

**CONSUMER GRIEVANCE REDRESSAL FORUM
M.S.E.D.C.L., Bhandup Urban Zone, Bhandup**

Case No. 299/2019

Date of Grievance: 22.03.2019

Date of Hearing :13.06.2019

Date of Order:**EE/CGRF/BUZ/516dtd.10.12.19**

In the matter of wrong billing

Mr. Prakash V. Tayde,

Row House No. 12,Aadharvadi,

Kalyan (W),-421301.,

Bhiwandi-421302.

(Consumer No. 13442032402&13442032411)

VS

The Executive Engineer, ----- Respondent

M.S.E.D.C.Ltd.,

Bhiwandi Circle,

Bhiwandi.

Quorum:

1. Dr. Santoshkumar Jaiswal, Chairman.
2. Shri. Mr. Ravindra Avhad, Member Secretary.
3. Mrs. Sharmila Ranade, Member.

Present during the hearing:-

A] - On behalf of Appellant

Mr. Prakash Tayde - Consumer Representative

B] - On behalf of Respondent

1. Mr.Mahesh Ghagare, Manager, TPL
2. Hemangi Mayker, Assist. Manager, TPL
3. Mr. Satish Dhope, Addl. Executive Engineer, MSEDCL.

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'.

2. The applicant submits his bill dispute of year 2007 and requests to revise the bill of the consumer No. 13442032402 and 13442032411 two service connection. The applicant has submitted application on 03.10.2018 to this office with the bill dispute of year 2007 i.e after a lapse of 11 years.
3. The Respondent submits that, Since 26 Jan-2007, the electricity distribution and billing in Bhiwandi has been handed over to M/S Torrent Power Limited (TPL). As per the records available and documents submitted by the applicant, this office humbly submits as under.
 - a) The connections bearing consumer no. 13442032402 and 13442032411 are in the name of the M/S Jagdish Dugdhalaya, prop. Narharibhai while the applicant Shri P.V. Tayade is disputing the bill without any authorization.
 - b) It is humbly bring to notice that Shri Prakash V. Tayade was a regular employee in the bill dispute period in the accounts section of this office. The bill dispute was not resolved in that period. It is clear that the applicant is vaguely demanding to resolve the bill dispute of year 2007.
 - c) So the application is liable to be rejected under MERC Regulation 6.9 (a) of MERC (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulation 2006 which stipulates that the
"Forum may reject the Grievance at any stage if it appears to it that the Grievance is: frivolous, vexatious, malafide; "
 - d) Therefore, 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. Hence the application may please not be entertained by the Hon'ble Forum and requested to dismiss the same.

- e) It is submitted that the MSEDCL arrears in Bhiwandi Distribution Franchisee Area is up to the year Jan-2007. 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.
4. The M/s. TPL submits that, the complaint has directly approached Hon'ble Forum without approaching respective IGRC, wherein the MERC Regulation 2006 regulation 6.2 says *"A consumer with a Grievance may intimate the IGRC of such Grievance in the form and manner and within the time frame as stipulated by the Distribution Licensee in its rules and procedures for redressal of Grievances"*.
- a) Further the company would also like to state that as per MERC Regulation, 2006, Regulation 6.7 *The Forum shall not entertain a Grievance: (a) unless the consumer has complied with the procedure under Regulation 6.2 and has submitted his Grievance in the specified form, to the Forum;*
- b) We have gone through the contents of the grievances and replied filed by utility dated 28.5.19. The claim of the applicant is regarding this to this bill of the year 2007 is claiming the dispute of 11 years back and claiming for average billing it is the say of utility that it is barred by limitation. It is also admitted fact this complainant has not approach to IGRC .the utility submitted that as perMERCregulation6.7this Forum shall not entertain the grievances a unless the consumer has complied with this process under regulation 6.2 and has submitted the grievances in the specified for to the forum *(a) unless the consumer has complied with the procedure under Regulation 6.2 and has submitted his Grievance in the specified form, to the Forum; (b) unless the consumer is aggrieved on account of his Grievance being not redressed by the IGRC within the period set out in these Regulation..."*.

Looking to the circumstances that the applicant is demanding to resolve this bill two of the year 2007. However, as per regulation 6.6limitaion for filing the grievance is of years. Hence it is cleared that the grievance put forward before this forum are expressly and impliedly barred by limitation and as applicant has come to proper channel of IGRC. This application cannot be entertain as per rule.

Hence, we proceed to pass the following order:

ORDER

This application 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**

**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.