

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

Case No. 7 of 2008

Date: 13/08/2008

**In the matter of T.M.Sonawane
V/S**

- Complainant

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 Mr.Thanaji Madhavrao Sonawane** (Complainant for short) made a grievance to this forum contending that the service line through which supply of electricity was made to his Ag. pump was stolen in the year 1997 and since then he had no supply of electricity and the supply was resumed on 30/05/05. In spite of there being no supply of electricity, the charges were levied and ultimately a notice of disconnection dt.11/03/08 was served upon him. By the said notice he was directed to make payment of the arrears of Rs. 35,502 within 15 days else face disconnection.
- 2** The complainant, made complaint to Internal Grievance Redressal Cell (IGRC). The IGRC vide order dt. 01/03/06 directed Maharashtra State Electricity Distribution Co. Ltd. (Opponent for short),to correct the bill as per rules of Maharashtra State Electricity Distribution Co. Ltd. as no supply of electricity was made to the complainant's Agricultural Pump during the period from 30/03/2000 to 30/05/05. In spite of the direction given by the IGRC the complainant did not receive the corrected bill, he therefore made a grievance to this forum.
- 3** The opponent by notice dt. 16/07/08 was directed to file its written statement. The opponent instead of raising defenses submitted that it

has implemented the order given by IGRC correcting the amount of arrears of Rs. 39,671 to Rs. 15,550/- The opponent further submitted that after the amount of arrears Rs. 39,671/- was reduced to 15,550/- the complainant is satisfied.

- 4 On the date of hearing the complainant appeared before the forum and submitted in writing that he has received a bill after correction directing him to pay Rs. 15,550/- he further stated that the amount claimed in the corrected bill is admitted to him and he has no grievance and therefore wants to withdraw the complaint. He also stated that he doesn't want to make any claim for compensation
- 5 The contents of the said writing dt. 13/08/08 were read over to the complainant which he admitted. He also admitted his signatures thereon, hence it is recorded by the forum. In view of the said writing his complaint has to be disposed of as withdrawn unconditionally.
- 6 It was explained to the complainant that the grievance made by him can't be entertained as it is barred by time since it was not filed within 2 years from the date of accrual of cause of action to him. It was also explained to him that from the contents of his own letter dt. 14/03/2000 filed at C-22 supply of electricity was not cut off because there was a theft of service line but it was cut off as he was a defaulter. The complainant accrued a cause of action to seek correction to the amount of arrears claimed on the ground of non supply of electricity before 30/05/05. The complaint is filed to the forum on 16/07/08 which is not within 2 years from the date of accrual of cause of action and therefore it can not be entertained as provided under Reg. 6.6 Maharashtra Electricity Regulatory Commission, (Consumer Grievance Redressal Forum & Electricity Ombudsman) Reg. 2006 (MERC CGRF Reg. 2006). The cause of action to claim compensation for non supply of electricity had accrued to him before 30/05/05 and therefore his claim for compensation is also not within 2 years as provided under Reg. 6.6 of MERC CGRF Reg. 2006)

- 7** This is not a case in which without making demand of charges of electricity at the end of every six monthly cycle or 3 monthly cycle as the case may be it was for the first time made by notice dt.11/03/08 to have the complainant a cause of action on the day of service of notice on him. The Consumer Personal Ledger (CPL), shows that the demand of the charges of the electricity was each time made at the end of billing cycle carrying forward the arrears and therefore the complainant had cause of action at the end of every billing cycle.
- 8** The IGRC has given a relief when it found that in fact there was no supply of electricity to the complainant's Ag. Pump from 30/03/2000 to 30/05/2005. The complainant being satisfied with that relief has withdrawn the complaint hence the order.

ORDER

The complaint is disposed of which otherwise can not be entertained being barred by time.

Sign:

Mr. D.K.Mane,

Member/Secretary

Mr. T.D.Pore,

Member

Mr. A.V. Bhalerao

Chair Person

Date: **13/08/2008**

