

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

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

Date :

Case No. 425

Hearing Dt. 04/02/2012

Shri Shantaram Mahadeo Dhangar - Appellant

Vs.

M.S.E.D.C.L., Thane - 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 Shantaram M Dhanger - Consumer

C - On behalf of Opponent

- 1) Shri V.M. Shinde Dy. E.E. Thane Div- III.

Preamble

Shri Mahadeo Kashinath Dhangar was a single phase residential consumer and was residing at Sidharth Nagar Majiwada, Thane (w). Now he is no more, his son Shri Shantaram M. Dhanger received high value electric bill from the utility which he could not pay hence his supply was disconnected. He approached to the utility through Internal Grievance Redressal Cell for demand of new electric connection. As per the IGRC

order vide SE/TUC/IGRC 5304 dt. 8th Sept 2009 the applicant being successor heirs he should pay the charges as per MERC Regulation 2005 there in Regulation 10.5 but applicant is not agreed and hence preferred an representation in the this Forum which was registered vide case no 425 & hearing was fixed on 4th Feb 2012.

Consumer Say :

Shri Shantaram Mahadeo Dhangar was present to represent his own case he stated that the old connection vide service no. 000018295261 was in the name of his father Shri Mahadeo Kashinath Dhanger he received bill for an amount of ` 2,72,932.39/- for units of 40045 in the year 2002 he was stunned to see such huge amount of electric bill. He approached to the utility officials where he was suggested to pay only ` 280/- which he immediately paid it on 17/03/2004, but even after this payment utility has disconnected his power supply ground after correction of bill the arrears of ` 2,72,932.39/- was unpaid he further added that for 6-7 years he was continuously following the utility office for restoration of electric supply or other wise issue new electric connection but all efforts remains futile hence at last he filed his complaint to IGRC on dt. 22/07/2009.

Accordingly to MERC Regulation 2005 there in 10.5 the IGRC ordered to clear the arrears so that his application for new connection can be considered.

He further stated that he has no financial capacity to clear the dues and hence approach to this Forum for the necessary directions to release the new connection.

Utility Say :

On the behalf of utility Shri V.M. Shinde Dy Ex. Engineer was present to represent the case. He insisted upon the delayed filling of grievance before the Forum and requested to dismiss on the ground of Regulation 6.6 of MERC (EO & CGRF) Regulation 2006.

He further stated that the consumer was wrongly fed as permanently disconnected since Nov 94 which came to notice in Dec 2002. Thus, the consumer is made live & actual reading of meter was fed which was continued since Nov. 94 Thus, the consumption feeded was for 97 months.

Considering this matter, accumulated units are seen justified. These accumulated bill was spilt up & correction was done in the bill of April -04. From Feb -2003 to April -2005 the consumer was billed on average basis with "no meter" status. The connection is permanently disconnected on 10/02/2003. The fictitious arrears ` 3, 89, 536/- is withdrawn. Hence, the total arrears is at present is ` 2, 72,932.39/-.

As per MERC Regulation 2006 (CGRF & Electricity Ombudsman) under clause 6.6 the grievance is time barred. (As consumer have not filed the grievance within the specified time after order of IGRC)

Observations :

Matter was heard on 4th Feb 2012 both the parties were present, the documents on record and arguments during the hearing reveals that, the consumer was remain unbilled since 97 months i.e for Nov 1994 which come to notice in year 2002. The bill issued on accumulated consumption for this period and on average basis bill from Feb 2003 to April 2005. are split up by the utility over the unbilled period and the credit of ` 3, 89,536/-. Was been passed through the bill. However even after correction the amount payable is ` 2, 72,932.39/-.

It is observed by the Forum that the utility had already given consideration by observing the MERC Regulation 2005 there in Regulation 10.5 to the consumer which also help in reducing the arrears amount by considerable figure.

Moreover it is observed that the cause of action arisen is too old and consumer has never approach to this Forum from 10th Feb 2003 when his supply was permanently disconnected or even after the order of IGRC in

year 2009. Hence Forum has no other alternative that the dismiss the case considering the Regulation 6.6 of MERC (EO& CGRF) Regulations 2006 which reads as :-

6.6 The Forum shall not admit any grievance unless it is within two (2) years from the date on which the cause of action has arisen.

ORDER

Considering the limitation as prescribed under Regulation 6.6 & MERC (EO&CGRF) Regulations 2006 the Forum has no other alternative than to reject the prayer, the application for new connection without payment of old arrears. Hence consumer should pay the old arrears as per the directive of utility & get the new connection of electric power supply.

No order as to the cost.

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 31st March 2012.

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