

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

Case No. CGRF(NZ)/54/2019

Applicant : Shri Prithviraj Narayan Meshram
Mahatma Phule Ward,
Taluka Hinganghat,
Dist. Wardha

V/s

Non-applicant : Nodal Officer,
The Executive Engineer,
Hinganghat Dn. M.S.E.D.C.L.,
Hinganghat.

Applicant represented by : Shri B.V.Betal.
Non-applicant represented by: 1) Shri H.P.Pawade, Exe.Engr.,
MSEDCL, Hinganghat.

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

ORDER PASSED ON 10.06.2019

1) The applicant approached this Forum under clause 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievances Redressal Forum & Electricity Ombudsman) Regulations 2006, since his claim for revision of electric bills, charging interest and penalty for deferred payment, compensation for unlawful disconnection of electric supply to his residential house

Located as Mahatma Phule Ward, Taluka Hinganghat, Wardha District is virtually rejected by Internal Grievances Redressal Cell (IGRC) MSEDCL, Wardha vide order dated 08.03.2019, although revision of bill for the period from May 1993 to September 1996 is granted.

2) The applicant is having Consumer No. 396010064911 for residential use. It is stated in the Grievance Application made before IGRC on 10.01.2019 that he received incorrect bill of Rs.37,520/- in July 2004 and again of Rs.41,740/- on 24.12.2004. He prayed for revision of bills from the year 1997 to 2004. Since according to him those were wrongly issued for meager consumption of 30 units per month with connected load of 1-Tube Lihgt, 1-Electric bulb & 1-Fan. It is also stated that inspite of repeated written requests made on 18.12.1997, 14.03.2001 and 17.01.2004, the revision of bill is not sanctioned and on the contrary his supply is illegally disconnected on 01.01.2005, in his absence, alleging nonpayment of arrears of Rs.41718/-, although he made part payment of Rs.5000/- on 19.03.2001. (However, receipt of payment is not produced).

3) The Non-applicant denied the claim before IGRC and substantiated the action taken. After hearing both the parties on 08.03.2019, the following operative order is passed by IGRC.

१) अर्जदाराचे घरी प्रत्यक्षभेट देवून घटनास्थळ अहवाल तयार करून कंपनीच्या नियमाप्रमाणे योग्य ती कार्यवाही करावी.

२) उपलब्ध कागदपत्र, विद्युत देयकेए सी.पी.एल. या आधारे सरासरी मिटर रिडींगनुसार मे १९९३ ते सप्टेंबर १९९६ या कालावधीतील विद्युत देयके दुरुस्त करुन देण्यात यावीत.

4) Dis-satisfied with the aforesaid order, applicant approached this forum in the present Grievance application on 04.05.2019 seeking similar reliefs, although no specific period is stated for revision of bills.

5) The Non-applicant by reply dated 01.06.2019, resisted the application by denying all the adverse averments and allegations made therein. It is stated that when the CPL entries from June 2003 are verified, it is noticed that there was consumption of more than 200 units per month and hence bills were issued as per meter reading. As such there is no question of revision of bills, since it was also revealed that the applicant failed to pay electric bills from March 2001 onwards. Subsequently on the request of the applicant revised bill of Rs.44,718.05/- was issued on 09.08.2004. However, since he failed to credit this amount, the electric supply was disconnected on 01.01.2005 as per rules.

6) It is also stated that the Grievance application is barred by limitation, since the applicant failed to approach this forum within 60 days from 01.01.2005. Hence he is not entitled for claim for compensation.

7) On 04.06.2019 when the matter was called out for final hearing, heard Shri B.V. Betal the authorized representative of the applicant and the reply arguments of Shri H.P. Pawade,

Executive Engineer, Hinganghat Division of MSEDCL, assisted by Shri V.B. Kothari, Dy. Executive Engineer Hinganghat Division. We have carefully perused the case record.

8) It is obvious that this is a unique case since the relief not asked by applicant for revision of bills for a period is wrongly granted by IGRC by directing to correct the bills as per average meter reading from May 1993 to September 1996, when in fact the applicant as per the Grievance application submitted before IGRC prayed for revision of bills from the year 1997 to 2004 and for the claim of compensation for alleged unlawful disconnection of electricity supply on 01.01.2005. As per the provisions of Clause 6.4 of The Maharashtra Electricity Regulatory Commission (Consumer Grievances Redressal Forum & Electricity Ombudsman) Regulations 2006, maximum period of 2 years is prescribed to approach the forum for redressal of grievance, to be counted from the date of accrual of cause of action. Obviously both the claims made by the applicant viz. for revision of bills and compensation are barred by limitation, since he approached IGRC and then this Forum beyond 2 years.

9) The applicant stated that as per instructions issued 60 days period is prescribed to approach this forum from order passed by IGRC and since he did so, there is no bar of limitation. However, this period of 60 days will have to be counted as included in maximum period of 2 years to approach this Forum, in view of Order dated 21.08.2018 passed by Hon'ble High Court of

Bombay in Writ Petition No.6859/2017 MSEDCL Dhule Dn. and another versus Jawahar Shetkari Soot Girni Limited. Since he failed to do so, he is not entitled for any relief.

10) Considering the above legal position, it is obvious that the grievance application before IGRC and then this forum is hopelessly barred by limitation, for which there is no provision of condonation for delay and this aspect has not been considered by IGRC.

11) Thus both the claim for revision of bills and compensation for wrongful disconnection of electricity supply for failing to pay the arrears cannot be considered at all. However, strangely IGRC partly allowed the Grievance application granting revision of bills for a period which is not in fact asked by the applicant as stated earlier. It appears that even after disconnection of electric supply the applicant did not pay arrears nor applied for grant of new electric connection.

12) In view of above no relief can be granted to the applicant.

13) The Grievance application therefore, stands dismissed. The order passed by IGRC is modified/substituted by this order.

14) The parties are, however, directed to bear their respective costs of the proceeding.

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

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

Sd/-
(Arvind J. Rohee)
CHAIRPERSON