

**BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)**

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

REVIEW APPLICATION NO.13 OF 2021

IN

REPRESENTATION NO. 32 OF 2021

In the matter of excess billing

Mehboob Ali Riyasat Ali Khan .....Review Applicant

V/s

Maharashtra State Electricity Distribution Co. Ltd. Mumbra (MSEDCL).....Respondent

Appearances: -

Review Applicant : Parvez Ansari, Representative

Respondent : 1. Ajay Bhasakhetre, Addl. Executive Engineer, Bhiwandi  
2. Mahesh Ghagare, Manager, Torrent Power Ltd.

**Coram: Deepak Lad**

Date of hearing: 29<sup>th</sup> September 2021

Date of Order : 4<sup>th</sup> October 2021

**ORDER**

This Review Application is filed on 30<sup>th</sup> July 2021 under Regulation 22 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



Ombudsman) Regulations, 2020 (CGRF Regulations 2020) for review of the Order dated 1<sup>st</sup> July 2021 passed in Representation No. 32 of 2021.

2. The Electricity Ombudsman, Mumbai, by its order dated 1<sup>st</sup> July 2021 has rejected Representation No. 32 of 2021.

3. Aggrieved by the order dated 01.07.2021, the Applicant filed this Review Application. The Review Application has not been concisely drafted by the Applicant. Hence, the essence of what the Review Applicant intend to submit is captured below: -

- (i) The Applicant is Residential Consumer (No.000550523604) at C/701, Royal Garden, Talav-Pali, Kausa. Thane. The Electricity Ombudsman (Mumbai), by its order has upheld the order of the Forum and Representation was disposed of. Therefore, the grievance of the Applicant is not redressed either by the Forum or by the Electricity Ombudsman (Mumbai) leave apart the Respondent despite filing of many complaints time to time with the Respondent.
- (ii) The Applicant was not well conversant with the various provisions of Regulations and Regulatory issues and nobody from the Respondent's office guided him properly. Even there was no information displayed about the procedure for filing grievance application by way of some hoarding or notice board at the office of the Respondent.
- (iii) The Appellant was billed with abnormal consumption from October 2016 onwards for few months. The meter remained fast till the replacement of the said meter. The Respondent never tested the said meter. Hence, it is necessary to bill on average basis for the disputed period.
- (iv) After getting some information about grievance redressal mechanism, the Applicant started the process by filing his grievance application with the Internal Grievance Redressal Cell (IGRC) on 07.05.2018. However, the IGRC did not issue the order in time neither sent the order to the Applicant. The Applicant himself collected the order

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



of the IGRC on 25.09.2018 when 30 days period for filing the appeal in the Forum had already expired. Hence, the Applicant is not responsible for delay in filing the case with the Forum. The Forum also did not send the order to the Applicant. The Applicant was compelled to go ahead as his grievance remained unresolved.

- (v) Hence, it is prayed that the present Review Application be allowed, and the case be decided on merit as the meter was fast from October 2016 onwards till the replacement of the said meter. Hence, it is necessary to bill on average basis for the disputed period.

4. The Respondent (MSEDCL) and Torrent Power Ltd. Mumbra (Distribution Franchise of the Respondent from 01.03.2020) filed their individual replies vide letter dated 28.09.2021 and 24.09.2021 (which is nothing but repetition of its reply to original representation) stating in brief as under: -

- (i) The Applicant is a Residential Consumer (No.000550523604) from 04.04.2012 having sanctioned load of 0.5 KW at C/701, Royal Garden, Talav-Pali, Kausa. Thane.
- (ii) The Respondent (MSEDCL) issued bill for Rs.1,34,640/- without interest to the Applicant on 22.01.2021 as per directives of the Forum. The Applicant paid the same on 10.02.2021 at the Customer Care of Torrent Power Ltd.
- (iii) The Respondent issued monthly bill to the Applicant as per actual meter reading till August 2015. The bills for six months from September 2015 to February 2016 was though issued on average basis, were revised in the month of March 2016 and necessary credit was given in the bill of March 2016. The bill of the Appellant was issued on average basis for three months from June 2016 to September 2016. The Appellant was billed as per actual reading in October 2016 for four months refunding the average bill of three months i.e. June 2016 to September 2016. The meter is already checked by accucheck in the presence of consumer and meter was found in order. The bills subsequently raised to the Applicant were as per actual meter reading.

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



- (iv) The connection being permanently disconnected and remained so for more than six months; new electricity connection was released on 24.02.2021 after receipt of application from the Applicant. New consumer having No.000168931352 was allotted.
- (v) However, the Applicant filed the grievance in IGRC on 07.05.2018. The IGRC vide its order dated 27.06.2018 has rejected the grievance. Thereafter, the Applicant approached the Forum on 23.11.2020. The Forum, by its order has partly allowed the grievance and directed to pay the arrears without any interest. It was further directed to reconnect the Applicant`s permanently disconnected supply immediately after payment of arrears. However, the period of PD being more than six months, the new connection was released to the Applicant which is in use now.
- (vi) The Applicant approached the Electricity Ombudsman, Mumbai on 12.03.2021 which is registered as 32 of 2021. The Respondent contented during the submission of Representation No. 32 of 2021 which is reproduced as below: -

*“The grievance of the Appellant is also time barred. The Forum has already given benefit by waiver of interest. The Respondent issued provisional bill of Rs.1,34,640/- vide letter dated 22.01.2021. The Appellant has paid the same and his connection is reconnected on 24.02.2021 by the distribution franchisee, TPL.”*

The Electricity Ombudsman (Mumbai) by its order dated 01.07.2021 has disposed this Representation without giving any relief to the Applicant as the Representation was time barred and without interfering the order of the Forum.

- (vii) The Applicant is being served regular reading-based monthly bills which are paid regularly by him.
- (viii) There is no new evidence put on record by the Applicant neither pointed out any mistakes or error in the order of the Electricity Ombudsman (Mumbai). The material put up by the Applicant was available while disposing of the original order. Hence, the Review is not maintainable.

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



(ix) In view of the above, the Respondent prays that the instant Review Application be rejected.

5. The hearing was held on 29.09.2021 on e-platform through video conferencing due to Covid 19 epidemic and the conditions arising out of it.

6. The Applicant argued that he was not at all conversant with the Regulatory business and there was no guidance available to him. He expected the Respondent to have guided him properly in taking further steps. This ignorance on his part has resulted into delay in filing the grievance. The Applicant further argued in line with his written submission. Hence, it is prayed that the present Review Application be allowed, and the grievance be addressed on merit in the interest of natural justice.

7. The Respondent argued that the Applicant raised same issues and nothing new has been brought out. Moreover, the Applicant has not pointed out any mistake in the face of record in the order issued by the Electricity Ombudsman (Mumbai). The Respondent while countering the argument of the Applicant about absence of hoarding giving idea of grievance redressal mechanism, said that it has fixed such notices at almost all cash collection centres and in its offices. The scope of Review being limited, the instant Review Application is not maintainable considering the provision of Regulation 22 of the CGRF Regulations 2020. The Hon`ble Electricity Ombudsman (Mumbai) has already passed the reasoned order dated 01.07.2021. Therefore, the Respondent prays that the Review Application be rejected.

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



## Analysis and Ruling

8. Heard both the parties and perused the documents on record. Provision with respect to review of order passed by the undersigned is given in Regulation 22 of the CGRF Regulations 2020 which is quoted below: -

### ***“22 Review of Order of Electricity Ombudsman***

*22.1 Any person aggrieved by an order of the Electricity Ombudsman, including the Distribution Licensee, may apply for a review of such order within thirty (30) days of the date of the order to the Electricity Ombudsman, under the following circumstances:*

- (a) Where no appeal has been preferred;*
- (b) on account of some mistake or error apparent from the face of the record;*
- (c) upon the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the order was passed.*

*22.2 An application for such review shall clearly state the matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the order was passed or the mistake or error apparent from the face of the record.*

*22.3 The review application shall be accompanied by such documents, supporting data and statements as the Electricity Ombudsman may determine.*

*22.4 When it appears to the Electricity Ombudsman that there is no sufficient ground for review, the Electricity Ombudsman shall reject such review application: Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard. 22.5 When the Electricity Ombudsman is of the opinion that the review application should be granted, it shall grant the same provided that no such application will be granted without previous notice to the opposite side or party to enable him to appear and to be heard in support of the order, the review of which is applied for.”*

9. On perusal of this Review Application, the Applicant has not brought out anything new which he was not aware of during the original proceeding, nor did he point out any error on the face of the record in the impugned order. The Applicant has raised same grounds and pleas which he had already taken in hearing in Representation No.32 of 2021. The Review Application is

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



nothing short of repetition of the original representation. The Applicant under guise of Review intends to reopen the case but this is not allowed under the limited jurisdiction of Review.

10. In view of the above, I am of the opinion, that the Review Application is not maintainable as per requirements under Regulation 22 of the CGRF Regulations 2020. Therefore, the Review Application is rejected.

Sd/  
(Deepak Lad)  
Electricity Ombudsman (Mumbai)



(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai

