

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

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

Date :

Case No. 451

Hearing Dt. 16/06/2012
& 20/06/2012

Shri Chandar Thakkar

- Applicant

Vs.

M.S.E.D.C.L. Bhiwandi

- 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 Appellant

- 1) Shri Pravin Thakkar –Consumer Representative

C - On behalf of Respondent

- 1) Shri Deshpande, Ex. Engr/Nodal Officer, Bhiwandi.

ORDER

Consumer shri Chandra Thakkar bearing consumer no. 013012285242, meter no. B/45212775 having 10 HP power loom has filed this appeal against the order of IGRC no. 022, dtd. 07/02/2011.

The consumer vide this complaint has prayed for relief in the Forum of 1) withdrawal of excess load penalty from April 2000 to June 2003. and 2) power factor penalty from July-04 to Sept-04.

Facts in Brief :

The consumer is having three phase LT connection for his power looms. The consumer was charged with, additional load penalty from April-2000 to June-2003 by the utility.

The consumer filed complaint before IGRC, which did not resolve the grievance to consumer's satisfaction, hence this appeal.

Respondent has filed its say, raising the objections that :

- 1) Complaint is time barred observing MERC (CGRF & EO) Regulations 2006 therein Regulation 6.6.
- 2) Dispute was solved by the IGRC to extent of
 - a) Interest allowed on SD.
 - b) withdrawal of capacitor penalty
- 3) There is no wrong billing as the consumer was penalized for unauthorised connected load on the basis of physical verification as per commercial circular no. 375 dtd. 23/06/2003.
- 4) CPL shows that sanctioned load of the consumer as on April 2000 was 10 HP, but the connected load was April 2000 to May-2001 was 32 HP.

June 01 to June 04 - 28 HP

July 04 to Sept 04 - 36 HP

Thereafter - 28 HP

Hence, penalty levied is correct.

Now the point for consideration before us is whether the relief prayed for by the Complainant can be granted?

We answer this question negatively for the reason before we have gone through all the documents placed on record before us.

From CPL it is seen that excess load penalty was levied from April 2000 till June 2003 and also in July, Aug and Sept-2004.

As per consumers contention, he had lodged complaint against this on 06/05/2000 to June-03 and monthly from June to Sept-2004. It shows that the consumer was willowware of the excess load penalty charges imposed upon him. Thus, the cause of action arose in 2004, which is out of period of limitation as per section 6.6 of MERC (CGRF & EO) Regulations 2006.

It is contention of this consumer that cause of action arose on 10/04/2012, when he was threatened by MSEDCL to disconnect the supply, but for his prayer of excess load penalty, cause of action arose in Sept-2004, thus this complaint cannot be allowed by this Forum.

This Forum has no power to Condon the abnormal delay.

The Respondent is directed to comply the order for refund/withdraw P.F. penalty and pay interest on S.D. at the rate of RBI as elaborated above.

No order as cost.

Both the parties should be informed accordingly.

The compliance report should be submitted within 60 days from the receipt of this order.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 21st of August 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