

CONSUMER GRIEVANCE REDRESSAL FORUM
(Established under the section 42 (5) of the Electricity Act, 2003)
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION COMPANY LTD.
NASHIK ZONE

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Office of the
Consumer Grievance Redressal Forum
Kharbanda Park, 1st Floor,
Room N. 115-118
Dwarka, NASHIK 422011

No. / CGRF /Nashik/NRC/Malegaon URC /451/34-14/

Date: 25/11/2014

(BY R.P.A.D.)

Date of Submission : 31/10/2014
Date of Decision : 25/11/2014

To.

- | | | |
|---|---|--------------------------------------|
| 1. M/s. Redolent (India) Synthetics Pvt. Ltd.
49,Industrial Co-operative Ltd. ,
Sayane (Bk) Mumbai-Agra High way .
Malegaon ,Dist : Nashik 423203
(Consumer No. 065738000557) | } | Complainant |
| 2. Nodal Officer ,
Maharashtra State Electricity Distribution Company Ltd.,
Rural Circle Office, Vidyut Bhavan,
Nashik | } | Distribution Company
(Respondent) |
| 3. Executive Engineer (UCR)
Maharashtra State Electricity Distribution Company Ltd.
Division Office , Malegaon | } | |

DECISION

M/s. Redolent (India) Synthetics Pvt. Ltd. , (hereafter referred as the Complainant), 49,Industrial Co-operative Ltd. , Malegaon ,Dist : Nashik is the L.T. Industrial Consumer of the Maharashtra State Electricity Distribution Company Ltd. (hereafter referred as the Distribution Company). The complainant has submitted grievance against MSEDCL for excess payment made at the court. The complainant filed a complaint regarding this with the Internal Grievance Redressal Committee of the Maharashtra State Electricity Distribution Company Ltd. But not satisfied with the decision of the IGRC , the complainant has submitted a representation to the Consumer Grievance Redressal Forum in Schedule "A". The representation is registered at Serial No 190 of 2014 on 31/10/2014.

The Forum in its meeting on 31/10/2014, decided to admit this case for hearing on 18/11/2014 at 11.30 am in the office of the forum . A notice dated 01/11/2014 to that effect was sent to the appellant and the concerned officers of the Distribution Company. A copy of the grievance was also forwarded with this notice to the Nodal Officer, MSEDCL, Urban Circle Office Nashik, for submitting para-wise comments to the Forum on the grievance within 15 days under intimation to the consumer.

Shri B.N. Savant ,Nodal Officer, Nashik Rural , Shri S.N. Garde , I/C Executive Engineer, Malegaon Division , Shri R. H. Khairnar , Dy. Executive Engineer, represented the Distribution Company during the hearing. Nobody appeared on behalf of the consumer during hearing.

Consumers Representation in brief :

1. The meter is faulty.
2. Excess Billing payment made at Court more than disputed amount Credit not given by MSEDCL even after entire amount is withdrawn from Court.

Demand:

Refund of excess amount paid and reconnect the load.

Arguments from the Distribution Company:

The Distribution Company submitted a letter dated 18/11/2014 from the Nodal Officer, MSEDCL, Nashik Rural Circle Office, letter dated 17/11/2014 from the Executive Engineer, Malegaon and other relevant correspondence in this case. Putting forth the arguments on the points raised in the grievance the representatives of the Distribution Company stated that:

1. M/s. Redolent (India) Synthetics Pvt. Ltd. has been given 40 HP electric supply under industrial category since 30/10/1991.
2. The consumer has stated in the complaint that Rs. 1,82,175/- has been paid in excess to the MSEDCL(then MSEB) and has demanded refund of the same with interest of Rs. 3,17,553/- i.e. total of Rs. 4,99,728/-
3. But the said demand is inappropriate and incorrect. The complainant has shown arrears in June 1993 as Rs. 14,640/- which are actually appr. Rs.1,95,220/-. The August 1993 bill issued to the consumer shows Rs. 2,46,696/- as past arrears. The complainant has not taken into account this fact. Hence the computation of the amounts without arrears are not correct.
4. The said complainant had filed a special suit in the Hon'ble Civil Court , Malegaon under no. 01/02 against the then MSEB. But the petition was rejected by the court. The appeal against this order submitted by the consumer in the Additional Sessions and District Court, Malegaon has also been rejected .
5. The complainant has made payments during 1993 to 2003 in the Court during pendency of the petition.
6. The CPL of the consumer for the period 1993 to 2003 is maintained manually. The case is very old. Hence CPL for the entire period is not available.

Action by IGRC :

1. Internal Grievance Redressal Cell Nashik Rural Circle conducted hearing on 11/09/2014 for the complaint submitted on 28/07/2014

2. After hearing both the parties IGRC gave decision as per letter dated NIL as under:

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Observations by the Forum:

1. In this case the complainant had filed a special civil suit (No. 04/93) in the Sr. Division Civil Court, Malegaon against the then MSEB challenging the bills raised by the then MSEB for the periods January 1992 to November 1992 and December 1992 to May 1993 claiming them to be excessive and illegal . But the court in its order dated 20/12/2001 , dismissed the suit and rejected the prayer of the injunction against the defendant i.e. MSEB and allowed the decree to be drawn up. The complainant later filed a Regular Civil Appeal (No. 179/2001) in the court of Advoc District Judge -2 and Additional Session Judge , Malegaon against the decree and

judgment. But court as per its order dated 25/02/2013 , dismissed the appeal and ordered the decree to be prepared.

2. The complainant has raised the issue of payments made during the period 1993 to 2002. The complainant deposited certain payment in the court from time to time starting from 27/01/1993 up to 11/01/2002. Now after lapse of about 12 years , the complainant states that they have made excess payments.
3. The case can not be handled by the Forum on two grounds as below:
 - a. The matter of excessive billing is already decided by the Hon'ble Additional Session Judge ,Malegaon and as per regulation 6.7(d) of the CGRF & EO Regulation,2006 the Forum can not entertain a Grievance "*where a representation by the consumer, in respect of the same Grievance, is pending in any proceedings before any court, tribunal or arbitrator or any other authority, or a decree or award or a final order has already been passed by any such court, tribunal, arbitrator or authority.*"
 - b. The cause of grievance has arisen in 2002 , i.e. before about 12 years. As per regulation 6.6 of the CGRF & EO Regulation,2006 : "*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*" In this case the cause of action has arisen in 2002 , i.e. before about 12 years.
4. The Forum however wishes to point out to the IGRC that the restriction of the 2 years as per regulation 6.6 of the CGRF & EO Regulation, 2006 is not applicable to the IGRC. The plain reading of the regulation will reveal that this is related to the Forum only. The IGRC and field offices of the Distribution Company can deal with the grievances related to periods more than past 2 years and try to redress them to the best of their efforts subject to availability of records.

After considering the representation submitted by the consumer, comments and arguments by the Distribution Company , all other records available, the grievance is decided with the observations and directions as elaborated in the preceding paragraphs and the following order is passed by the Forum .

ORDER

1. The grievance is rejected.
2. If aggrieved by the non-redressal of his Grievance by the Forum, the Complainant may make a representation to the Electricity Ombudsman, 606, 'KESHAVA', Bandra Kurla Complex, Bandra (East), Mumbai 400 051 within sixty (60) days from the date of this order under regulation 17.2 of the MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006.

(Ramesh V. Shivdad)
Member-Secretary & Executive Engineer
Consumer Grievance Redressal Forum,Nashik

(Suresh P.Wagh)
Chairman

Copy for information and necessary action to:

1. Chief Engineer , Nashik Zone, Maharashtra State Electricity Distribution Company Ltd. , Vidyut Bhavan, Nashik Road 422101
2. Superintending Engineer, Maharashtra State Electricity Distribution Company Ltd. , Urban Circle office, Nashik .