

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 94 OF 2020

In the matter of billing

Rushikesh V. Pawar Appellant

V/s.

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

Appearances

For Appellant : 1. Rushikesh Pawar
2. Milind Shedge, Representative

For Respondent : 1. Ashish Khadane, Acting Ex. Engineer
2. Nitin Sankhe, AEE


Coram: Mr. Deepak Lad

Date of Hearing: 13th January 2021

Date of Order : 18th January 2021

ORDER

The Representation is received on 21st October 2020 under Regulation 17.2 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (CGRF Regulations 2006) against the Order dated 2nd March 2020 passed by the Consumer Grievance Redressal Forum, MSEDCL, Kalyan Zone (the Forum).


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2. During scrutiny, it is noticed that the Appellant was in arrears as per the order of the Forum dated 02.03.2020. Therefore, he was telephonically informed to pay the deposit of Rs.20,000/- (50% of arrears as per the Forum's order) as per Regulation 17.9(f) of the CGRF Regulations 2006. However, he did not pay the same. The deposit notice vide letter dated 04.11.2020 was served to him and the Appellant then paid the deposit on 19.11.2020. Hence, the Representation came to be registered on 19.11.2020.


3. The Forum, by its Order dated 02.03.2020 has partly allowed the grievance application in Case No.157/2006 of 2019-20. The operative part of the order is as below: -

“2. Assessment amount Rs. 11373.19 added in month of Mar-2018 is set aside and Interest charged on the said amount to be waived off.

3. Respondent Utility to give 6 equal installments to consumer for payment of outstanding amount without DPC and Interest along with the current bill.”


4. Aggrieved by the order of the Forum dated 02.03.2020, the Appellant has filed this representation stating briefly as under: -

- (i) The Appellant is a LT residential consumer (No.001901066686) from 14.06.2006 at Flat B-304, Shiv Shahi Apartment, Nalasopara (East).
- (ii) The Appellant was receiving bills under faulty meter status since last many months.
- (iii) The Respondent issued a supplementary bill of Rs.12568/- to the Appellant in the month of September 2017. The Appellant visited the Respondent's office many times to reduce the supplementary bill, however the Respondent did not take any action. On the contrary, the Respondent has given handwritten bill of increased amount of Rs.24530/- in the month of October 2017. The Respondent threatened the Appellant that the bill be paid immediately or otherwise supply will be disconnected. The Respondent removed meter on 28.11.2017 without any notice. On payment of part amount, supply was reconnected.
- (iv) The Appellant, by its letter dated 28.11.2017 has protested the same and requested to give breakup of supplementary bill of Rs.24530/-. The Appellant also requested to act against the arrogant and culprit officials of the Respondent.


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- (v) The Respondent has issued disconnection notice for amount of Rs.30400/- on 23.02.2018. The matter was taken up with the Superintending Engineer (SE) vide letter dated 28.02.2018 and requested to revise the bill as per the Rules and Regulations of the Commission.
- (vi) The Appellant vide letter dated 08.03.2018 has requested to revise the bill as per Section 15.4.1 of defective meter. However, no action was taken by the Respondent
- (vii) The Appellant has paid various bills of about Rs.35000/-. However, the Respondent has issued bill totaling to Rs.55000/-, hence the Appellant, vide his letter dated 21.08.2018 has protested the bill of Rs.55000/-. The Appellant vide his letter dated 30.08.2018 has requested to test the meter. The Respondent did not resolve the complaint of the Appellant.
- (viii) The Appellant filed the grievance in Internal Grievance Redressal Cell (IGRC) on 10.07.2019. The IGRC, by its order dated 16.09.2019 has rejected the grievance.
- (ix) The working of IGRC was biased and hence the Appellant approached the Forum on 28.01.2020. The Forum, by its Order dated 02.03.2020 has partly allowed the grievance and directed to withdraw the supplementary bill of Rs.11373.19 along with waiver of interest which was levied on the said amount and has given 6 equal monthly installments for payment of outstanding amount without DPC and interest along with the current bill.
- (x) The Forum failed to direct the Respondent for taking action against the concerned responsible officials. The Appellant had paid about Rs.35,000/- after the grievance filed in Grievance Redressal Mechanism. However, the Respondent issued accumulated bill of Rs.51970/-.
- (xi) The Forum did not give any compensation to the Appellant.
- (xii) The Appellant prayed that the Respondent be directed
- to revise the bill
 - to compensate suitably and
 - for taking action against the Official of the Respondent.


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5. The Respondent MSEDCL has filed its reply dated 14.12.2020 and dated 28.12.2020 stating in brief as under: -


- (i) The Appellant is a LT residential consumer (No.001901066686) from 14.12.2006 in the name of Shivshahi Builders & Developers, Shiv Tirth Apartment, Flat B-304, Survey No. 77, Nalasopara (East).
- (ii) The Appellant was billed with faulty status from December 2010 even though the meter was working on the site by overlook.
- (iii) The HPL make meter having No.14810466 with reading of 11570 KWH was found installed on the site as per spot inspection report of the Section Engineer in the month of September 2017.
- (iv) The supplementary bill of Rs.12568.88 was issued to the Appellant considering the initial reading of the said meter as 770 units and reading of 10800 (11570-770) units in September 2017. The supplementary bill of Rs.12568.88 was initially generated in the month September 2017 for 10800 units for 82 months (132 units per month) for the period December 2010 to September 2017 along with slab benefits.
- (v) The meter of the Appellant was working correctly however billed wrongly with faulty status. The Appellant has not accepted the supplementary bill. The same was added in the monthly bill of the Appellant in October 2017. The Appellant did not pay the same. The disconnection notices were served from time to time however, the Appellant did not pay the same.
- (vi) The Appellant was billed with faulty status from July 2013 to February 2016 with average of 100 units per month and from March 2016 to August 2017 with average of 130 units per month.
- (vii) Meter replacement report was received from the Section Engineer stating that in fact, instead of December 2010, the meter was replaced on 15.06.2013 with initial reading of 1492 units. Hence, the bill revision for the period from December 2010 to September 2017 was not correct. Hence, the bill of the Appellant was further revised for 10078 (11570-1492) units of Rs.23942.07 for 50 months (202 units per month) with slab benefits. Rs.11373.19 (23942.07-12568.88) was debited in the bill of March 2018.


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- (viii) The Appellant was irregular in paying the bills. The disconnection notice for accumulated outstanding dues of Rs.30400/- was served to the Appellant on 22.02.2018 as per Section 56 (1) of the Electricity Act 2003 (the Act).
- (ix) Subsequently, the Appellant requested to test the meter. As per request of the Appellant, the meter was replaced on 08.03.2018. The said meter was tested in testing Laboratory on 02.04.2018 in presence of the Appellant. The test result of the meter found in order.
- (x) The Appellant filed the grievance in Internal Grievance Redressal Cell (IGRC) in the month of July 2019. The IGRC by its order dated 16.09.2019 has rejected the grievance by observing that the bills are correct.
- (xi) The Appellant approached the Forum on 28.01.2020. The Forum, by its Order dated 02.03.2020 has partly allowed the grievance and directed to withdraw the supplementary bill of Rs.11373.19 which was added in the bill of March 2018 along with waiver of interest which levied on the said amount and to give 6 equal monthly installments to consumer for payment of outstanding amount without DPC and interest along with the current bill.
- (xii) The current consumption pattern of the Appellant is about 270 units per month.
- (xiii) The order of the Forum was implemented by giving credit amount of Rs.11373.19 and interest amount of Rs.1305.12 is waived of in bill of October 2020.
- (xiv) The Appellant has not approached the Hon'ble Electricity Ombudsman, Mumbai within prescribed period, hence, his claim is time barred. Therefore, the Representation is not maintainable.
- (xv) The Respondent prays that the said Representation be rejected.

6. The Respondent vide its letter dated 11.01.2021 has submitted additional reply stating that the grievance of the Appellant was decided by the Forum on 02.03.2020 and the Appellant should have approached the Hon'ble Electricity Ombudsman, Mumbai within 60 days from the date of the order of the Forum i.e. on or before 02.05.2020 or within 15 days from unlock declared by the Government of Maharashtra in view of Covid-19 pandemic. The Hon'ble Supreme Court by its Judgments dated 23.03.2020, 06.05.2020 and 06.07.2020 in suo wp No. 03 of 2020 extended period of limitation by 15 days after expiry of lockdown. The lockdown in the State of Maharashtra was started to be unlocked in the month of June 2020. Hence, the



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appeal should have been filed on or before 15.06.2020. However, the representation was filed on 21.10.2020 which is time barred. Hence, the representation be rejected on ground of limitation.

7. The hearing was held on 13.01.2021 on e-platform through video conferencing due to Covid-19 epidemic. During hearing, the Appellant argued in line with their written submissions. The Appellant argued that he was receiving excessive bills for the last many months for which he gave his application on 28.11.2017 to the Respondent. He received the reply from the Respondent that for last 7 years, the bills were issued wrongly. He further argued that he was in receipt of bill with faulty status. When he was confronted with the fact that he was served monthly bill for 100 units only since March 2013 to 2016, he replied that he occupied the house in 2015 but he was spellbound with the query as to why he did not question bill of exact 100 units from 2015 till March 2016. He further argued that when the meter was in order, why the meter was replaced by the Respondent. It is informed to him that the meter was replaced at his request which was made by Mr. Vijay Pandurang Zure through his letter dated 08.03.2018. Then he argued that when the meter was in order, why the same meter was not fixed after testing. On this account also, he was spellbound. The Appellant prima facie argued the case on generic basis without pinpointing the exact issue despite being asked to do it.

8. The Respondent argued in line with its written submission and further argued that the Appellant was served bill for 100 units per month from July 2013 to February 2016. The Appellant regularly paid all these bills. Then the average was increased to 130 units per month and charged for the period from March 2016 to August 2017. When confronted on this account, the Respondent could not explain as to why this logic was applied. Based on the inspection report of the concerned Section Engineer who noted the reading as 11570, the Appellant was billed for 10800 units (11570 – 770 initial reading) for 82 months from December 2010 to September 2017. However, this was subsequently corrected to 10078 units (11570 – 1492 initial reading) for 50 months for the period from July 2013 to September 2017 based on the meter replacement report of June 2013. The Appellant was therefore issued revised additional bill of Rs.11373/- for 10078 units with due slab benefits for the period from July 2013 to September 2017. Exactly this amount is disallowed by the Forum through its order dated


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02.03.2020. The order of the Forum was implemented by giving credit amount of Rs.11373.19 and interest amount of Rs.1305.12 is waived of in bill of October 2020. The current consumption pattern of the Appellant is about 270 units per month. In view of the above, the Respondent prayed that the Representation of the Appellant be rejected.

9. Considering the generic arguments of the Appellant and confusion arising out of it, both the parties are directed to sit together and understand the exact issue vis-à-vis the amount paid by the Appellant. On this suggestion, it is agreed between the parties to meet on 14.01.2021 at the office of the Respondent. Minutes of this meeting duly signed by both the parties shall be emailed immediately on the same day to the office of the undersigned.

10. The Appellant argued that after replacement of meter on 08.03.2018, he is getting bills for excessive consumption. He was therefore asked if he intends to check this meter in NABL laboratory or at the manufacturer's factory, he will have to request the Respondent suitably with the undertaking to bear the expenses for the same. These expenses shall be paid back to him if the meter is found faulty. On this the Appellant informed that he will take a call on this and decide.

11. Pursuant to the directives to both the parties to sit together and understand the factual position, a meeting was held on 14.01.2021 and minutes of the meeting (MOM) jointly signed by both the parties is received by email dated 15.01.2021 from the Respondent. On perusing this MOM it is observed that the Appellant is satisfied with the explanation offered by the Respondent and the records shown to him. However, it is further mentioned that the Appellant is ready to pay arrears, however, interest component be waived of.

12. The Appellant through his separate email dated 15.01.2021 again complained in a generic form and finally requested that the existing meter be tested through NABL laboratory.


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Analysis and Ruling


13. Heard both the parties and perused the documents on record. It is noted that the Appellant has filed the representation initially on 21.10.2020. However, he did not pay the deposit amount of Rs.20000/- required under the Regulations. Therefore, the secretariat of this office pursued the matter with the Appellant and finally the Appellant paid the amount on 19.11.2020. Therefore, the representation is accordingly registered on 19.11.2020. While going through the representation, I noticed that the Appellant has not requested for condonation of delay in filing the representation. On the contrary, the Respondent contended that the representation be rejected on the grounds of limitation as it came to be filed after a lapse of almost more than 8 months.

14. The delay in filing the representation being pretty long, various issues such as lockdown and Mission Begin Again with respect to Covid-19 Epidemic in Maharashtra and various orders of Government of Maharashtra (GoM) are necessary to be examined. The chronology in this regard is as below:

- (a) The GoM on 18.03.2020 issued order prohibiting movements of the people at large, and attendance at various offices, etc.
- (b) Subsequently, the GoM issued notification समय-२०२०/प्र.क्र.३५/१८(र.व का.) on 20.03.2020 vide which all workplaces, excluding essential services and public transport, in Mumbai, Mumbai Metropolitan Region, Pune, Pimpri-Chinchwad and Nagpur are ordered to be closed until 31.03.2020.
- (c) Vide order dated 02.05.2020 lockdown was extended till 17.05.2020.
- (d) Vide order dated 17.05.2020 it was further extended till 31.05.2020.
- (e) Vide order No. DMU/2020/CR.92/DisM-1, dated 31.05.2020 eased out restrictions and phase wise opening of lockdown [Mission Begin Again (MBA)].

The specific quote in this order is as follows: -

“Whereas the State Government is satisfied that the State of Maharashtra is threatened with the spread of Covid-19 Virus, and therefore to take certain emergency measures to prevent and contain the spread of the virus, the Government in exercise of the powers conferred under Section 2 of the Epidemic Diseases Act, 1897, read with all other enabling provisions of The Disaster Management Act, 2005, it is expedient to extend the lockdown in the entire State of Maharashtra further till midnight of 30th June 2020.


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Now, therefore, in exercise of the powers conferred under section 2 of the Epidemic Diseases Act, 1897 and the powers, conferred under the Disaster Management Act, 2005, the undersigned, in his capacity as Chairperson, State Executive Committee, hereby issues directions to extend the lockdown, with amendments, to operationalise MISSION BEGIN AGAIN for easing of restrictions and phase-wise opening, till 30th June 2020 for containment of COVID-19 epidemic in the State and all Departments of Government of Maharashtra shall strictly implement the guidelines issued earlier from time to time.”

Under this notification, in Municipal Corporations of MMR Region including MCGM, Municipal Corporation of Pune, Solapur, Aurangabad, Malegaon, Nashik, Dhule, Jalgaon, Akola, Amravati and Nagpur, following activities are additionally permitted with restrictions in phases as described below except containment zones. This is in addition to the activities already allowed and permitted. (Annexure II)

- MBA Phase 1 started from 03.06.2020
 - Outdoor physical activities with respect to individual exercises were permitted with certain restrictions.
 - All Govt. offices (excluding emergency, health & medical, treasuries, disaster management, police, NIC, food & civil supplies, FCI, N.Y.K., municipal services who can operate at the levels as per the needs) will function at 15% strength or minimum 15 employees whichever is more.

- MBA Phase 2 started from 05.06.2020
 - All markets, market areas and shops except malls and market complexes are allowed to function on P1-P2 basis (opening of shops on one side of the road on odd and even dates with certain time restrictions).
 - Long distance travel for non-essential items will not be permitted.
 - Use of motorized vehicles for shopping will be strictly discouraged.
 - Movement of people is allowed in following manner (1+2 for taxi rickshaw, four-wheeler, and only essential one rider for two-wheeler).

- MBA Phase 3 started from 08.06.2020
 - All private offices can operate with up to 10% strength.
 - In rest of State except the areas covered in Clause 6, all activities, which are not in the clause 8 of this order and which are not explicitly


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prohibited or banned, shall continue to be permitted with following conditions.

- ✓ No permission is needed from any Govt. authorities for permitted activities.
- ✓ All public and private transport will follow passenger management.

Movement of people was allowed in following manner:-

(i) Two Wheeler – 1 rider, (ii) Three & Four Wheeler – (1+2).


- ✓ All markets / shops will remain open from 9 a.m. to 5 p.m.

From the above, it is clear that for all practical purposes, lockdown was literally eased out from 30.06.2020. It is important to note that Govt. offices, etc. were not closed from day one barring few restrictions.

15. Hon'ble Supreme Court of India passed its Judgment on 23.03.2020 in *Suo Moto Writ (Civil) No. 3 of 2020* with reference to Cognizance for Extension of Limitation with IA No.48411/2020. Operative part of the said Judgment is quoted below:

“This Court has taken Suo Motu cognizance of the situation arising out of the challenge faced by the country on account of Covid-19 Virus and resultant difficulties that may be faced by litigants across the country in filing their petitions/applications/suits/ appeals/all other proceedings within the period of limitation prescribed under the general law of limitation or under Special Laws (both Central and/or State). To obviate such difficulties and to ensure that lawyers/litigants do not have to come physically to file such proceedings in respective Courts/Tribunals across the country including this Court, it is hereby ordered that a period of limitation in all such proceedings, irrespective of the limitation prescribed under the general law or Special Laws whether condonable or not shall stand extended w.e.f. 15th March 2020 till further order/s to be passed by this Court in present proceedings. We are exercising this power under Article 142 read with Article 141 of the Constitution of India and declare that this order is a binding order within the meaning of Article 141 on all Courts/Tribunals and authorities. This order may be brought to the notice of all High Courts for being communicated to all subordinate Courts/Tribunals within their respective jurisdiction. Issue notice to all the Registrars General of the High Courts, returnable in four weeks.”

In furtherance to above Judgment, Hon'ble Supreme Court of India passed Judgment on 06.05.2020 in *Suo Moto Writ (Civil) No. 3 of 2020* with reference to Cognizance for Extension of Limitation with IA No.48411/2020. Operative part of the said Judgment is quoted as below:-


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*“In view of this Court’s earlier order dated 23.03.2020 passed in Suo Motu Writ Petition (Civil) No.3/2020 and taking into consideration the effect of the Corona Virus (COVID 19) and resultant difficulties being faced by the lawyers and litigants and with a view to obviate such difficulties and to ensure that lawyers/litigants do not have to come physically to file such proceedings in respective Courts/Tribunal across the country including this Court, it is hereby ordered that all periods of limitation prescribed under the Arbitration and Conciliation Act, 1996 and under section 138 of the Negotiable Instruments Act 1881 shall be extended with effect from 15.03.2020 till further orders to be passed by this Court in the present proceedings. **In case the limitation has expired after 15.03.2020 then the period from 15.03.2020 till the date on which the lockdown is lifted in the jurisdictional area where the dispute lies or where the cause of action arises shall be extended for a period of 15 days after the lifting of lockdown.**”*

..... **Emphasis added**


The Hon’ble Supreme Court of India passed Judgment on 10.07.2020 in Suo Moto Writ (Civil) No. 3 of 2020 in Re: Cognizance for Extension of Limitation with IA No.48411/2020. Operative part of the said Judgment is quoted as below:-

“Service of notices, summons and exchange of pleadings/documents, is a requirement of virtually every legal proceeding. Service of notices, summons and pleadings etc. have not been possible during the period of lockdown because this involves visits to post offices, courier companies or physical delivery of notices, summons and pleadings. We, therefore, consider it appropriate to direct that such services of all the above may be effected by e-mail, FAX, commonly used instant messaging services, such as WhatsApp, Telegram, Signal etc. However, if a party intends to effect service by means of said instant messaging services, we direct that in addition thereto, the party must also effect service of the same document/documents by e-mail, simultaneously on the same date.”

From all these three Judgments of the Hon’ble Supreme Court, it is observed that in the first place, the Hon’ble Supreme Court passed Judgment on 23.03.2020 for extension of limitation till 15.03.2020 then the limitation period was further extended by it through another Judgment dated 06.05.2020 in which, it is ruled that the limitation period which was earlier up to 15.03.2020 was extended till lifting of lockdown with additional 15 days moratorium period.

16. In sum and substance, any litigant who wish to file a case before the appropriate Court of Law / Adjudicating Authority, etc. limitation of which has already ended, can file it after expiry of the lockdown within 15 days additional moratorium.

17. In the instant representation, the Forum has issued order on 20.02.2020. The same was forwarded to the Appellant by the office of the Forum vide its letter No. Member Secretary / CGRF /MSEDCL /BNDUZ/59/705 dated 20.02.2020. The same was also received by the


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consumer representative Shri Ashok Patil on 06.03.2020 as could be seen from the record wherein Mr. Ashok Patil has tendered acknowledgment. The said letter dated 20.02.2020 vide which the order was dispatched by the office of the Forum is received by the Respondent on 09.03.2020 which has been stamped Inward No.1023. The order of the Forum was also uploaded on the website of the Respondent. The representation is filed on 20.10.2020 against the order of the Forum dated 20.02.2020.

18. In view of the Hon'ble Supreme Court Judgments quoted above, and the fact that Government of Maharashtra issued various orders with respect to imposition of lockdown and subsequent easing out the same (Mission Begin Again), the limitation period flows as tabulated below: -

Date of Forum's order	02.03.2020
Limitation period as per Regulations	60 days from the date of Forum's order
Limitation expires	02.05.2020
Lockdown starts	24.03.2020
Lockdown practically ends	30.06.2020
Limitation period in filing petitions/ applications/ suits/ appeals/ extended by Hon'ble Supreme Court	30.06.2020 + 15 days i.e. 15.07.2020
Hon'ble Supreme Court allows use of digital mode for submission / filing petitions / applications / suits / appeals.	10.07.2020
Website notification of this office for submission of Representation through digital mode.	16.07.2020
(a) Appellant filed the Representation on	(a) 21.10.2020
(b) Deposit of Rs.20000/- paid as per Regulation and hence registered on	(b) 19.11.2020

From the above table, it is seen that had there not been lockdown, the Appellant was supposed to have filed its representation by 02.05.2020 as per the Regulation 17.2 of the CGRF Regulations 2006. However, due to unforeseen circumstances of Covid-19 Epidemic, the Government of Maharashtra clamped lockdown on 24.03.2020 which practically ended on 30.06.2020. However, the Hon'ble Supreme Court passed the Judgment on 06.05.2020 extending limitation till lifting of the lockdown with additional 15 days moratorium period to file the papers. Eventually, the Appellant ought to have filed its representation on or before


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15.07.2020. However, it is filed on 21.10.2020 but without payment of deposit amount as required under the Regulation. After constant pursuance from this office, the Appellant paid the amount of Rs.20000/- on 19.11.2020. Therefore, the representation is registered on 19.11.2020 and this date is recorded as the date of filing. It means that the Appellant has delayed filing of his representation by almost more than 4 months. Not only this, but there is also no formal request for condonation of delay from the Appellant. On the contrary, the Respondent has raised this issue and prayed for rejection of the Representation on this very ground.

19. The office of the undersigned also hosted notice on its website on dated 16.07.2020 for filing of representations by email followed by submission in hard copies. Then afterwards, litigants started filing representations through email and the Respondents too started submitting their replies by email. Hearing through video conferencing on e-platform were being conducted from the initial stages of lockdown which is still being implemented. The notice of this office hosted on the website is quoted below: -

“Submission of Representation on E-mail in light of the current ongoing Covid-19 pandemic, and in order to avoid potential risk of Corona infection, it is to notify to all those who wish to file Representation against the order of the Forum that they can now file it along with all necessary documents by email on Email ID electricityombudsmanmumbai@gmail.com to be followed by submission in hard copy in triplicate. The formats are same as here to before. After the representation is registered, hearing though e-platform will be scheduled. This will continue till current situation persists.”

20. The delay, considering the Hon’ble Supreme Court Judgment dated 06.05.2020, in filing the representation is more than four months and therefore, I do not find it appropriate to condone the same. The observations of the Hon’ble Supreme Court in its Judgment dated 18.09.2020 in C.A. Nos. 3007-3008 of 2020 of Sagufa Ahmed and Others Versus Upper Assam Plywood Products Private Limited and Others are important to note. The relevant portion is quoted below: -

“But we do not think that the appellants can take refuge under the above order. What was extended by the above order of this Court was only "the period of limitation" and not the period upto which delay can be condoned in exercise of discretion conferred by the statute. The above order passed by this Court was intended to benefit vigilant


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litigants who were prevented due to the pandemic and the lockdown, from initiating proceedings within the period of limitation prescribed by general or special law. It is needless to point out that the law of limitation finds its root in two latin maxims, one of which is Vigilantibus Non Dormientibus Jura Subveniunt which means that the law will assist only those who are vigilant about their rights and not those who sleep over them.”

21. In view of the above, the Appellant should have filed the representation at least by 15.07.2020. However, the representation is finally filed on 19.11.2020 i.e. after the period of more than four months. Therefore, in view of the Judgments of the Hon'ble Supreme Court as mentioned above, the representation is clearly time barred. In view of the Judgment dated 13.03.2019 of the Supreme Court in Civil Appeal No. 2960 of 2019 there is no need to go into the merits of the case if it is clearly barred by limitation.

22. The representation is therefore dismissed as being time barred. The request of the Appellant to test the meter through NABL laboratory may be dealt with appropriately by the Respondent.

23. The secretariat of this office is directed to refund the amount of Rs.20000/- deposited by the Appellant by adjusting it in his energy bills with due information to the Respondent.

Sd/-
(Deepak Lad)
Electricity Ombudsman (Mumbai)


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Secretary
Electricity Ombudsman Mumbai

