



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

Date of Grievance : 07/06/2012
Date of Order : 30/08/2012
Period taken : 84 days

**ORDER IN THE MATTER OF GRIEVANCE NO.K/E/616/730 OF
2012-13 OF M/S. KHEMEE DYEING AND BLEACHING WORKS,
ULHASNAGAR REGISTERED WITH CONSUMER GRIEVANCE
REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT
EXCESSIVE ENERGY BILL**

**M/s. Khemee Dyeing & Bleaching Works,
Khatri Bhavan,
O. T. Section Road,
Ulhasnagar – 421 003.**

**Here-in-after
referred
as Consumer**

Versus

**Maharashtra State Electricity Distribution
Company Limited through its
Dy. Executive Engineer
Ulhasnagar Sub-Division No. III.**

**Here-in-after
referred
as Licensee**

(Per Shri. Sadashiv S. Deshmukh, Chairperson)

1. This Consumer Grievance Redressal Forum has been established under "Maharashtra Electricity Regulatory Commissioner (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievance of consumers. The 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 H. T. Industrial consumer of the licensee. The Consumer is billed as per industrial tariff. Consumer registered grievance with the forum on 07/06/2012 for Excessive Energy Bill.

The details are as follows –

Name of the consumer :- M/s. Khemee Dyeing & Bleaching Works,

Address : As given in the title

Consumer No : 021519013042

Reason of dispute : Excessive Energy Bill for the month of April 2010.

3. The set of papers containing above grievance was sent by forum vide letter No.EE/CGRF/Kalyan/0463 dated 07/06/2012 to Nodal Officer of licensee, Kalyan Circle - II. The licensee filed reply vide letter No.SE/KC-II/Tech/3013 dated 29/06/2012 through Nodal Officer Kalyan Circle – II.

4. We the Members of the forum heard both sides in the meeting hall of the Forum's office on 02/07/2012 & 10/07/2012. Licensee is represented by Nodal Officer Shri.Giradkar, Shri. V. H. Kasal, Asstt. Engineer, Shri. Shendge, Dy. Executive Engineer and Consumer Shri. C. K. Khatri was present.
5. This grievance pertains to bill issued from April 2010 and it is contended that it is an excess bill towards which consumer written to the concerned Engineer on 26/10/2010. Admittedly he had not approached IGRC. However, he approached this Forum on 07/06/2012.
6. Initially question of limitation requires to be considered as its bar is agitated by the licensee. It is contended that this grievance is not filed before this Forum within two years from the cause of action hence it cannot be admitted.
7. In this regard, if date of the bill is to be treated of April 2010, two years will be completed by the end of April 2012. However, consumer claimed he had approached officers of licensee on 26/10/2010 and consumer is not directed towards IGRC and hence question comes up within how many days of action of IGRC or department or non action of that, consumer can approach this Forum.
8. It is pointed out from the licensee side that consumer for the first time addressed letter to the officers of licensee towards the bill dated 19/04/2010 on 26/04/2010. Further he has

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written letters on 29/04/2010 and 03/05/2010. Accordingly, it is contended that the claim of consumer in the grievance application before this Forum about intimation given to the licensee of grievance is of 26/10/2010 is not correct. Accordingly, it is submitted that as per the provisions of MERC regulations if any grievance is to be brought before this Forum, it is to be within two years of cause of action. It is reiterated that cause of action is the issuance of bill dated 19/04/2010 though if any wider interpretation can be given, it can be said that the letter dated 26/04/2010 is a first date after the bill when grievance is made. Accordingly it is clear that when there is no any direct approach by the consumer to the IGRC and if any grievance when to be brought before this Forum, then it should be within two years from the date of cause of action. Precisely we find cause of action is the date of issuance of bill i.e. 19/04/2010 in this matter. Accordingly, grievance ought to have been brought before this Forum as per MERC regulation clause No. 6.6 on or before 18/04/2012. However, the consumer approached this Forum on 07/06/2012 which is after two years of cause of action. We find legal aspect agitated by officers of licensee is to be accepted and accordingly this grievance is found barred by limitation of which we cannot entertain and though entertained it, we cannot decide.

9. No doubt, consumer has raised one more ground about the mode of calculation of due amount on an average basis, but we find that when aspect is barred by limitation, we are not

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able to address any issue involved in this grievance and can
decide.

10. Accordingly, this grievance application is to be dismissed as it is filed after the period of limitation.
11. Matter could not be decided within sixty days as some other heavy matters were to be dealt and completed in time.

ORDER

Grievance application is dismissed as it is filed beyond the period of limitation.

The Consumer can file representation against this decision with the Hon. Electricity Ombudsman within 60 days from the date of this order at the following address.

“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”.

(Mrs.S. A. Jamdar)
Member,
C.G.R.F. Kalyan

(R. V. Shivdas)
Member Secretary,
C.G.R.F. Kalyan

(Sadashiv S. Deshmukh)
Chairperson,
C.G.R.F. Kalyan