rectification is awarded to the consumer in Jan-2001 & Nov-2006.

It is also true that consumer has not paid bills regularly and the reason of increase in bill amount is due to addition of interest and DPC charges. At present it is very difficult to know the method or procedure adopted for rectification of average bill done during the period of 1997 to 1999.

The Forum therefore have no any alternative to consider the matter being too old as time barred as per section 6.6 of MERC Regulations 2006 which reads as :

6.6. "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 been arisen"

Hence, considering above, the Forum therefore rejected the prayer of the consumer to direct for any rectification of faulty billing done in the year 1997 to 1999.

The representation is accordingly disposed off with no order as to costs.

Both the parties should be informed accordingly.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 7th of March 2013.

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.

DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP

S. K. CHOUDHARY
CHAIRMAN
CGRF, BHANDUP

R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP