



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

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**IN THE MATTER OF GRIEVANCE NO. K/E/165/188 OF 08-09**  
**OF LATE PANDURANG CHINDHU PATIL, THROUGH HIS**  
**SON JAYWANT PANDURANG PATIL, REGISTERED WITH**  
**CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN**  
**ZONE, KALYAN ABOUT EXCESSIVE ENERGY BILL**

Late Pandurang Chindhu Patil  
Through his Son Shri Jaywant Pandurang  
Patil, C/o. M/s. Gajanan Rice Mill  
Wawoshi Phata, P. O. Wawoshi,  
Tal : Khalapur, Dist : Raigad

} (Here-in-after  
referred to  
as Consumer)

**Versus**

Maharashtra State Electricity Distribution  
Company Limited through its  
Assistant Engineer, Khopoli Sub/Dn.

} (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 conferred 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. The Consumer is billed as per industrial tariff. The consumer registered the grievances with the forum on dated 29/01/2009 regarding excessive billing. The details are as follows: -

Name of the consumer : Late Pandurang Chindhu Patil, through his Son Shri Jaywant Pandurang Patil.

Address: - As above

Consumer No. :- 030590001585

Reason of dispute:- Excessive energy bill

- 3) The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/067, dt. 29/01/2009 to Nodal Officer of licensee. However, the licensee did not reply the said letter till the date of hearing on 12/03/2009. However, after the hearing the licensee through Assistant Engineer, MSEDCL., Khopoli (Raigad) replied the above referred letter and filed say vide letter No. AE/Khopoli/Billing/417, dt. 14/03/2009.

- 4) The grievance of consumer is that the licensee has included an amount of Rs. 70,915=20 as arrears from the year 1989-91 as per the inspection para, after 10 years in the bill of March 2001 in respect of the electric meter standing in the name of his father I.e. Pandurang Chindu Patil with consumer No. 030590001585. His father did not agree & he also doesn't agree with the said arrears. Had the said arrears shown in each bills earlier, it would not have been difficult for them to pay the same. The said mistake has been committed by the licensee and the licensee has included the said arrears of three years at once in one bill. His father tried to get the said arrears cancelled by repeatedly requesting & writing several letters to the concerned officers of the licensee. However, the licensee did not take any action for the same. His father, Pandurang Patil died on 22/06/2007 & therefore, he has inherited all his responsibilities. Thereafter he also requested the concerned engineers of the licensee for number of times for getting the said arrears written off for number of times. Recovery of the said arrears is an injustice & he doesn't agree with the same. The said amount of arrears with interest became Rs. 02,90,000/- & therefore, he feels that the said amount is unreasonable as it includes more interest than the original arrears. Thereafter the licensee repeatedly ask him to pay the said arrears & also intimated for disconnection. He was facing financial difficulties after the death of his father &

the licensee also repeatedly pressurized him to pay the said arrears & therefore, he was under mental tension. Therefore, in order to prevent disconnection of electric supply, he paid part of the amount of the said arrears from time to time i.e. an amount of Rs. 01.00 Lakh on 29/12/2007, thereafter Rs. 50,000/-, an amount of Rs. 50,000/- on 13/11/2008 & an amount of Rs. 25,000/- on 29/11/2008 Thus he has so far deposited an amount of Rs. 02,25,000/- out of the said arrears under protest.

- 5) The consumer has thereafter made above grievance before Assistant Engineer, MSEDCL., Khopoli (Raigad) vide letter dated 01/12/2008 & in the said grievance, requested him to write off the arrears in his electric bill & to exempt him from paying the interest. The consumer however, did not get any reply from the said Assistant Engineer, & therefore, filed the present grievance before this forum on 29/01/2009.
- 6) The consumer in his grievance before this forum, though did not mention anything about relief in the prescribed proforma of grievance, made prayer to the effect that he should be given justice in respect of the said arrears & the concerned officers be directed not to disconnect the electric supply to his industry until decision in this case.
- 7) The licensee through Assistant Engineer MSEDCL Khopoli, Raigad vide say/letter dated 14/03/2009 contended that recovery of Rs. 70,915=20 of 56070 units of 31 months at

the average of 2700 units per month after deducting billed units of 27,630, of the period from November 1988 to January 1989, February 1989 to June 1989, Nov. 89 to April 90, May 90 to June 90, Nov. 90 to June 91 & Nov. 91 to May 92, was charged as per the Internal Audit Report. The consumer was informed about it & after computerization, the said arrears have been shown in the bill of March 2001. The licensee has attached a chart about the bills/electric charges & the payment made by the consumer from time to time during the period March 2001 to Nov. 2008, with such say/report. It further claims that the consumer has initially paid the amounts of bills but subsequently he failed to pay the amounts of bills at the proper time & therefore, the amount of interest has increased. Had the consumer paid the amounts of bills at right times, the interest would not have been so much increased. It further claims that after the consumer made a grievance in respect of the said arrears, it has requested the Executive Engineer, Panvel (Rural) for necessary action & also requested the Superintending Engineer for receiving guidance in this behalf. The Superintending Engineer has also written to Chief Auditor, Head Office Mumbai for necessary action in this behalf & he is perusing the matter for early directions from the said Chief auditor. He shall also personally go to the said office of Chief auditor & after receiving the necessary orders or directions from Chief Auditor, he shall inform about it to the consumer.

- 8) The Members of the Forum heard both the parties on 12/03/2009 @ 15 Hrs. in the meeting hall of the Forum's office. Shri Jaywant Pandurang Patil Consumer & Shri B. S. Waghmode, Jr. Engr., Shri H. C. Thakur, LDC . representatives of the licensee attended hearing.
- 9) Shri Jaywant Patil, Son of consumer, Late Pandurang Patil submits that the licensee has charged Rs. 70,915=20 in the bill of March 2001. The officers of the licensee told them that the said arrears are charged as per the checking carried out by H.O. Inspection Unit in the year 1989-1991 towards the short billing done during the year 1985-1988. The licensee has raised the said recovery after 10 years in lumpsum in the bill of March 2001. It is illegal & unjustified. How a common man can pay such a huge amount all of sudden. They were not agreeing with the said recovery & therefore, approached the Khopoli S/Dn as well as Panvel Division Office and also written No. of letters and requested to revise the bill. But no response is received from any office. He said his father tried all his level best to apprise the licensee till his death on 22.6.07. Till that time adding interest, DPC etc. the original arrears of Rs.50,915.20 comes to Rs.2,90,000 upto 2007. Then he taken responsibilities and continued his follow up at various level. As a first step from his side to settle the issue, he paid Rs.1,00,000/- on 29.12.07. But no any step taken from licensee's side. He has paid Rs.50,000/- on 13.11.08,

Rs.50,000/- on 29.11.08 and Rs.25,000/- on 13.11.08 totally to Rs.2,25,000/- uptill now under protest. He said he is not able to pay such huge amount. This is beyond his capacity. Evenafter paying Rs.2,25,000/- (i.e. 80% of the payment) still they have shown an arrears of Rs.66,000/- and threaten to disconnect the supply. This is illegal and unjustified because it is raised after 10 years and this should be refunded to him. Since all his efforts to redress his grievances is not heard, he has approached the CGRF for getting justice. The CR also stated that the alleged recovery is pertains to the year 1985-88 and raised in the year 2001, the licensee is not at any way entitle to recover such old dues. The consumer is not responsible for short billing. He further submitted that for a long period average billing done and recovery made after 10-12 years on the pretext of inspection. They have charged at a time for 7915 units. This attracted higher slab charges, in addition to interest and DPC. He further submits he is paying current bills regularly in addition to payment against alleged arrears. This is the mistake of licensee why the consumer should pay the arrears with interest and DPC. If the short billing is detected early and raised the recovery bill immediately, such a punishment for no fault on his part would have been avoided. Therefore this illegal recovery alongwith interest and DPC recovered from him should be refunded to him in lump sum.

10. The representative of licensee submits that as per the HO inspection and recovery statement the recovery is made. This is a fact that such arrears are shown in the bill for the month in March 2001 as per inspection report carried out by HO Inspection Unit in the year 1989-91 towards short billing done for the period 1985-88. We have not given any disconnection notice earlier. But after taking charge of new ED and his instructions to take action against the consumers who are in arrears of Rs.5000/- and above, we instructed the consumer to pay the arrears otherwise the electric supply shall be disconnected.
11. The representative of licensee also stated that taking lenient view of the issue, we have sent the proposal to competent authority to close the para of recovery towards short billing, alongwith recommendation to review the whole issue waiving the interest and DPC charged to him. Since this is genuine case, we have initiated our action in favour of the consumer.
12. The forum directed the representative of licensee to give details of the payments made by the consumer towards the said arrears, within two days. Accordingly, the representative of licensee has filed say cum report dated 14/03/2009 with details of the arrears & charges on different count and payments made by the consumer in each month from March 2001 to November 2008 annex to it.



13. Considering the grievance of consumer & prayers made by him, & the say of licensee as stated above, the following points arise for determination & taking into consideration the contentions raised by the consumer & the representative of licensee as stated above & also the documents produced by both the parties.
14. Clause 6.6 of the MERC (CGRF & Electricity Ombudsman) Regulations 2006 reads as under :  
“ 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.”
15. In the instant case admittedly the concerned arrears of the amount of Rs. 70,095=20 has been shown for the first time in the bill for the month March 2001. Therefore, it will have to be taken that the cause action has arisen in the month of March 2001. Original consumer Pandurang Patil, thereafter made a written grievance about the said arrears to the Assistant Engineer, MSEDCL., Khopoli on 28/05/2004 vide letter dt. 28/05/2004. Thereafter the Electricity Act 2003, under which this Forum has been established, came into force on 10<sup>th</sup> June 2003. Therefore, the consumer should have made grievance before this Forum, at the most, within two years from 10<sup>th</sup> June 2003 i.e. before 10<sup>th</sup> June 2005. However, he has filed the present grievance on 29<sup>th</sup> January 2009 & therefore, is prima facie is barred by limitation & hence cannot be entertained by

this Forum. It is also pertinent to note that the application /grievance dated 01/12/2008 made by Shri Jaywant Patil, the son of original consumer, Pandurang Patil, was also made beyond such period of limitation of two years from the cause of action in March 2001. Therefore, without going into the merits of the case, the Forum passes the following order :

**O-R-D-E-R**

- 1) Application/grievance of consumer is rejected as barred by limitation.
- 2) The Stay Order issued vide No. EE/CGRF/Kalyan/65, dt. 29/01/2009 is hereby vacated from the date of this decision.
- 3) Consumer can file appeal against this decision with the Ombudsman at the following address.

*“Maharastra 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 : 25/03/2009**

**(V.V.Kelkar)  
Member  
CGRF Kalyan**

**(R.V.Shivdas)  
Member Secretary  
CGRF Kalyan**

**(M. N. Patale)  
Chairperson  
CGRF Kalyan**