

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

Case No. 9 of 2007

Date: 27/06/2007

In the matter of Mrs.Sindhu Appa Darekar

- Complainant

V/S

M.S.E.D.C.L. Kedgaon Division

- Opponent

Corum	Chair Person	Mr. A.V.Bhalerao
	Member/Secretary,	Mrs. N.D.Joshi,
	Member,	Mr. T.D. Pore

1. Mrs.Sindhu Appa Darekar(complainant for short) is a consumer . She received supply of electricity on 14.10.97. She made complaint contending that bills were issued to her on the basis of average consumption as she did not pay the said bill ,the supply of electricity to her premises was cut off. She contended that Maharashtra State Electricity Distribution Co. Ltd., (Opponent for short) be directed to revise the bill on the basis of actual reading recorded by the meter of the unit consumed . She also claimed that a disciplinary action be taken against the employees of the opponent and she be paid compensation of Rs. 30,000/- Alongwith her complaint filed on 03/05/2007,she produced Xerox copies of complaint applications made by her to the opponent & a Xerox copy of the bill dt. 12.3.06 by which the amount of Rs. 48,890/- was claimed. She also produced a Xerox copy of the bill dt. 02/12/1999 by which amount of Rs. 14,580 was claimed. The complainant approached Internal Consumer Grievance Redressal Cell (ICGRC).She has produced a notice received by her from ICGRC . The complainant did not aver any thing about relief given to her by ICGRC . She also did not aver in her complaint the relief that was given to her by the opponent .

2. A notice was issued to the opponent to file it's say. On behalf of the opponent it's Asstt. Engineer filed the say on 21/05/2007. The Executive Engineer, Kedgaon Division also filed it's say on 04/07/2007. Alongwith the say the opponent produced the documents one of which is consumer personal ledger (CPL for short) of the complainant . The opponent admitted that in the month of Dec-1999 the bill was issued wrongly showing 2900 units were consumed in the billing cycle Sept-99 to Dec-99 . Indirectly it also admitted that the bills issued after Dec-1999 till the date of disconnection in the month of June-2001, were issued wrongly showing the units consumed on average basis. It contended that on the application made by the complainant the bill was revised and instead of claiming Rs. 48,889.39 a revised bill for the amount of Rs. 16,360/- was given to the complainant directing him to pay it on or before 29/03/2007.
3. Notices of hearing on 13/06/2007 were issued to the complaint and opponent both. On 13/06/2007 on behalf of the opponent the Executive Engineer and his Assistant .Engineer appeared & they argued their case. Neither the complainant nor his representative remained present. The secretary to the forum contacted representative of the complainant on cell phone who informed the secretary to the forum that he was unable to attend the hearing as he was preoccupied. In the interest of the complainant the hearing was adjourned to 25/06/2007 . The notices of hearing were issued to complainant and opponent both. The opponent received the notice in person on 13/06/2007. The notice was received by the complainant also, However the complainant nor his representative remained present on 25/06/2007. The marriage invitation card with contents written on it signed by the representative of complainant. kept in complainant case No.9 case dropped in the mail box was received by this forum. The representative of the complainant made contact with the secretary on cell phone and contended that he could not remained present as he had to attend the marriage. From the marriage invitation card it is clear that the marriage was to be celebrated on 27/06/2007 it was possible for the complainant and his representative to attend the hearing on 25/06/2007. It was clear that the complainant & her representative were deliberately avoiding to remain present

complainant and her representative were deliberately avoiding to remain present hence the forum decided to decide the matter on documents available on record.

4. On the fact of the case, the following points arises for consideration

1- Is complaint made by the complainant within time ?

The above point is considered in the negative for the reasons given below.

REASONS.

5. A complainant has produced a bill dt. 12/03/06 by which the amount of Rs. 48,890/- was claimed by the opponent.
6. The amount of Rs. 48,890/- was not claimed by the opponent first time on 12/03/2006. The opponent has produced the CPL of the complainant. From the contents of the said CPL it is seen that the supply of the electricity to the complainant premises was permanently disconnected. To be exact the contents of the letter dt. 21/12/2006 by Jr.Engineer Koregaon (B section) shows that the supply was permanently disconnection on 05/07/2001 obviously on the ground that complainant did not pay the arrears/ charges for the electricity supplied. The CPL also shows that the amount claimed under the bill dt. 12/03/2006 Rs. 48,890/- was not for the period even two years next before March-2006. The amount claim was arrears carried forward right from 27/09/1999 .
7. In view of regulation 6.6 MERC(CGRF) and electricity ombudsman regulation 2006. " The forum shall not admit any grievance unless it is filed within two years from the date on which the cause of action has arisen". From the CPL it is clear that the supply of electricity to the complainant's premises was cut off in the month of September-2001 obviously on the ground for non payment of arrears. The complainant therefore had cause of action to dispute the arrears in the month of Sept-2001 itself. The cause of action accrued to her in the month of Sept-2001. The said cause of action does not fall within two years preceding the

date of filing of the complaint on 03/05/2007 . The complaint is therefore barred by time and the forum can not admit it. Having held that the complaint is barred by time it is not necessary to go into the merits of the case. Even then it is ascertained whether the opponent on it's own has given a justifiable relief to the complainant . The opponent in it's say admitted that only during one cycle of billing consisting of three months preceding Dec-1999 units 2900 shown as consumed was wrong . Deducting the units charged during Sept-98 up to Sept-99 the units consumed were split up during the entire period right from the date of connection till Dec-99 in 24 months . The benefit was given by making adjustment in the bill issued in the month of Dec-2000 .The opponent also admitted that the average units consumed shown in the bill starting from March-2000 till June-2001 was wrong and therefore the average units consumed was taken has 120 units and accordingly the bill was assessed.

8. The opponent claimed Rs. 6013/- upto Dec-1999 for the next period till the date of disconnection it claimed the amount Rs, 7207.13 assessing the bill at the average units 120 per month. It claim Rs.13220.13 + interest total Rs. 16,360/- Accordingly the bill was issued to the complainant directing him to pay the said amount on or before 29/03/2007 in place of the amount Rs. 48,890/- The opponent on it's own thus gave reasonable relief to the complainant.

ORDER

The complaint is dismissed .

Sign:

Mrs. N.D.Joshi,
Member/Secretary

Mr. T.D.Pore,
Member

Mr. A.V. Bhalerao
Chair Person

Date: 27/06/2007