

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REVIEW APPLICATION NO.14 OF 2021

IN

REPRESENTATION NO. 33 OF 2021

In the matter of excess billing

Khan Zarina Salauddin 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: 29th September 2021

Date of Order : 4th October 2021

ORDER

This Review Application is filed on 30th July 2021 under Regulation 22 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2020 (CGRF Regulations 2020) for review of the Order dated 1st July 2021 passed in Representation No. 33 of 2021.


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



2. The Electricity Ombudsman, Mumbai, by its order dated 1st July 2021 has rejected Representation No. 33 of 2021.

3. Aggrieved by the order dated 01.07.2021, the Applicant has 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 Appellant is a Residential Consumer (No. 000550203898) at Flat No. 406, Al Rizwan Palace., Rashid Compound, Kausa, Thane.
- (ii) The Electricity Ombudsman (Mumbai) by its order has disposed the representation being time barred without interference in the order of the Forum.
- (iii) The grievance is not redressed either by the Forum or by the Electricity Ombudsman leave apart the Respondent despite filing of many complaints time to time with the Respondent.
- (iv) The Appellant was not well conversant with the various provision of Regulations and Regulatory issues and nobody from the Respondent's office guided him properly. Even no information was displayed about the procedure for filing grievance application in the Respondent's office by way of some hoarding or notice.
- (v) The Flash make meter was in service from May 2014 to January 2016, however, the meter of Flash make was fast from 25 to 35% resulting in excess billing which needs to be revised and need to waive of the interest amount on the bills till date.
- (vi) 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 deliver the order to her, but she collected the order on 25.09.2018 when 30 days period for filing the appeal with the Forum was 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


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



Applicant. The Applicant was compelled to go ahead as her grievance remained unresolved.

- (vii) Hence it is prayed that the present Review Application be allowed, and the case may be decided on merit as the Flash make meter was fast by 25 % to 35 % in service from May 2014 to January 2016 and hence need to revise the bill.

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. 000550203898) from 08.03.1994 at Flat No. 406, Al Rizwan Palace, Rashid Compound, Kausa, Thane.
- (ii) 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 dated 29.01.2021 has dismissed the grievance of the Applicant. However, the Forum has allowed to pay the outstanding electricity bill in twelve equal monthly installments.
- (iii) Accordingly, TPL had conveyed to the Applicant through its letter dated 16-04-2021 about payment of instalment of Rs.8620/- per month with the current bill.
- (iv) The Flash make meter was in service from May 2014 to January 2016, which was tested and found in order, hence, there is no grievance at all. However, the Applicant is irregular in payment of bills which has resulted heavy outstanding dues against her.
- (v) The Applicant approached the Electricity Ombudsman, Mumbai on 12.03.2021 which is registered as 33 of 2021. The Electricity Ombudsman (Mumbai) by its order dated 01.07.2021 has disposed of this Representation without giving any relief to the Applicant as it was time barred and without interfering the order of the Forum.


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

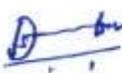


- (vi) There is no new evidence put on record by the Applicant. He neither pointed out any mistake nor error apparent in the face of record. The material put up by the Applicant was available while disposing of the original order. Hence, the Review is not maintainable.
- (vii) In view of the above, the 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 she was not at all conversant with the Regulatory issues and there was no guidance available to her. She expected the Respondent to have guided her properly in taking further steps. This ignorance on her part has resulted in delay in filing the grievance application. It further prayed that the present Review Application be allowed, and the grievance be addressed on merit in the interest of the natural justice as the meter was running fast.

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 she was not aware of during the original proceeding, nor did she point out any error in the face of the record in the impugned order. The Applicant has raised same grounds and pleas which she had already taken in hearing in Representation No.33 of 2021. The Review Application is nothing short


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



of repetition of the original representation. The Applicant under guise of Review intends to reopen the case but this is not allowed under 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

