

**BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)**

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

**REPRESENTATION NO. 87 OF 2022**

(Review of the Order in  
Representation No. 45 of 2022)

In the matter of billing of temporary Connection

Ramchandra Dayashankar Pandey. .... .. Applicant

V/s

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

Appearances: -

Review Applicant: Ramchandra Dayashankar Pandey

Respondent : 1. Prashant Dani, Executive Engineer, Virar  
2. Mukund Deshmukh, Addl. Executive Engineer, Virar (East) S/Dn.  
3. Ms. D. C. Rathod, Dy Executive Engineer

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

Date of hearing: 28<sup>th</sup> June 2022

Date of Order : 7<sup>th</sup> July 2022

**ORDER**

This Review Application is filed on 1<sup>st</sup> June 2022 under Regulation No. 22.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2020 (CGRF & EO Regulations 2020) for review of the



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Order dated 23<sup>rd</sup> May 2022 in Representation 45 of 2022 passed by the Electricity Ombudsman (Mumbai).

2. The Electricity Ombudsman, Mumbai, by its order dated 23.05.2022 has rejected the Representation No.45 of 2022. The cause of action is beyond two years.

3. Aggrieved by this order dated 23.05.2022, the Applicant has filed this Review Application. Its hearing was held on 28.02.2022 through Video Conference. Both the parties were heard. The written submission and arguments of the Applicant in brief is stated as under: -

**Preamble:**

- (i) The Applicant applied for a temporary connection of 15 KW for a Marriage Ceremony which was sanctioned on 04.02.2017 (Consumer No.001531712125) and released after payment of Statutory Charges on 05.02.2017. The supply of the Applicant was permanently disconnected on 06.02.2017. The Assistant Engineer of the Respondent did not mention any reading in the PD Report dated 31.07.2021. The Applicant was wrongly billed up to October 2017 and not settled bill of temporary connection.
- (ii) The Respondent has mentioned a reading of 215 kWh which is not acceptable by the Applicant. There was no Reading on PD Report; however, a reading of 215 kWh was shown by the Respondent which is an afterthought.
- (iii) The Applicant stated that the decorations for the marriage ceremony were limited, though he had taken sanctioned load of 15 KW. The electricity was consumed for maximum nine hours, and that too hardly 70 or 80 units for one day. However, the Respondent has billed for 215 Units as an afterthought, without any documentation of reading on the Permanent Disconnection (PD) Report. This is the basic grievance. Hence, the bill should be revised considering consumption of 80 Units for temporary connection of one day and it should be adjusted in the Security Deposit of Rs.1890 /- which is more than the expected bill for consumption of eighty (80) units. Hence, there should be no recovery; on the contrary, there will be a refund due to the Applicant.



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**Submission:**

- (iv) The Applicant has discovered new and important matter or evidence to support this review application.
- (v) The Respondent did not serve a single bill from 07.02.2017 to 15.07.2021. The Applicant received a recovery notice dated 16.07.2021 for Rs.25,182/- for the first time at the end of July 2017. Hence, the cause of action arose in July 2021. Afterwards, the Applicant approached the Respondent to get PD Report. The Applicant received PD Report on 31.07.2021 with reading of 1 kWh. The Applicant was running from pillar to post for revision of bill, but there was no positive output. Hence the Applicant filed grievance in Grievance Redressal Mechanism.
- (vi) The Forum, by its Order dated 03.02.2022 has dismissed the grievance application. The Applicant filed an appeal on 04.04.2022 to the Electricity Ombudsman (Mumbai) in Representation No. 45 of 2022. The Electricity Ombudsman (Mumbai) has rejected the representation on wrong assumption of being time barred, by referring Regulation 6.6 of CGRF & EO Regulations 2006 and did not enter into the merit of the basic grievance.
- (vii) There is an error in the said order dated 23.05.2022 apparent from the face of the record.
- (viii) The Applicant prays that
- a) the present Review Application be allowed as per Regulation 22 of CGRF & EO Regulations 2020 in the interest of justice.
  - b) the review application be decided on merits as per material available on record while filing Representation No. 45 of 2022 and discovery of new points as explained in present review application.

4. The Respondent filed its reply by letter dated 21.06.2022. The e-hearing was held on 28.06.2022 through Video Conference where both the parties were heard. The Applicant's submission and arguments in brief is as below: -

  
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### **Maintainability of Review:**

- (i) The Review Application is maintainable only on the ground of Regulation 22 of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2020.
- (ii) On perusal of this Review Application, the Applicant has not brought 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 the same grounds and pleas which he had already taken during the hearing in Representation No.45 of 2022. The Review Application is nothing but a repetition of the original Representation. The Hon'ble Electricity Ombudsman has given a reasoned order on all issues raised in the present Review. The Applicant under guise of Review actually wants to reopen the case but this should not be allowed under limited jurisdiction of Review.
- (iii) The scope of a review is limited. The mistake on the face of record in the order need not necessarily be searched through a microscope, it should be clearly visible at the first glance. This principle has been stipulated in many judicial pronouncements of the Constitutional Courts which are quoted below: -

KamleshVarma v/s Mayawati and Ors. reported in 2013 AIR (SC) 3301, the Supreme Court has held as under: -

*“8) This Court has repeatedly held in various judgments that the jurisdiction and scope of review is not that of an appeal and it can be entertained only if there is an error apparent on the face of the record. A mere repetition through different counsel, of old and overruled arguments, a second trip over ineffectually covered grounds or minor mistakes of inconsequential import are obviously insufficient.”*

In the matter of Jain Studios Ltd v/s Shine Satellite Public Co. Ltd. reported in (2006) 5 SCC 501, the Supreme Court held as under: -



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*“11. So far as the grievance of the Applicant on merits is concerned, the learned counsel for the opponent is right in submitting that virtually the Applicant seeks the same relief which had been sought at the time of arguing the main matter and had been negated. Once such a prayer had been refused, no review petition would lie which would convert rehearing of the original matter. It is settled law that the power of review cannot be confused with appellate power which enables a superior court to correct all errors committed by a subordinate court. It is not rehearing of an original matter. A repetition of old and overruled argument is not enough to reopen concluded adjudications. The power of review can be exercised with extreme care, caution and circumspection and only in exceptional cases.”*

- (iv) The Electricity Ombudsman has already considered and addressed all facts and law points raised in the present Review and passed a final reasoned order. Therefore, the present review application is not maintainable.

**Merit:-**

- (i) The Respondent denies all contentions raised in the instant Review Application except those admitted herein below.
- (ii) The Applicant had applied for temporary connection (Consumer No.001531712125) for 15 KW for a Marriage Ceremony which was sanctioned, released, and permanently disconnected on 04.02.2017, 05.02.2017 and 06.02.2017 respectively. There is no dispute that the temporary supply was given for only one day for huge decoration of marriage ceremony. The Respondent has accordingly revised the bill for one day consumption as 215 units shown in PD Register Record.
- (iii) The date of supply was wrongly shown as 28.02.2017 as per CPL record. The final reading on the meter was 215 kWh as per report of Assistant Engineer, Phoolpada II Section. However, the Applicant was initially mistakenly billed for 773 Units of Rs.17,156.25 up to October 2017 on average basis with Reading Not Taken (RNT) Status. The bills were issued time to time. However, the Applicant did not come forward for revision of bill. Afterwards the connection was made PD on record. There was no bill further as the cause of action ended in the month of October 2017. The case



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was reopened for recovery of outstanding dues of PD consumers and at that time, the Applicant approached the Respondent.

- (iv) On complaint of the Applicant, the inflated PD Arrears bill of October 2017 for 773 units of Rs.17,156.25 was revised to Rs.4040/- as per consumption of 215 Units for the marriage ceremony, by waiving of DPC and interest. The Security Deposit of Rs.1890/- was adjusted against the said arrears, and a net bill of Rs. 2150/- was issued to the Applicant. As such, the bill given to the Applicant is as per actual consumption. Hence, the Applicant is liable to pay the same. The bill was revised as per actual reading of 215 kWh available on PD Register.
- (v) The Respondent argued that the load of decoration was more than the sanctioned load of 15 KW, which was continuously used for about 12 hours. The meter has recorded 215 kWh. The calculation of consumption considering actual load utilized and working hours observed, is commensurate with actual consumption of 215 kWh. There is no reason to enter wrong reading on PD Register as the Respondent is a Government Undertaking Company and its working is transparent.
- (vi) The present Review Application is not maintainable as per regulatory framework. Apart from this, the grievance was decided on merit at MSEDCL level.
- (vii) In view of above, the Respondent prays that the Review of the Applicant be rejected.

### **Analysis and Ruling**

5. Heard both the parties and perused the documents on record. The Applicant took a temporary connection from the Respondent for 15 KW for a Marriage Ceremony on 05.02.2017 and disconnected on 06.02.2017. There is no dispute that the temporary supply was for only one day for marriage ceremony. The main dispute is whether 215 units were consumed as claimed by the Respondent, or whether only about 80 units were consumed, as claimed by the Applicant.

6. The Respondent contended that it has revised the temporary connection bill for 215 units consumption as per PD Register Record for one day. The Applicant were wrongly issued a bill up to October 2017 for 773 Units for an amount of Rs. 17,156.25 on average basis with RNT Status.



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However, the Applicant never approached for revision of his bills. The cause of action completed in the month of October 2017 as per grievance redressal mechanism. However, it was observed that inflated bills were sent to the Applicant. So, the Respondent has revised the same as per actual consumption of 215 Units in the interest of solving the grievance.

7. The Consumer Personal Ledger of the Applicant is already on record which shows the abstract of bills issued to him. Hence, there is no merit in the submission of the Applicant that the Respondent did not serve a single bill from 07.02.2017 to 15.07.2021.

8. The Electricity Ombudsman, Mumbai, by its order dated 23.05.2022 has rejected the Representation No.45 of 2022 being time barred. The relevant para is quoted as below:

*“The cause of action arose in the month of February 2017. The period of two years for raising the grievance before the Forum expires in February 2019 as per Regulation 6.6 of the CGRF & EO Regulations 2006. Even if it is considered that the cause of action arose in or around October 2017 when a higher bill was issued, the 2 years’ period still expires in October 2019.”*

9. Provision with respect to review of order is given in Regulation 22 of the CGRF & EO 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.



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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. In view of the above, I am of the opinion that the Review Applicant has not brought out any mistake or error apparent on the face of the record; nor any 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 as per Regulation 22 of the CGRF & EO Regulations 2020.

10. Therefore, the Review Application is rejected and disposed of accordingly.

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



(Dilip Dumbre)  
Secretary

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