

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

Case No. CGRF(NZ)/59/2018

Applicant : Shri Mohan Damduji Bhasme,
Ram Nagar Ward,
Frant of Budh Vihar,
Hinganghat.

Non-applicant : The Nodal Officer,
The Executive Engineer,
Hinganghat Divison, MSEDCL,
Hinganghat.

Applicant represented by : Shri B. V. Betal,

Non-applicant represented by: 1) Shri H.P. Pawade, Exe.Engineer, MSEDCL.
2) Shri V.B. Kothare, Dy.E.E., MSEDCL.

Quorum Present : 1) Shri Vishnu S. Bute,
Chairman.
2) Mrs. V.N.Parihar,
Member Secretary.

ORDER PASSED ON 06.07.2018

1. The applicant filed present grievance application before this Forum on 07.05.2018 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, denied applicant's case by filing reply dated 08.06.2018.
3. Forum heard arguments of both the sides on 28.06.2018 and perused the record

4. Shri Mohan Damduji Bhasme, Ta. Hinganghat Dist. Wardha (hereinafter referred to as, the applicant) is a residential consumer of non-applicant bearing no.396010088110.It is the contention of the applicant that his faulty electric meter was changed on 11.04.2016. In spite of this fact that he was not residing at the place, incorrect energy bills on average basis were issued to him. Moreover, without any legal notice his supply was disconnected on 05.08.2016, which was restored on 18.08.2016 at 1.30 PM. Hence, demanded compensation as per clause 2(i) for fuse off call of SOP Regulation 2014. Also, the applicant demanded compensation of Rs.25000/- for physical and mental harassment caused due to illegal disconnection. He approached the IGRC Wardha.The IGRC dismissed his application vide order no.SE/Wardha/Tech/IGRC/02216 dt. 29-04-2017. Aggrieved by the aforesaid order the applicant presented the instant application.

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/866 dt. 08-06-2018.

6. During hearing, it was contended on behalf of the applicant that his supply was disconnected on 05.08.2016 without any notice. He was asked to pay Rs.1500/- towards provisional bill which he has paid under protest on 18.08.2016. His faulty meter was replaced on 18.08.2016 and supply was reconnected on the same day at 1.00 PM. Due to this late restoration of supply, he is entitled for compensation as per provisions made under the SOP Regulations, for the mental and physical harassment caused to him by the non-applicant.

7. Shri Pawade, Executive Engineer, stated that the applicant is residential consumer bearing consumer no.396010088110 having meter bearing no.3916454 till April 2016. The applicant submitted application for replacement of the said meter and deposited demand for testing of the said meter on 10.08.2016. Accordingly the said meter was replaced on 18.08.2016. The applicant did not pay any billing charges since March-2016 till 18.08.2016. On 18.08.2016 applicant paid provisional bill of Rs.1500/-. His supply was never disconnected on 05.06.2018. On the contrary, on receipt of fuse off call complaint of the said consumer, his complaint was promptly attended and supply was restored on the same day. Therefore applicant's allegation that his supply was illegally disconnected for non-payment of arrears is baseless and incorrect. On the basis of Meter Testing report, meter being faulty, the energy bills during the period March 2016 to August 2016 of the instant applicant were revised on the basis of average consumption of corresponding month of last year @ 55 units per month. Accordingly the credit of Rs.7457.43/- was given but the effect of credit was not reflected in Sep-2016. The applicant was issued bill of Sep-2016 as Rs.9950/- erroneously. Hence he was given provisional bill of Rs.1500/- which was paid by applicant on 23.09.2016. The applicant paid entire amount of revised bill on 29.12.2016. In spite of the fact that applicant failed to pay energy charges due to him since March-2016, they have never disconnected supply of applicant illegally but handled the matter patiently. Hence prayed to reject the instant grievance.

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 of MERC's SoP Regulation 2014. According to this regulation, applicant should have approached licensee for compensation on 05.10.2016 i.e. after two months or 60 days from alleged date of the disconnection of supply which is 05.08.2016. Instead applicant has filed his grievance application on 17.01.2017 i.e. after 7 months.

9. Thirdly, non-applicant contended that, the IGRC has passed the order on 29.04.2017, whereas the applicant filed his grievance before the forum on 07.05.2018 i.e. after 12 months. As the applicant failed to file his grievance within 60 days after the decision of IGRC, he prayed that it deserves to be dismissed.

10. It is admitted position that in this case, IGRC has passed the order on 29.04.2017, and the applicant submitted an application to this forum on 07.05.2018. 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 28.06.2017. But present case is filed on 07.05.2018 i.e. after almost 10 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 reasoning for such an abnormal delay in filing application before the forum after the decision of IGRC. Hence the grievance is expressly barred by regulation 6.2 and 6.7(a). 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 on 05.10.2016 i.e. after two months from alleged date of the disconnection of supply instead applicant has filed his grievance application on 17.01.2017 with IGRC. Hence applicant failed to comply the provisions of regulation 12.2.

12. As far as merit of the case is concerned, on perusal of the record it reveals that on the basis of Meter Testing report, meter being faulty, the energy bills during the period March 2016 to August 2016 of the instant applicant were revised on the basis of average consumption of corresponding month of last year @ 55 units per month in Aug 2016. After bill revision, credit of Rs.7457.43 was given. As credit effect was not reflected and due to erroneous bill issued in Sept 16, provisional bill of Rs.1500/- was charged to the applicant. When actual credit was reflected in Nov-16 energy bill, the instant applicant paid his revised bill on 29.12.2016. Hence it is clear that after meter testing on 26.08.2016 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 March 16 till 29.12.2016 except provisional nominal bill payment of Rs.1500/- and enjoyed

electricity free of cost. Therefore it is seen that, applicant has been given lot of consideration by non-applicant.

13. So we pass the following order,

ORDER

1. Application no. 59/2018 is hereby dismissed.
2. No order as to cost.

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

Sd/-
Vishnu S. Bute,
Chairman