

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

Case No. CGRF(NZ)/85/2018

Applicant : Shri Dharmपाल Agrawal,
'Devkripa' 216, Wardhaman Nagar,
53/4, Kapshi Khurd, Bhandara Road,,
Nagpur – 440008.

Non-applicant : Nodal Officer,
The Executive Engineer
Mouda Division, NRC, MSEDCL,
Mouda.

Applicant represented by : In person,

Non-applicant represented: 1) Shri A.S. Parangape, Ex.Engr.
by Mouda.

2) Shri P.V. Vaidya, Dy.E.E. Mouda

Quorum Present : 1) Shri Arvind Jayram Rohee,
Chairperson.
2) Mrs. Asmita Avinash Prabhune,
Member(CPO)
3) Mrs. V.N.Parihar,
Member Secretary

ORDER PASSED ON 21.09.2018

1. The applicant presented this grievance application before this Forum on 11.07.2018 under regulation 6.4 of the MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations 2006 (hereinafter referred to as said Regulation).

2. Non applicant denied applicant's case by filing replies on 27.07.2018 and 21.08.2018.

3. Applicant Shri Dharampal Agrawal is having Godown with 2500 sq feet area at Kapsi (khurd), availing electric supply with consumer no.411380089653. There is only 2 tube lights as a connected load which is not used during daytimes. The Godown remains close generally between 6.00 PM to &.7.00 PM. From the year 1998 to 2014 they were getting and paid regular bills. His connection was permanently disconnected in the month of Jan-2015 erroneously. In the m/o Feb-2015, he received hefty Energy bill amounting to Rs. 6, 15,350/- which in his opinion is not correct and not acceptable to him and therefore requested forum to quash the same. The applicant approached the IGRC, NRC, Nagpur on 11.07.2017 for necessary relief but IGRC vide order dt.20.11.2017 rejected the grievance application on the ground that as the meter's accuracy is within permissible limit as per Testing report of Meter Testing laboratory, whatever bills are issued as per consumption recorded by the said meter are correct. Aggrieved by this decision applicant approached this forum.

4. Non-applicant in their written reply submitted on 26.07.2018 and 21.08.2018 stated that the applicant, applicant Shri Darampal R. Agrawal bearing consumer no.411380089653 was availing commercial electric supply. The electric meter was installed outside of applicant's Godown. It was not possible to take meter reading due to construction of new Godown by the applicant obstructing the way to the meter thus making it impossible to take the meter reading. Page

The applicant hence had given electric bills on the basis of average. The applicant's supply was PD on 15.03.2008 with final reading as 26845 for non-payment of arrears of Rs.23, 392.02. The said arrears were paid by him on 15.05.2008. and his supply was restored, however the consumer was not made live in the system. Hence energy bills were not issued to him. On dt 09.12.2014, during spot inspection meter reading was found to be 86002 in his meter. Hence he was issued bill for 59157 units (86002-26845) amounting Rs.6, 15,348/- vide letter no 344 dt.18.03.2015. But there was no payment by applicant. The electric supply was permanently disconnected on dt.09.12.2014. On dt 30.06.2015 applicant requested for energy bill and therefore, again on 01.07.2015 the energy bill amounting Rs.6, 15,348/- was issued to him. Due to non-payment of the said bill vide letter no. 892 notice was issued on dt.22.06.2016. The meter bearing no.A-302303, make: Capital, 10-30 A was tested in Meter Testing laboratory and found OK. The said applicant has been already issued various notices for Non-payment of PD dues on 21.12.2017 and through Lok-adalat on 27.04.2018. But instead of paying the arrears, he approached this forum. The applicant applied for new service connection(NSC) which is rejected due to outstanding arrears in the said premises against his old connection. Hence requested forum to reject the grievance application.

5. The case was fixed for final hearing on 30.07.2018, 31.08.2018. Shri B. V. Betal, authorized representative was present for the applicant. Shri H.P. Pawade, Ex. Engineer, M.S.E.D.C.Ltd.,Hinganghat represented the Non-applicant.

6. We have carefully perused the case record and heard the arguments of both the parties.

7. Perusal of the record clearly shows that the issue of limitation to approach this Forum plays important role. This is so because applicant alleged that he received energy bill of excessive amount to the extent of Rs. 6.15 lakhs on 18.03.2015. It appears that he did not pay the said bill and approached IGRC making grievance regarding excessive energy bill on 15.07.2017. In view of the provisions of clause 6.6 of MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations 2006 he should have approached this Forum within a period of 2 years from the date of accrual of cause of action, which is 18.03.2015. However as stated earlier he approached IGRC on 15.07.2017 i.e. beyond 2 years and consequently before this Forum also. Hence he is not entitled to the reliefs sought, which is barred by limitations.

8. Further for approaching this Forum against the decision of IGRC 60 days period is prescribed by virtue of clause 2 of Rules and Procedure in MSEDCL for Redressal of Grievance. As stated earlier IGRC rejected the claim on 20.11.2017 and the present grievance application has been filed on 11.07.2018, which is

obviously beyond the prescribed period of 60 days. As such on both the counts the present grievance application is barred by limitation which can not be entertained.

9. Assuming for a moment that the applicant approached this Forum within prescribed period of limitation still on merit also for the reasons recorded by IGRC the applicant is not entitled to any relief.

10. In the result the grievance application is liable to be dismissed. It is accordingly dismissed, however with no order as to cost.

Sd/-
(Mrs. A. A. Prabhune)
MEMBER(CPO)

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

Sd/-
(Arvind J. Rohee)
CHAIRPERSON