



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
Ph- 2210707, Fax - 2210707, E-mail : cgrfkalyan@mahadiscom.in

**NO. K/E/1557/1838 of 2018-19**

Date of registration : 11/03/2019

Date of order : 16/04/2019

Total days : 36

**IN THE MATTER OF GRIEVANCE NO. K/E/1557/1838 OF 2018-19 OF M/S VENUS LIME TRADING CORP., ACHCHAD IND. ESTATE, DIST. THANE, PIN CODE - 401 606. REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT BILLING DISPUTE.**

M/s Venus Lime Trading Corp.,

Achchad Ind. Estate, Dist.

Thane, Pin Code - 401 606.

(Consumer No. 007700001509) . . . (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution

Company Limited

Through it's Nodal Officer/Addl.EE.

Palghar Circle, Palghar

. . . (Hereinafter referred as Licensee)

Appearance : For Licensee - Shri.Sachin Bhangare, Dy.EE, Talasari S/dn., Palghar

For Consumer - 1) Shri.Sunil Pawar (C.R.)

2) Shri.Davinder Singh (C.R.)

[Coram- Shri A.M.Garde-Chairperson, Shri A.P. Deshmukh-Member Secretary  
Mrs. S.A.Jamdar- Member (CPO)].

1) Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003 (36/2003). Hereinafter for the sake of brevity referred as 'MERC'. This Consumer Grievance Redressed Forum has been established as per the notification issued by MERC i.e. "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is referred as 'Regulation'. Further the regulation has been made by MERC i.e. Maharashtra Electricity Regulatory Commission. [Electricity Supply Code and other conditions of supply Regulations 2005]. Hereinafter referred as 'Supply Code' for the sake of brevity. Even, regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply & Determination of Compensation) Regulations, 2014.' Hereinafter referred 'SOP' for the sake of convenience.

2) Consumer herein is one M/s Venus Lime Trading Corporation having consumer no. 007700001509. Grievance is that consumer got a bill dated 13/08/2018 for Rs. 42950.91 from out of which the amount of Rs.31869 had been debited in consumer's account without any debit note. Consumer approached the Licensee department in Talasari for enquiry and the officer told that the bill amount was outstanding as on 21/03/2014 for dishonor of cheque. Consumer submits that the bill amount is barred by limitation.

3) Distribution Licensee in reply states that the consumer had towards payment of energy bill for Jan-2014 issued cheque no.6094 dt.05/02/2014. Distribution Licensee deposited the cheque in Bank but did not receive any memo of dishonor or any other correspondence from the bank or consumer regarding nonpayment of cheque. Distribution Licensee was under presumption that they had received the payment.

4) Distribution Licensee states that in August-2018 while reconciling Bank account it was noticed that the amount was not credited nor any reason was communicated to Distribution Licensee. Hence Distribution Licensee on 03/06/2016, 18/09/2017 and 18/09/2017 and 13/03/2018 wrote letters to Branch Manager State Bank of India, Talasari Branch. In the correspondence it revealed that the said cheque was not realized due to in sufficiency of funds.

5) Distribution Licensee further states that Distribution Licensee therefore debited the amount of Rs.31,869/- in current energy bill of the consumer. It is submitted that section 56 (2) IE Act 2003 is not applicable because of cheating on the part of the consumer. It is not the case of unbilled consumption or recovery or apply of wrong MF etc. The debit entry of non-realization was not made due to non-receipt of inputs from bank.

6) We have heard both sides. Admittedly the bill pertains to Jan-2014. The same is clearly barred by limitation. The reason assigned in support of the proposition that section 56 (2) IE Act 2003 does not apply is fallacious. Limitation started running from the date the bill dt. 13/08/2014 was first issued. Nothing can stop the limitation much less the reason assigned by the Distribution Licensee. Section 56 (2) is very much applicable. Distribution Licensee cannot recover the bill amount by invoking section 56 (1) of IE act. Hence for the purpose of IE Act the bill is bad in law.

Hence the Order

**ORDER**

- 1) The Grievance application of consumer is allowed.
- 2) The impugned bill is hereby quashed and set a aside and section 56 (1) cannot be invoked for recovery of the same.
- 3) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 16/04/2019

(Mrs.S.A.Jamdar)  
Member  
CGRF, Kalyan

(A.P.Deshmukh)  
MemberSecretary  
CGRF, Kalyan.

(A.M.Garde)  
Chairperson  
CGRF, Kalyan

**NOTE**

- a) The consumer if not satisfied, may file representation against this order before the Hon. Ombudsman within 60 days from the date of this order at the following address.

“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission,606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”.

- b) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or

- c) delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” at the following address:-

“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”

- d) It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.