

**Before Maharashtra State Electricity Distribution Co. Limited Consumer Grievances Redressal Forum, Pune Zone, 925, Kasabapeth Building, IInd flr. Pune-11**

**Case No. 10/2010**

**Date: 05 /05/2010**

**In the matter of Mr. K.S.Jain**

**- Complainant**

**V/S**

**M.S.E.D.C.L. Padmavati Division**

**- Opponent**

**Quorum**

Chair Person

Mr. A.V.Bhalerao

Member/Secretary

Mr. L.G.Sagajkar

- 1) Shri. Kishor Swarupchand Jain (Complainant for short) obtained supply of electricity to his house and shop under Con.No.170018251437 (1437) & 170015603413 (3413) respectively. The complainant in his complaint pleaded that false bills were raised and on giving threat of cutting of supply to his residential premises and shop the amount Rs. 1,40,000/- was recovered from him forcibly and the same should be refunded to him. The complainant alongwith the complaint has given one more application alleging that to his residential connection a standard meter was connected on 17<sup>th</sup> ,18<sup>th</sup> & 19<sup>th</sup> of August 2003 however, instead of giving a bill according to a reading recorded by standard meter a bill of huge amount of Rs. 3,62,720/- was raised. He further contended that a wrong bill in respect of the connection to his shop was also raised and total amount of Rs. 1,40,000/- was recovered. Out of the said amount , the amount of Rs. 1,08,000/- was recovered during the period 2000 to 2005. He further contended that he had made an application to

Maharashtra State Distribution Company Limited (Opponent for short) making request to refund him the amount of Rs.1,08,000/- however, not a single pie has been repaid to him. He alleged that Internal Grievance Redressal Cell (IGRC) directed the opponent to prepare the bill holding at user of the electricity by the complainant was 120 units. The opponent in consequence of the order given by IGRC raised the bills Rs.55,000/- and 40,000/- in respect of residential house and shop respectively however the relief of refund of the amount of Rs. 1,08,000/- was not given. He claimed the refund of the said amount with interest on it. He also contended that because of the opponent's attitude towards him his reputation was damaged and he also suffered Diabetes.

- 2) The opponent filed its say and resisted the relief claimed by the complainant contending that in respect of residential premises as ordered by IGRC the amount of Rs. 45,714.57 was reduced but the complainant did not pay the amount of bill even there after. The opponent gave details of the amounts paid by he complainant from time to time and alleged that at present the amount of Rs.42,672/- is due from the complainant in respect of residential connection.
- 3) The opponent also gave details of the payment made by the complainant from time to time in respect of connection to shop premises and contended that deducting those amounts paid by the complainants from time to time the amount of Rs. 33,539/- is due from him.
- 4) On the date of the hearing the complainant argued his case as pleaded by him in his complainant and produced zerox copy of some documents. On behalf of the opponent Shri.Ganesh Bhosale argued the case and produced Xerox copies of the documents.

5) From the pleadings and documents produced and rival contentions raised following points arise for consideration.

1- Is grievance made by the complainant barred by time?

2- Does complainant prove that the amounts paid by him was not accounted for in his Consumer Personal Ledger(CPL) or they were recovered forcibly and illegally?

The point No.1 is answered in affirmative and point No.2 in the negative for the reasons given below.

### **REASONS**

6) POINT NO.1 :- From the details given by the complainant in his additional complaint it is revealed that in respect of his residential premises a parallel meter was fixed on 17<sup>th</sup> ,18<sup>th</sup> , & 19<sup>th</sup> of August-2003 and verification report dt. 17/08/2004 was also prepared however, without considering that report a bill for the huge amount of Rs. 3,62,720/- was issued. He also alleged that the amount of Rs,1,08,000/- was recovered from him during the period 2000 to 2005. He has claimed the refund of the said amount. If the verification report was submitted on 17/08/2004 and there after the bill was raised in the month of Jan-2005 as shown in his CPL for the amount of Rs. 3,62,720/- and the amount of Rs. 1,08,000/- was recovered from him during the period 2000-2005 he had a cause of action to challenge those facts in the year 2005. This forum can admit in view of Reg. 6.6 MERC CGRF Reg.2006 which lays down that the forum can admit any grievance provided it is filed within 2 years from the date on which the cause of action has arisen. The present complaint filed on 10/03/2010 is not within 2 years from the date when cause of action accrued to the complainant and therefore the same cannot be entertained.

- 7) After recording that the present complaint can not be entertained as it is barred by time there is no need to go in to merit of the case however, from the documents produced especially the CPL of the complainant it is seen that in respect of residential connection No. 1437 the complainant's bills for the amount of Rs. 3,72,664.61 was revised giving a relief of Rs. 3,17,877/- in the month of May-2005 . Besides giving that relief the IGRC further gave a relief directing the opponents to revise the bill holding that the user of the electricity was 120 units per month for 79 months during the period June-1997 to May-2004 in consequence of which the more amount of Rs. 45,714.55/- was reduced.
- 8) So far as connection consumer No. 3413 in respect of shop premises it is seen from CPL that in the month of Sept-2005 bill was revised giving him credit Rs. 70,185.23. It is pertinent to note that the complainant in his complaint did not make any reference to the relief given to him in respect of both connections in the year 2005.
- 9) It is interesting to note from the CPL that the complainant in respect of the connection to his residential premises did not pay the electricity bill from 03/10/2005 and the amount of Rs. 20,000/- was paid by him only after a notice of disconnection dt. 12/01/2010 was served on him. So far as his connection to the shop premises it is also seen that from 10/10/2005 he had stoped making payment of the bills issued to him and Rs. 10,000/- was paid on 05/02/2010 only after a notice of disconnection was issued to him. The complainant in his complaint has alleged that from 05/12/2010 supply of electricity to his premises was cut of. If it was so cut off there was no illegality on the part of the opponent as the opponent had served the notices dt. 12/01/2010 on the complainant. The postal acknowledgement receipt bearing complainant's signature dt. 16/01/2010 has been

produced. Though the complainant was given appropriate relief 2005 he has unnecessarily raised dispute which is also barred by time.

10)POINT NO.2 The complainant has not given particulars such as the quantum and the dates on which they were recovered by the opponent. He made a vague averment in his complaint that 1,08,000/- was recovered from him upto 2000 to 2005 he has not mentioned whether the said was paid by him without obtaining any receipt as has already been observed his allegation about such illegal recovery can not be considered as it is barred by time under Reg.6.6. MERC CGRF Reg.2006 . The opponent has given details of the amount paid by the complainant from time to time. The amounts paid by the complainant have been accounted for in the complainant's CPL in respect of both connections. The complainant has not shown a single receipt which has not been accounted for in his both CPLs. If the power supply had been cut off it was not illegal as observed above and therefore the complainant can not claim compensation for it. There is absolutely no substance in the grievance made by the complaint.

### **ORDER**

Complaint is hereby dismissed.

Sign:

Mr.L.G.Sagajkar  
Member/ Secretary

Mr. A.V. Bhalerao  
Chair Person

Date: 05/05/2010

