



Here in after 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. This complaint is filed by Mr. Sanjay Amrutlal Gudhka, SN. 152/2, Haria Estate,B/h, Ram Hotel Narpoli, Nr. Shrikar Dying, Bhiwnadi-421302. He has filed grievances before IGRC but no remedy provided within a period of two months. Therefore this application is filed before Forum. He further submit that since his initially bill amount was questionable and irrational amount of Rs. 3,71,599,60/-. He has approach to "High Level Arrears Recovery Committee" to redress his grievance of this wrongly imputed bill amount.
3. The Hon'ble H.L.A.R.C. was pleased to rectify and revised the amount to be paid as Rs. 73,289/- in February 2010 and amount promptly paid by him on 10.04.2010. He further submitted that the Photostat of the bill of July 2010 showed MSEDCL outstanding Rs. 3, 09,169.13/-. The Photostat of the bill of August 2010 clearly shows the amount as only Rs. 12,664/-. The Photostat of the bill of June 2011 MSEDCL shows nil however the arrears of July 2011 shows bill of Rs. 3,08,620.94/-/-.
4. After noticing this continues discrepancy for 3 month and he made complaint on 10.11.2011 to the Superintending Engineer, Bhiwandi but there is no reply. He further submit that the revision which was done by Head office Investigation Committee which is confirmed by the Nodal office, Bhiwandi but not informed us. Also when Nodal office Bhiwandi has replied that revision made on the basis of duplicate meter replacement slip (MR-2) of M/s.TPL. He would like to state that the reading on the meter during the replacement and billing prior to 26th January 2007 was on the basis of fix consumption of 150 units per loom/per HP and the bill was generated on the connected load and not the sanctioned load. The sanctioned load and the actual connected load were surveyed by MSEB on 2003 and connected load was taken for billing purpose and not the meter

reading. He submits the revision was done by the Head office investigation Committee was not reported to me by him with any correspondence and there are lapse in side of MSEDCL and prayed to rectified and remove from MEDCL bills.

5. The respondent has submitted, since 26 Jan-2007, the electricity distribution and billing in Bhiwandi have been handed over to M/S Torrent Power Limited (TPL). Further submits as per the records available and documents submitted by the applicant the consumer has submitted letter dated 10.10.2011 addressed to Nodal office and signed by Shri Sanjay A. Gudhka regarding billing grievance and bill is not disputed after this date.
6. The representatives in this case, Shri. Sajid Ansari and Shri Adil Punjabi on behalf of Shri. Harsh Mukesh Galaiya directly applied at IGRC, Nodal Office, Bhiwandi vide application dtd. 27.02.2018 i.e. after a lapse of 6 years 4 months. This is beyond the zone of consideration as the application is grossly barred by the delay as per MERC Regulation 6.6 of MERC (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulation 2006 which stipulates the limitation for filing grievance within two (2) years from the date on which the cause of action has arisen. In this application, the petitioner has not mentioned any reason for delay caused in filing this grievance, and not filed application for condonation of delay is clear abuse of MERC (Regulation 39( c ) of MERC Conduct of business) regulation 2004. This application is barred by limitation hence the same is requested to be dismissed.
7. The respondent further the bill was revised by M/S TPL on the advise of MSEDCL on 16.08.2010 and the same was debited on 30.06.2011. This has been done by the High Level Arrears Recovery Committee(HLARC) report. However, the HLARC had not taken the approval of Competent Authority viz. the Chief Engineer, MSEDCL, Bhandup Urban Zone, Bhandup before crediting such credit entries .Accordingly, the debit entries of the same amount were made as per the directives of Distribution Franchisee Section, Head Office as such the credit was given due to bill revision on the basis of Duplicate Meter Replacement report of TPL. The debit entries, as per consumer's contention are as

per the directives of the Higher Authority in the month of June-2011. The consumer's application is therefore liable for rejection in view of the above provision and also due to beyond the scope of revision of such cases at the Nodal office level against the clear directives of Higher Authority.

8. Further, respondent submit that the MSEDCL arrears in Bhiwandi Distribution Franchisee (DF) Area is upto the year Dec-2006. After this, TPL is billing the consumers and MSEDCL has continuously shown the MSEDCL Arrears as recoverable dues on the monthly bills of the consumer as per section 56(2) of IE-Act 2003 to maintain the claim of MSEDCL on the arrears whereas the consumer on another side has preferred to appeal/apply after a lapse of 6 years 4 months which is beyond the permissible period of limitation as per MERC regulations. Hence the application is therefore may please not be entertained by the Hon'ble Forum and dismiss the same as it is concerned with the confidential investigation by the H.O. team.
  
9. We have heard both sides and gone through the record placed before forum it appears that this consumer was received bill of Rs. 3,71,599,60/- against it he approached to the "High Level arrears Recovery Committee" to redress his grievance about bill. The High level arrears recovery committee rectified and the respondent issued bill of Rs 73,285/- which has paid by the applicant. The dispute arose when respondent shown arrears of Rs 3, 08,620.94/- in the bill of month July 2011. From the record it is reveal that bill revised by High Level arrears Recovery Committee subject to the approval of competent authority. While scrutinizing the said proposal by competent authority earlier bill revised on the basis of duplicate MR-2(meter replacement report) of M/s TPL not as per actual facts and figures so the respondent corrected the bill by debiting amount in the respondent bill of Month July 2010. Therefore, this outstanding of Rs 3, 09,169.13/- is required to be recover as per due provision under taken by the utility. I found no wrong or unlawful Act of recovery by the Respondent in any manner

10. The applicant was not approached to the Forum within period specified as per MERC Regulation 6.6 of MERC (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulation 2006 which stipulates the limitation for filing grievance within two (2) years from the date on which the cause of action has arisen. The applicant made application on date 10-10-2011 to the respondent, then after lapse of several years filed grievance to the Forum in the month July 2018. Therefore, this outstanding of Rs 3,09,169.13/- is required to be recover as per due provision under taken by the utility. I found no wrong or unlawful Act of debiting amount in bill by the Respondent in any manner. Hence, I proceed to pass following order

**ORDER**

The application in case 124/2018 is hereby dismissed.

No order as to the cost.

**I Agree/Disagree**

**I Agree/Disagree**

**MRS. SHARMILA RANADE,  
MEMBER  
CGRF, BHANDUP**

**Dr. SANTOSHKUMAR JAISWAL  
CHAIRPERSON  
CGRF, BHANDUP**

**RAVINDRA S. AVHAD  
MEMBER SECRETARY  
CGRF, BHANDUP**

The order is issued under the seal of Consumer Grievance Redresses Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup.

**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, Keshav Building, Bandra - Kurla Complex, Bandra (E), Mumbai - 400 051"
- b) b) consumer, as per section 142 of the Electricity Act, 2003, can approach Hon'ble Maharashtra electricity Regulatory Commission for non-compliance, part compliance or

- c) Delay in compliance of this decision issued under" Maharashtra Electricity Regulatory Commission ( consumer Redressed Forum and Ombudsman) Regulation 2003" at the following address:-

"Maharashtra Electricity Regulatory Commission, 13<sup>th</sup>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.