



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
Ph: – 2210707 & 2328283 Ext: - 122

**IN THE MATTER OF GRIEVANCE NO.K/E/093/0106 OF 07-08**  
**OF SHRI HARCANDANI HARGUNDAS LAHRIMAL**  
**REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL**  
**FORUM KALYAN ZONE, KALYAN ABOUT DENIAL OF**  
**SUBSIDY IN TARIFF ADMISSIBLE TO POWER LOOM**  
**CONSUMERS.**

Shri Harchandani Hargundas Lahrimal

(Here in after

C/o Sunil Saw Mills, Plot No. B-32,

referred to

Vadgaon MIDC, Ambarnath 421501

as consumer)

**Versus**

Maharashtra State Electricity Distribution  
Company Limited through its Deputy  
Executive Engineer Ambarnath  
Sub Division Ambarnath (W)

(Here in after  
referred to  
as licensee)

- 1) Consumer Grievance Redressal Forum has been established under regulation of “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006” to redress the grievances of consumers. This regulation has been made by the Maharashtra Electricity Regulatory Commission vide powers conformed on it by section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, 2003. (36 of 2003).
- 2) The consumer is a L.T. consumer of the licensee connected to their 415-volt network. Consumer is billed as per industrial tariff. Consumer registered grievance with the Forum on 21/05/2007. The details are as follows: -  
*Name of the consumer:- Shri Harchandani Hargundas Lahrimal*  
*Address: - As above*  
*Consumer No:- 021520232939*  
*Reason of dispute:- Power was sanctioned for power loom industry & used for power loom but charged for industrial power from 20/8/91 to 30/04/2000 denying subsidy admissible to power loom consumers. Credit bill of Rs 189316/- was issued on 12/07/05 & cancelled after 18 months.*
- 3) The batch of papers containing above grievance was sent by Forum vide letter No. 982 dated 21/05/2007 to Nodal Officer of licensee. The letter remained unreplied till 2/07/07. However a copy of letter dated 18/06/07 submitted by Deputy Executive Engineer Ambarnath (W) to Executive Engineer Kalyan Circle 2

was sent to Forum. Nodal Officer later responded vide letters dated 2/07/07 & 12/07/07.

- 4) All three members of the Forum heard both the parties on 21/06/07, & 09/07/2007 & 16/07/07. The following persons were present.

<b>Name of Person</b>	<b>Dates</b>	<b>On behalf of</b>
Shri Harcandani Lahrimal	21/06/07, 9/07/07	Consumer
Shri Sunil Lahrimal	& 16/07/07	
Shri Jawahar Gurnani	9 <sup>th</sup> & 16 <sup>th</sup> July 07	
Shri M. S. N. Murthy (NO)	21/06/07, 9/07/07	Licensee
Shri J. T. Ingle (DYEE)	21/06/07, 9/07/07	
Shri R. B. Ghude (UDC)	& 16/07/07	
Shri L. B. Khetre (AA)	21/06/07	
Shri R. D. Rathod (EE)	9 <sup>th</sup> & 16 <sup>th</sup> July 07	
Shri Subhash Rathod (AE)	16/07/07	

NO stands for Nodal Officer, DYEE stands for Deputy Executive Engineer, UDC stands for Upper Division Clerk, AA stands for Assistant Accountant, EE stands for Executive Engineer & AE stands for Assistant Engineer.

- 5) Consumer sought relief from Forum on following points.
- Refund of excess amount charged due to application of industrial tariff instead of applying concession in tariff applicable to power loom industry.
  - Cancellation of inflated bills of 11/08/03 & 10/06/04 amounting to Rs 116350/- & 225230/- respectively. Restoration of credit bill issued on 12/07/05 amounting to Rs 189316/-

- 6) The study of papers submitted by consumer & licensee shows that a load of 36 H.P. was sanctioned to the consumer by licensee for the purpose of power loom industry vide their letter dated 27/06/1991. The connection was released on 20/08/1991. Consumer's Personal Ledger (CPL) from March 1998 shows one meter No 10083791 for this consumer number up to February 1999 but from March 1999 another meter No. 10683892 was found added to the consumer. As per CPL this meter No. 10683892 was replaced by meter 825748 in January 2004.
- 7) Consumer intimated licensee on 23/05/2000 about closure of factory from 1/05/2000. The consumer vide letter dated 22/01/07, addressed to licensee, had agreed that he had completely stopped power loom industry from 1/05/2000 & started using the premises as godowns after disposing off machines. CPL indicates that consumer was charged on random assessed basis, showing premises locked/reading not available, from May 2000 to November 2000. From December 2000 consumer was charged fixed charges only for no consumption till August 2002. In September 2002 consumer was charged 59621 units & credit for this charging of 59621 units was given in the bill of December 2002. Again 29813 units were charged in August 2003 & a bill of Rs 114187/- was issued to consumer. Licensee intimated vide letter dated 2/07/07 that consumer was allowed to pay minimum charges applicable setting aside the disputed amount of Rs 114187/-. CPL indicates that a credit of Rs 338916/- was given in consumer's bill in the month of March 2005. Shri Murthy, during hearing on 21/06/07, pointed out that this credit was wrongly passed on to consumer in March 2005

due to system glitz. This credit was for 29813 units charged in August 2003 & for 59621 units for which credit was already given in December 2002. He further said that passing of this wrong credit in the bill of March 2005 resulted into credit bills from March 2005 onwards & consumer did not pay fixed charges after 18/02/05 onwards.

- 8) CPL shows that credit of Rs 338916/- wrongly passed in the month of March 2005 was adjusted in November 2006 & charges of 29813 were only retained. Shri Murthy during hearing on 21/06/07 said that further revision of withdrawing 29813 units charged to consumer is under consideration.
- 9) Shri Murthy submitted revised bill sent to consumer on 2/07/07 withdrawing all charges from May 2000. This bill was prepared amounting to Rs 32491.40 being fixed charges for 28 months for the period from February 2005 to May 2007 since the consumer had already paid fixed charges from May 2000 to 18/02/05 i.e. up to January 2005.
- 10) Shri Gurnani, during hearing on 2/07/07, submitted letter dated 8/8/94 addressed to licensee & acknowledged by licensee wherein consumer had demanded concession in tariff as power loom industry. In furtherance of his claim of using power by power looms he pointed out inspection report of licensee's staff of dated 13/09/2003 of meter No. 10083791 wherein a remark "loom (now used as godown)" has been mentioned against heading "type of industry". He submitted on 16/07/07 bills of machines purchased & repeated claim of consumer & demanded concession in tariff as power loom industry from 20/08/1991 to 30/04/2000.

- 11) Licensee vide letter dated 12/07/07 reiterated that consumer was using power from 20/08/91 to 30/04/00 & from 1/05/2000, the power is not used by consumer. The reason of not taking any action on the letter of consumer of 8/8/94 by the then officers of MSEB cannot be ascertained now after a lapse of 13 years. The remark "loom (now used as godown)" mentioned against heading "type of industry" by their staff in inspection report of 13/09/03 cannot be taken into consideration at this stage in absence of machines & vacant premises. Licensee further requested Forum not to admit the grievance for granting concession in tariff applicable to power loom consumers from 20/8/94 to 30/04/2000 in view of Regulation 6.6 of MERC Regulation 2006.
- 12) The consumer vide letter dated 22/1/07 addressed to licensee had accepted to pay fixed charges for non use of energy but during hearing on 2/7/07 Shri Gurnani claimed that there is a departmental circular issued by licensee that in case of non use of power by power loom industries even fixed charges should not be charged. He further said such concession (fixed charges not charged) is extended to other power loom consumers & denied to this consumer. He demanded that fixed charges paid by consumer from 1/05/2000 to 8/02/2005 for non-use of power to be refunded to consumer & further fixed charges from February 2005 should not be levied.
- 13) The contention of consumer that the cause of grievance was continuous since 1994 up till now is totally misplaced. Nothing prohibited consumer for approaching higher officers in administration of licensee or any statutory authority or any court of law at appropriate time to get his grievance redressed. It is not

permissible to dig up the old and stale issues after a gap of 16 years. Electricity Ombudsman in its decision of Representation No 34 of 2007 passed on 2/07/07 quoted decision of Honorable Supreme Court of India in Civil Appeal 631 of 1994 (decided on 25th January, 2000) between Corporation Bank and Naveen J. The abstract of relevant Para in the said decision reads as under:

*The claim could not have been filed by the Respondent at that instant of time. Indeed at the relevant time there was no period of limitation under the Consumer Protection Act to prefer a claim but that does not mean that the claim could be made even after unreasonably long delay.*

The Court further observed:

*What is reasonable time to lay a claim depends upon facts of each case. In the legislative wisdom three years period has been prescribed as the reasonable time under the limitation Act to lay or claim. We think that the period should be appropriate standard adopted for computing reasonable time to lay the claim in a matter of this nature. For this reason also we find the claim made by the Respondent ought to have been rejected.*

- 14) Having observed as above, the limited point for decision is restricted to maintainability of the grievance for its redressal (demand of concession in tariff applicable to power loom industry) as per law in force. Regulation 6 of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulation, 2006 prescribes the procedure for redressal of grievance. Regulation 6.6 of above said regulation 6 reads as:-*"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”.*

The cause of action in this case was on 8/8/94 when consumer first addressed letter to licensee & acknowledged by licensee wherein consumer had demanded concession in tariff as power loom industry followed by inspection report of licensee's staff on 13/09/2003. The consumer has filed grievance with Forum on 21/05/2007. The Forum, therefore, decides not to issue any order for granting concession in tariff as applicable to power loom industry as grievance for redressal filed by consumer after two years from the date on which a cause of action has arisen is not maintainable in law and is, therefore, rejected.

15) Having decided in preceding Para that concession in tariff as applicable to power loom consumers cannot be applied to this consumer, the action of licensee of charging fixed charges from May 2000 onwards, for non use of power by consumer, is in order. The bill of fixed charges amounting to Rs 32491.40 for 28 months for the period from February 2005 to May 2007 now preferred by licensee is up held. The request of consumer not to charge fixed charges from 1/5/2000 for non-use of energy is not sustainable in law & therefore rejected.

16) Consumer can file appeal against this decision with the Electricity Ombudsman at the following address.

Maharashtra Electricity Regulatory Commission, 606/608,  
Keshav Building, Bandra Kurla Complex, Mumbai 51

Appeal can be filed within 60 days from the date of this order..

**Date: - 19/07/07**



**(Sau V. V. Kelkar)**

**Member**

**CGRF Kalyan**

**(I. Q. Najam)**

**Chair person**

**CGRF Kalyan**

**(D. B. Nitnaware)**

**Member Secretary**

**CGRF Kalyan**