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Consumer Grievance Redressal Forum
"Vidyut Bhavan", Gr. Floor,
L.B.S.Marg,Bhandup (W),
Mumbai – 400078.

REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/ 135/ 327

Date: 22.10.2019

Hearing Date: 20.08.2019

CASE NO.135/2019

**Mr. Manish S. Malhotra,
H.No.1678/10,Sainath Compund,
Nr. Asara Hotel,
Bhiwnadi-421302.**

(CONSUMER NO.13542616771) (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution Company Limited
through its Nodal Officer,
Bhiwandi Circle,Bhiwandi

. . . . (Hereinafter referred as
Licensee)

For Consumer – -Mr. Suraj Chakraborty - Consumer Representative.

Appearance : For Licensee Mr. Satish Dhope, Addl. Executive
Engineer, MSEDCL,Bhiwandi.

**[Coram- Dr. Satishkumar Jaiswal - Chairperson, Shri. Ravindra Avhad –
Member Secretary and Sharmila Ranade - 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 Redressal 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'.

The complainant Mr. Manish Malotra and others submitted their grievance that they have received the energy bill and get shocked and found the bill wrong in acting and adding the a unknown amount without any clarification. He has made grievance and first objection SDO 2002. But the no relief was granted. Therefore applicant prays as per MSEDCL notice Under Section 56/1 dtd.25.06.2018. The said dispute raised by the Respondent is off 2002 is still not resolved and therefore time barred under section 56/2 E.A. 2003. Therefore applicant prayed for order.

Respondent appeared and filed their reply that provisional bill was raised for Rs. 77,442.43/-. However consumer paid 20% i.e. 15,448/- this amount is not shown in CPL. MSEDCL raised this demand in 2010 after 7 years by way of notice. Hence this amount is time barred. Secondly, meter shown faulty and bills raised on average units which should have been lower is the real grievance of the consumer.

The utility has submitted its' reply to this five connections are seems 26.01.2007 the electricity distribution and billing in Bhiwandi has been handed over to M/s. Torrent Power Ltd., (TPL) for the period of 10 years and from 02.01.2017 for further 10 years. But the arrears of bill in this ground that applicant has not approached this office for bill dispute from the year 2013 to till 2018.

The applicant's first grievance of provisional bill of Rs. 77,442/-, the amount is not at all seen in the bills since 2002. They further submit that the dispute regarding second grievance of billing on average units per month, revised in the month of April 2010 by Rs. 2,05,080/- as per revision, the MSEDCL arrears of Rs. 1,50,000/- is revised to Rs. 71,060/-. Has been communicated to the applicant vide this office letter No. 635 dt. 25.06.2018.

Thereafter this applicant not paid revised bill till date and unnecessary disputed bill. Therefore, Respondent calming that the consumer trying to evade the payment.

I heard both sides at length and it is clear from the submission of both sides FIR are registered under section 135 of E.A. Therefore it is cleared that there is no theft case against this applicant. It is also clear the applicant has not filed any application to IGRC it is also fact that the arrears are pending since the year 2002 and all the arrears hence demanded by Responded by notice Under Section 56/2 dated 25.06.2018 for the amount of Rs. 46,00,000/-.

On hearing both sides and going thorough admitted facts it is cleared that as per Under Section 56/2 the arrears can be recover only for 24 months. There is no earlier attempt or action for recovery of payment made by both sides. Hence this is clear that the arrears are to be recovered only for 24 months from the date of notice dtd. 25.06.2018 by the Respondent Under Section 56(2) of E.A. Hence I proceed to pass following order.

ORDER

1. This application is hereby partly allowed.
2. Applicant shall pay the arrears of only 24 months from the date of notice dated 25.06.2018 means the arrears form 25.06.2018 for 24 months as demanded by repos dent in the notice only.

No order as to the cost.

I Agree/Disagree

I Agree/Disagree

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

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

**MR. RAVINDRA 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, 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.