

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

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

Date :

Case No. 407

Hearing Dt. 15/11/2011

In the matter of interest on the deposited amount

Shri Ahmed Noor Jumman Shaikh - Appellant

Vs.

M.S.E.D.C.L. & T.P.L. Bhiwandi - Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri S. D. Madake, 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 Sajid Ansari –Consumer Representative
- 2) Shri Adil Punjabi–Consumer Representative

C - On behalf of Respondent

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

ORDER

Shri Ahmed Noor Jumman Shaikh is a 3 phase power loom consumer at H. No. 1500, S. No. 43, Nagaon – 1, Behind Rehman Sardar Compound, Opp. Shetty Hotel, Bhiwandi, Dist-Thane. The consumer was having sanctioned load of 10 HP and connected load of 26 HP which later found sanctioned for 26 HP. Before January 2007 consumer was billed as per reading with the consumption around 4000 units per month. Suddenly in the month of Jan 2007 this consumer got the bill for 103906 units in one month. The consumer therefore approached to the utility vide his letter dtd. 21/03/2007 & 26/06/2008 but taken no cognizance.

The consumer therefore approached the Internal Grievance Cell on 19/07/2011. Accordingly hearing was taken on 18/08/2011. Meanwhile the said meters of the consumer both 3 phase and single phase were replaced by the Torrent Power Ltd. on 22/10/2007. This meter replacement report said :

Meter make	-	ECE
Meter no.	-	262056 capacity 10-20 A
Meter reading as on Jan-07	-	306340
Meter reading as on 22/10/07	-	20134

During the hearing of IGRC it was not concluded as to reading 306340 read by meter reader was correct or there was some technical problem of meter shoot up and hence the Superintending Engineer of the Respondent utility, MSEDCL, requested M/s. Torrent Power Ltd, who had replaced the meter to clarify which reading should be considered for further redressal of grievance.

As per the reply from M/s. TPL Ltd. dtd. 12/11/2011, which states that while taking over the Bhiwandi area under franchisee from MSEDCL,

the record shows that consumer was billed for 103906 units in the month of January 2007.

From the above, the Respondent utility could not clarify the meter reading and thereby could not redress the grievance of the consumer and hence accordingly the consumer approached to this Forum for his grievance which was registered vide case no. 407 and hearing was fixed on 15/11/2011.

On behalf of Appellant Shri Adil Punjabi and Shri Sajid Ansari were present to represent the case they stated that in the electricity bill of January 2007 the consumed units shown wrongly were 1,03,906 kWh units.

Vide his letter of 21/03/2007 he requested to M/s. TPL to rectify the bill and to issue him a rectified bill.

He further stated that on 26/06/2008 he again approached the Nodal Officer, MSEDCL, Bhiwadi to issue him rectified bill.

Since he received no response from (1) M/s. Torrent Power Ltd., (2) The Nodal Officer, MSEDCL, Bhiwadi he therefore compelled to approach I G R Cell, MSEDCL, Bhiwadi on 19/07/2011.

He further narrated that the hearing of I G R cell was taken on 11/08/2011, during which he was given verbal assurance that the rectified bill would be given; as the error was due to "punching and printing" mistake. But, it is unfortunate that till-date no progress has been made in either correcting and rectifying the bill under discussion, which note.

He further stated that due to the above grievance there was no other alternative but to approach to the Hon'ble Forum for redressal of grievance.

Prayer :

- a) To issue rectified bill of January 2007.
- b) Due to the discrepancy in Jan-2007 bill, he has not cleared that bill, but otherwise, he has been making regular payments, well in time, right from the date of installation till-date. In spite of his applications and since the utility did not rectify the bills, The D.P.C. and D.P.I. should be waived off, which please be noted, and
- c) To penalize both the Nodal Officer, MSEDCL, Bhiwandi and M/s. TPL under Section 7 (iii) of the S.O.P. regulations 2005 and this penalized amount should be awarded to him.

On behalf of utility Shri A.L. Deshpande the Nodal Officer, Bhiwandi alongwith Shri Jeevan Clark, Dy. Manager of TPL were present to represent the case.

Mr. Jeevan Clark submitted that the Bhiwandi area was taken over from MSEDCL, under the franchisee scheme on 26th Jan-2007. The final reading of this consumer while taking over was given as 306340 and accordingly the consumer was billed for difference of last reading 202434 and final handed over reading of 306040 i.e. for 103906 units. This billing was done by MSEDCL; and the dispute is of the period when MSEDCL was providing the services to the consumer.

Shri A.L. Deshpande, the Nodal Officer of the MSEDCL, Bhiwandi expressed inability to produce the old meter which was replaced by the TPL in Oct-2007. Also Shri Jeevan Clark the Dy. Manager of TPL declined to produce the said meter before the Forum as it is the matter of year 2007 i.e. of more than four years back.

Shri Deshpande insisted that being the course of action and dispute arose is too old and MERC (CGRF & EO) Regulation 2006 therein 6.6 do not allow the Forum to entertain, the case should be dismissed.

The matter was heard on 15/11/2011; both the parties were present, the documents on record and arguments during the hearing reveals that the Appellant consumer had approached the utility in the year 2007 and 2008 but thereafter there is no documents for correspondence with the utility to get his bill rectified. Moreover this Forum came in existence in Dec-2004 but consumer never approached with his representation in the matter.

It is also observed that it is not expected that old meter removed in Oct-2007 will be maintained at store to verify whether, it was shoot up due to technical reason. There is again vast difference between the final readings while replacing the meter and lastly read.

Considering the MERC (CGRF & EO) Regulations 2006 there in 6.6 which speaks that

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

Considering the above circumstances and the provision laid down by the Hon'ble Commission Forum can not entertain the matter where the cause of action arisen is beyond 2 years. Hence Forum has no other alternative than to reject the prayer being it is time barred.

No order as to 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 1st of December 2011.

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. D. Madake
CHAIRMAN
CGRF, BHANDUP

R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP