

**Maharashtra State Electricity Distribution Co. Ltd.'s
Consumer Grievance Redressal Forum
Nagpur Zone, Nagpur**

Case No. CGRF(NZ)/70/2018
Applicant : Shri Ramji Undaraji Khatade,
At post. Umari (Yede),
Hinganghat.
Non-applicant : Nodal Officer,
The Executive Engineer,
Hinganghat Division, MSEDCL,
Hinganghat.

Applicant represented by :- Shri B. V. Betal,

Non-applicant represented by :-1) Shri P.R. Telrandhe, MSEDCL,

Quorum Present : 1) Shri Vishnu S. Bute,
Chairman.

2) Mrs. Vandana Parihar,
Member/Secretary

ORDER PASSED ON 05.07.2018

1. The grievance application is filed on 04-06-2018, under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as, said Regulations).

2. Non applicant filed reply on 27.06.2018 and denied the case of the applicant.

3. Forum heard arguments of both the sides on 03.07.2018 and perused record.

4. Shri Ramaji Undraji Khatade at post. Umari (Yede) Ta. Hinganghat Dist. Wardha (hereinafter referred to as, the applicant) is a residential consumer of non-applicant bearing no.396971000547.It is the contention of the applicant that his faulty electric meter was replaced in Feb 2015 by Flash company meter. In spite of the fact his photo meter reading was taken regularly, he was issued incorrect energy bills on average basis@197 units per month for the period from Feb-15 to May 2015. He made payment till 26.03.2015. He was issued bill for June 2015 for Rs.2216 unit which is not correct. His Meter installed in the month of June-15 bearing no.3048140 was tested on 26.10.2015. Being 26.50% fast, it was declared faulty. Hence he demanded revised bills for the period Feb-15 to August 15 as per Meter Testing report. He approached the IGRC Wardha on dt. 15.07.2015. The IGRC dismissed his application vide order dt. 20-08-2015. Aggrieved by the aforesaid order the applicant presented the instant application and demanded to restore illegally disconnected supply, along with compensation of Rs.30000/- as the cost from erring officer towards harassment caused due to illegal disconnection.

5. A copy of the application was given to the non-applicant. The Non-applicant was directed to submit para-wise reply. The non-applicant submitted reply as per letter no. EE/O&M/HGT/Tech/2109 dt. 27-06-2018.

6. Shri Pawade, Executive Engineer, stated that the applicant is residential consumer bearing consumer no.396971000547 having meter bearing no.76-00106071 till May-2015. The applicant approached IGRC on 15.07.2015. The IGRC passed relevant order on 20.08.2015 whereas the applicant filed his grievance before the forum on 04.06.2018 i.e. almost after 2 years and 10 months. As the applicant failed to file his grievance within 60 days after the decision of IGRC, he contended that it deserves to be dismissed.

7. He further submitted that as per complaint of applicant meter was tested on 26.10.2015 and as per Testing report applicant's bills from Feb-2015 to Sept 2015 were revised and credit of 906 units (Rs.9121/-)was given in the month of Feb-16.Till March -16 applicant's arrears were Rs.1,43,355.41/-.Due to non-payment of this arrears supply was permanently disconnected.

8. Secondly Non-applicant contended that the applicant's request for Compensation is barred by limitation. For that he rely on provision made in 12.2 MERC's SoP Regulation 2014 and 6.6 of MERC's (CGRF& EO) regulation 2006. Hence prayed to reject the instant grievance.

10. It is admitted position that the IGRC had passed the order on 20.08.2015 and the applicant submitted an application to this forum on 04.06.2018. The regulation 6.2 and 6.7 (b), of MERC (CGRF &EO) Regulation 2006 which states as under :-
6.2 "A consumer with grievance may intimate the IGRC cell of such grievance in the form and manner and within the time frame as stipulated by the Distribution Licensee in its rule and procedures for redressal of Grievance",and further perusal of Rules and

procedure in MSEDCL for redressal of Grievance makes consumer mandatory to file his grievance with forum within 60 days from the decision of IGRC. Hence it was necessary for the applicant to file grievance application on or before 60 days i.e. on or before 19.10.2015. But present case is filed on 04.06.2018. i. e. after almost two years and eight months of expiry of period of limitation. Hence, the present grievance is untenable case in law. If the grievance application is tenable in law, then only Forum is empowered to express any opinion whether disconnection is legal or illegal. Also applicant did not produce any cogent evidence for such an abnormal delay in filing application with the Forum after the decision of IGRC. Hence the grievance is expressly barred by regulation 6.2 and 6.7(a), and we have absolutely no right to examine legality and validity of the alleged disconnection.

11. On perusal of the record it reveals that applicant should have approached licensee for compensation in the month of May 2015 i.e. after two months from date of the disconnection of supply instead applicant has filed his grievance application on 20.08.2015 with IGRC. Hence applicant failed to comply the provisions of regulation 12.2. So he is not entitle for any compensation.

12. As far as merit of the case is concerned, on perusal of the record it reveals that energy bills from Feb-2015 to May 2015 were revised as per IGRC order @197 units per month. Accordingly credit of Rs.7045/- was given in Sept-2015. The said meter was replaced in the month of June-2015 by meter having no. 98-03048140, but on the basis of complaint received from applicant it was tested on 26.10.2015. According to test report, bills during the period

from Feb-15 to Sept15 were again revised @ 172 units per month which is average of normal consumption recorded in the month of Oct-15 and Nov-15 ($167+176=343/2=172$ units) and credit of Rs.9121.27/- was given in Feb-16. As applicant did not pay any bill since 26.03.2015 the applicant is in arrears of Rs.1,43,355.41 his supply was disconnected in March-16. It is clear that after meter testing on 26.10.2015 and after revision of bill by non-applicant enough time period was granted to the applicant for payment of the revised bill. Whereas applicant did not make any payment from 26.03.2015 but enjoyed electricity free of cost. Therefore it is seen that, in spite of the fact that applicant has been given lot of consideration by non-applicant. The instant grievance application did not deserve any consideration.

13. So we pass the following order,

ORDER

1. Application no. 70/2018 is hereby dismissed.
2. No order as to cost.

Sd/-
Mrs.V.N. Parihar
MEMBER SECRETARY

Sd/-
Vishnu S. Bute,
Chairman