

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

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

Date :

Case No. 512

Hearing Dt. 06/12/2013.

(In the matter of withdrawal of old average billing.)

Shri. Panchand D. Shah - Applicant

Vs.

M.S.E.D.C.L., Bhiwandi - Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

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

B - On behalf of Applicant

- 1) Shri Shakeel Ansari, Consumer Representative.

C - On behalf of Respondent No. 1

- 1) Shri. A.L.Deshpande, Ex. Engr., Nodal Officer.
- 2) Shri. Parag Agrawal, General Manager (Finance) Torrent Power Ltd.,

Shri. Panchand D. Shah is a LT Industrial Consumer under Sr. No. 013010351990 at H. No. 190 Kaneri Nagar Madhu Dyeing, Bhiwandi.

On behalf of consumer Shri. Shakeel Ansari was present. As per his statement the premises of consumer was locked and in unused condition from August 2006 to 15th May 2007. However utility has billed him on average basis of 3316 units every month. He produced the copy of request application submitted to MSEDCL, dt. 2/08/2006 to disconnect the electricity as the premises was to be remain locked. but no one turned up from utility's side.

He further added that the meter was replaced by the Distribution franchises M/s. Torrent Power Ltd., on 11.05.2007. On quarry that after replacement of meter how the consumption is recorded, if the premises was in locked status; the representative clarified that premises was opened for use from May 2007.

The representative prayed for

- 1) Withdrawal of the average billing for the period of August 2006 to May 2007.
- 2) Withdrawal of the interest and DPC on the this average billing.

On behalf of the utility Shri. A.L. Deshpande, a Nodal Officer was present, he explained that consumer has never informed the utility for non-use of premises, after June 2005. MSEB was trifurcated and the distribution side was been nomenclatured as Maharashtra State Electricity Distribution Company Ltd., (i.e. MSEDCL). However the consumer has submit the request application endorsed with MSEB stamp in August 2006 instead of MSEDCL and hence this receipt is forged and can not be accepted.

The Respondent in his argument insisted that the cause of grievance arose when the average billing was done in the year 2006-2007. which is too old and time barred considering the MERC (CGRF and E.O.) Regulations 2006 there in Regulation 6.6 which do not permit the Forum to entertained the grievance beyond 24 months form the cause of action arisen.

Heard both parties. The documents on record and arguments advanced during the hearing reveal that consumer is billed on average basis of locked status from August 2006 to May 2007 on the average units of 3316 units per month. However as stated by the Respondent the intimation dt. 02/08/2006 for non-use of premises in not enclosed with official stamp and no any other documents to prove that consumer had approached to the utility for temporary disconnection of supply or billing him on ominous basis. This Forum can not rely upon the request application submitted by the consumer once in the six to seven years span of time for the reason collaborated by the Respondent. Moreover it is very strange that after immediate replacement of meter consumer has restart his industry as the consumption was found recorded on meter.

It is also admitted fact that consumer was paying the arrears in installments. This shows that consumer had agreed for the said billing and now suddenly after seven years he has come forward with this grievance.

As objection raised by the Respondent, the grievance is filed after laps of seven years; Regulation 6.6. of MERC (Consumer Grievance Redressal Forum and the Electricity Ombudsman) Regulations 2006 does not allow the Forum to entrain the said grievance. The Regulation 6.6 of MERC Regulations 2006 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 arisen.*

ORDER

As elaborated above, this Forum therefore can not entertain the grievance and also does not find any merit. Hence the prayer for Withdrawal of arrears for average billing is here by rejected.

The Representation is disposed off.

No order as to cost.

Both the parties be inform accordingly.

The order is issued under the seal of Consumer Grievance Redressed Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, and Bhandup on 10th December 2013.

Note:

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

DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP

R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP

