

# BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

(Appointed by the Maharashtra Electricity Regulatory Commission  
under Section 42(6) of the Electricity Act, 2003)

## REPRESENTATION NO. 30 OF 2023

In the matter of billing

Smt. Parimala Rajkumar David Pillai (User) ... ..Appellant  
(Late K. K. Pillay Cons. No. 14080515023)

V/s.

Maharashtra State Electricity Distribution Co. Ltd., Bhiwandi (MSEDCL)... ..Respondent

Torrent Power Limited (TPL), Distribution Franchisee, Bhiwandi

Appearances:

Appellant : 1. Smt. Parimala Rajkumar David Pillai  
2. Suraj Chakraborty, Representative

Respondent : 1. Ajay N. Bhasakhetre, Addl. Ex. Engineer, TUC, MSEDCL  
2. Rajesh Shanbhag, AGM, TPL  
3. Hemangi Bhogvekar, Nodal Officer, TPL

**Coram: Vandana Krishna [IAS (Retd.)]**

Date of hearing: 8<sup>th</sup> June 2023

Date of Order : 16<sup>th</sup> June 2023

## ORDER

This Representation was filed on 6<sup>th</sup> February 2023 under Regulation 19.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum &

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Electricity Ombudsman) Regulations, 2020 (CGRF & EO Regulations 2020) against the Order dated 12<sup>th</sup> May 2022 passed by the Consumer Grievance Redressal Forum, MSEDCL, Bhandup (the Forum).

2. The Forum, by its order dated 12.05.2022 has dismissed the grievance application in Case No. 41 of 2021-22.

3. The Appellant is in arrears of MSEDCL for Rs. 85819/- in March 2023. The Appellant filed this representation without deposit which was calculated as Rs. 25000/- as per Regulation 19.22(h) of CGRF & EO Regulations 2020. The said Regulation 19.22(h) is reproduced below: -

***“19.22: The Electricity Ombudsman shall entertain a representation only if all the following conditions are satisfied:***

***(a) .....to .....(e).....***

***(f) The consumer has deposited in the stipulated manner, fifty percent of the amount, if any, that is required to be paid by him in terms of the order of the Forum or twenty-five thousand rupees, whichever is less”..... (Emphasis added).***

This office had informed the Appellant that an incomplete representation cannot be registered and adjudicated. The Appellant clarified that she is not able to pay the deposit due to her financial position. Notice of Admissibility of Hearing was issued on 14<sup>th</sup> March 2023 for the reply of the Respondent. It was decided to admit the representation as a special case in the interest of natural justice.

4. The Appellant has filed this representation against the order of the Forum. The physical hearing/e-hearing was held on 08.06.2023 where TPL representatives were present physically. The Appellant and AEE, MSEDCL Bhiwandi attended the hearing through Video Conference. The

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Parties were heard at length. The Appellant's written submissions and arguments in brief are as below:-

- (i) The Appellant has two connections having Service No. 14080515023 and 14080515121 for residential purpose at Ranjoli, Post Bhivandi. Out of these two Services, one Service No. 14080515121 was permanently disconnected on 06.12.2018 for non-payment of outstanding dues (MSEDCL: Rs. 98316/- and TPL: Rs. 4871/-). **The second Service (No. 14080515023) is live, having outstanding dues of MSEDCL: Rs. 85819/- and TPL: Nil at the time of filing the grievance in the Forum.**
- (ii) The Appellant has cleared the outstanding dues of MSEDCL and TPL of Service No. 14080515121 under the Government's Amnesty Scheme namely "Vilasrao Deshmukh Abhay Yojana" by paying the reduced dues of Rs. 22000/- and Rs. 4056/- of MSEDCL and TPL respectively on 25.03.2022. The interest was totally waived of in the said Scheme. However, the Appellant did not request to reconnect the supply, as the other Service No. 14080515023 is live and is being used for the supply for residential purpose and is billed every month as per the reading.
- (iii) The Appellant is paying the current bills of the live connection regularly without any delay. However, fictitious arrears are continuously shown in the current bills. **The core grievance and request of the Appellant is to waive of the interest part on the dues of MSEDCL, like the waiver of interest for PD consumers under "Vilasrao Deshmukh Abhay Yojana."** This was clarified by the Appellant during the hearing.
- (iv) The Appellant has paid the accrued outstanding dues of Rs.92,200/- of MSEDCL on 20.02.2023 under protest. A major part of outstanding dues of Rs.92,200/- was the interest part, which was more than Rs. 60,000/-. The interest was calculated at the rate of 18%. The primary outstanding dues of MSEDCL was based on defective

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and average bills which was also questionable. The Appellant has prayed for refund of the paid interest.


(v) The Appellant further prays that the delay in filing the representation be condoned as the Appellant did not know the rules and regulations, and is suffering from serious medical issues of self and family. All the papers of medical issues are kept on record of Hon'ble Electricity Ombudsman (Mumbai). Considering these facts and circumstances, the Appellant prays to waive off the interest part of MSEDCL dues as the Appellant has no source of income and is facing medical issues of the family.

(vi) The prayer shown in Schedule B was as follows:

1. *Set aside Forum order,*
2. *Immediately reconnect our supply, as we are not in default for any running bill of Torrent power.*
3. *Guide MSEDCL to file recovery suit or any other suit as per provision mentioned in Law.*
4. *Grant such other relief as The Hon'ble Ombudsman may deem fit and proper in the circumstances of the present case.*

5. The Respondent MSEDCL and its Franchisee, TPL filed their written replies dated 21.04.2023 and 08.04.2023 respectively. The Respondent's written submissions along with their arguments on 08.06.2023 are as below: -

(i) The Electricity Distribution Network Assets and Billing in Bhiwandi area was handed over to M/s. Torrent Power Limited (TPL) as the Franchisee of MSEDCL for a period of ten years from 26.01.2007 and was further extended for ten years. The TPL is working as a Franchisee of MSEDCL at present.

  
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- (ii) The Service No. 14080515023 & 1408051512 located at the Bhiwandi City. 1 is sanctioned in the name of Mr. K.K. Piliay at Ranjol Gaon, Bhiwandi, which is at the boundary/outer part of Bhiwandi City.
- (iii) The Appellant raised the grievance on 17.03.2021 for withdrawal of MSEDCL dues amounting to Rs. 85,818.87/- and Rs. 98,136/- for Service No. 14080515023 & 14080515121 respectively. The Appellant has not mentioned any relevant provisions of Maharashtra Electricity Regulatory Commission, MSEDCL or the Electricity Act, 2003 for withdrawal of pending MSEDCL dues. These dues have accumulated over many years, and the interest component is substantial for this reason. There is no provision or scheme to waive off interest for live consumers.
- (iv) There are different prayers before the Forum and the Electricity Ombudsman(Mumbai).The prayer before the Forum on 28.06.2021 was

*"As per Appellant, **TPL has charged wrong Interest of MSEDCL dues for Service No. 14080515023 and 14080515121, so requesting to withdraw the MSEDCL dues amount accordingly.**"*

However, the Appellant has raised the grievance before the Electricity Ombudsman (Mumbai) as mentioned in para 4 (v).

Different prayers in appeal and to the Electricity Ombudsman are not maintainable as per CGRF & EO Regulations 2020, and it is requested to reject the same.

#### **Grievance in brief:**

- (v) Both the Services are of Residential category which were released by MSEDCL on 01.01.1986. The status of the Service Connections, at the time of filing the grievance with the Forum was as under: (Table 1)

Service No.	Status	Last Payment Date	Date of PD	Dues( Rs.)	
				MSEDCL	TPL
14080515023	Live	17.02.2021		85819	Nil
14080515121	PD	01.12.2014	06.12.2018	98136	4871

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The current status of the Service Connections is as below: (Table 2)

Service No.	Status	Last Payment Date	Date of PD	Dues( Rs.)	
				MSEDCL	TPL
14080515023	Live	28.03.2023	Live	Nil	Nil
14080515121	PD	25.03.2022	06.12.2018	Nil	Nil

- (vi) The Service No. 14080515023 and 14080515121 are both registered in the name Mr. K K PILIAY and Mr. K K PILLE respectively at the address mentioned as At Post Bhiwandi, Ranjoli. Two connections for the same person were given previously in the period of MSEDCL.
- (vii) The Appellant, Smt. Pramila Rajkumar David Piliay approached the Forum on 17.03.2021 for withdrawal of MSEDCL dues, particularly interest as mentioned in Table 1.
- (viii) The Service No.14080515121 was in Permanently Disconnected(PD) status on 06.12.2018 and it reduced dues have already been settled on 24.03.2022 and 25.03.2022, amounting to Rs 4,056/- and Rs 22,000/- against the TPL and MSEDCL respectively under the Amnesty Scheme namely “Vilas Rao Deshmukh Abhay Yojana” for PD consumers.. The consumer had cleared these outstanding dues of MSEDCL and TPL on 25.03.2022 under Vilas Rao Deshmukh Abhay Yojana, and as on date no dues are recoverable from the said Service.
- (ix) The other Service No.14080515023 is live and is billed every month as per the reading obtained from the meter. The Appellant was in arrears even when TPL took the Franchisee on 26.01.2007. The MSEDCL dues have been continuously demanded from the consumer in the bills for every month from 2007 till date. The consumer has been paying only the ‘current months’ bills, without clearing the previous arrears including interest.




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- (x) The bills of the Appellant are raised as per the reading obtained from the meter and billed as per Tariff Orders in force of the Commission. The said connections were released by Maharashtra State Electricity Distribution Company Limited (MSEDCL) prior to the takeover of Torrent Power as a Franchise in Bhiwandi Distribution area, i.e., 26.01.2007. Hence, the subject matter of the Appellant's complaint pertains to the MSEDCL period.
- (xi) The Appellant had approached the Forum on 28.06.2021 for withdrawal of MSEDCL dues of Service No 14080515023. Current bill Payment against monthly bill for this Service is received regularly as mentioned in the Table 1. However, the Appellant had conveniently ignored paying the MSEDCL outstanding dues which are being shown/demanded from the consumer continuously through Monthly Energy bills.
- (xii) The Forum rightly dismissed the grievance on 12.05.2022, referring to Regulation 7.8 of CGRF & EO Regulations 2020 which is reproduced below:
- "The Forum shall not admit any grievance unless it is filed within two (2) years from the date on which the cause of action has arisen."*
- (xiii) The Forum in its order dated 12.05.2022 observed that -
- "The respondent have shown the arrears continuously in the bill and demanded from the Appellant every month."*
- (xiv) Such the Appellant continuously neglected to pay the previous arrears, a notice under Section 56(1) of the Act was served on 19.11.2022 for Service No. 14080515023, and the said Service was finally disconnected on 30.01.2023. for non-payment of outstanding dues. **However, the Appellant approached the office of the TPL and submitted an application on 20.02.2023 for acceptance of total payment against MSEDCL dues as per order of the Forum, and made the payment of Rs 92,200/- on 20.02.2023.** Thereafter the connection was re-connected. This it is seen that, after filing this representation on 06.02.2023, even before the hearing on 08.06.2023, the Appellant cleared her dues of Rs.85,819/- on

  
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28.03.2023. Thus, actually the issue of outstanding dues had already been settled even before the hearing.


(xv) The Appellant was billed as per actual readings, and tariff unit rates are as per Tariff orders of the Commission in force. The interest on arrears was system generated, and automatically calculated for both connections. Its interest rate and logic is applicable to all consumers of the Licensee, and is developed as per Tariff orders of the Commission. The outstanding dues accumulated due to not paying the previous arrears in time. At present, the Appellant has paid the outstanding dues including interest. The amount can not be refunded or waived off. During the hearing it was clarified that there is no government amnesty scheme for waiving off accumulated interest of live consumers. The amnesty schemes is only there for PD consumers. MSEDCL also clarified that a proposal has been sent to design a similar amnesty scheme for live consumers in Bhiwandi, however nothing has been finalized yet.

(xvi) In view of the above, nothing remains in the grievance. The Representation be rejected as it deviates from merit, as well as not being filed within the prescribed period of 60 days.

### **Analysis and Ruling**

6. Heard the parties and perused the documents on record. The Appellant has filed this representation on 06.02.2023 against the order of the Forum dated 12.05.2022 i.e. after about 9 months. The Representation was supposed to be filed on or before 11.07.2022, considering the prescribed 60 days period as per Regulation 19.1 of CGRF & EO Regulations 2020. The Regulation 19.1 is reproduced below:

*“Any Complainant, who is aggrieved by the non-redressal of his Grievance by the Forum, may, either directly or through his duly authorised representative, make a representation for*

  
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*redressal of his Grievance to the Electricity Ombudsman within sixty (60) days from the date of the Order of the Forum:*

*Provided that the Electricity Ombudsman may entertain a representation after the expiry of the said period of sixty (60) days if he/she is satisfied that there was sufficient cause for not filing it within the said period."*


There is a long delay of 208 Days. This excessive delay is not justified, hence cannot be waived off considering various circumstances in the case. The Appellant has not even paid the statutory deposit of Rs.25000/- while filing the representation, neither did she inform the office of the Electricity Ombudsman that she has paid all dues in the meantime, which is the subject matter of the current representation.

Hence, the representation of the Appellant is not maintainable for admissibility of the case as per Regulation 19.1 of CGRF & EO Regulations 2020.

There is no need to go further into the merits of the grievance in view of its non-admissibility.

7. The representation is rejected and disposed of accordingly.

Sd/-  
(Vandana Krishna)  
Electricity Ombudsman (Mumbai)

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai

