

**BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM**  
**B.E.S. & T. UNDERTAKING**

(Constituted under section 42(5) of Electricity Act 2003)

Ground Floor, Multistoried Annex Building,  
BEST's Colaba Depot  
Colaba, Mumbai - 400 001

Telephone No. 22853561

**Representation No. N-EA-203-2013 dtd. 22/07/2013**

Mr. Mohd. Siddiq Subrati .....Complainant

V/S

B.E.S.&T. Undertaking .....Respondent

**Present**

Quorum : Chairman  
Shri R U Ingule, Chairman

Member  
1. Shri M P Thakkar, Member  
2. Shri S M Mohite, Member

On behalf of the Complainant : 1. Shri Mohd. Saquib Khan  
2. Shri Rizwan Shaikh

On behalf of the Respondent : 1. Shri. A.J. Upadhyey Supdt. CC(E)  
2. Smt. P.D. Kalan, Ag. AAM, CC(E)  
3. Shri. S.G. Parab

Date of Hearing : 28/08/2013

Date of Order : 01/09/2013

**Judgment by Shri. R.U. Ingule, Chairman**

Shri Mohd. Siddiq. Subrati, Room no. 30, Ground Floor, Dagad Chawl, Morland Road, Mumbai - 400 008 has come before the Forum for grievances regarding high billing for the month of Dec'02, Dec'06 pertaining to A/c 546-342-111. The complainant had registered the complainant regarding high bill in the on 08/07/2011.

Complainant has submitted in brief as under :

1.0 The complainant has approached to IGR Cell on 08/07/2011 for grievance regarding wrong billing for the month of Dec'02, Dec'06 pertaining to A/c 546-342-111. The complainant has approached to CGRF in schedule 'A' dtd. 07/07/2013 (received by CGRF on 18/07/2013) as no remedy is provided by the Distribution Licensee regarding his grievance. The complainant has requested the Forum to do the justice on his complaint.

Respondent, BEST Undertaking in its written statement  
in brief submitted as under :

- 2.0 The complainant came before the Forum regarding his grievances of wrong billing of meter no. Q980564 (*installed on 01/08/2001 and replaced by meter no. M084414 on 25/03/2009*) for the a/c 546-342-111 in the month of December 2002 and December 2006.
- 3.0 In December 2002 the complainant's meter no. R980564 was billed for 11088 units for the period of eight months and later on slab benefit was given for the same period. Thus grievances of wrong bill in the month of December 2002 was redressed by giving slab benefit. The same was informed to the complainant vide reply to Annexure 'C' dtd. 17/11/2011.
- 4.0 In the month of December 2006 the complainant was billed for 16646 units and the consumer's energy charges was Rs. 94,581.00 and net electricity bill was Rs. 1,98,509.51. The bill for the month of December 2006 has been corrected and net credit for wrong billing of Rs. 5,621.22 have been adjusted in the month of November 2011. The total amount of Rs. 1,45,685.18 toward DP charges and penalty interest has been credited to the consumer's account in November 2011.
- 5.0 Regulation 6.6 of MERC (CGRF & EO) Regulation 2006 laid down that the Forum shall not admit any grievances unless it is filed within two years from the date on which the cause of action has arisen. In present case the complainant had disputed the wrong bill pertaining to the December 2002 & December 2006 and had approached the Forum on 18/07/2013.

REASONS

- 6.0 We have heard Shri Mohd. Saquib Khan for the complainant and for the Respondent BEST Undertaking Shri. A.J. Upadhyey Supdt. CC(E) along with Smt. P.D. Kalan, Ag. AAM, CC(E).
- 7.0 This Forum observes that a bare perusal of the complaint placed before us in Schedule 'A' manifests that the grievance and facts giving rise to file the complaint has been alleged wrong billing to be corrected for the month of December 2002 and December 2006.
- 8.0 While resisting the instant complaint, in the first instant the Respondent BEST Undertaking has placed a heavy reliance on the Regulation 6.6 of MERC (Ombudsman & EO) Regulation 2006 contending that as provided therein this Forum has been debarred from admitting any grievance unless it is filed within a period of two years from the date of which the cause of action has arisen.

- 9.0 For fortifying this contention, the representative Shri Upadhyey has submitted that admittedly grievance raised by the complainant has been in respect of alleged wrong billing for the month of December 2002 and December 2006. Further admittedly the said complaint has been dtd. 07/07/2013. Therefore, when the cause of action had arisen in the month of December 2002 and December 2006, the complainant however has been approaching this Forum after a lapse of about six years. Manifestly therefore the instant complaint has been hit by a mandate cast on this Forum to entertain this complaint filed only within a period of two years from the date of cause of action arisen and not thereafter.
- 10.0 This Forum observes that in a bare perusal of said Regulation 6.6 makes it amply clear that it expects a complainant to be diligent and vigilant enough to file the complaint for redressal of his grievance before this Forum, within a period of two years from the date of cause of action arise. Admittedly there is inordinate delay on the part of the complainant to approach this Forum. Therefore it is out of jurisdiction of this Forum to admit the complaint on its docket, leave aside hearing and deciding the same. Therefore we do not find any justification and warrant to go in the rest of the contention and counter contention raised before this Forum by either party to this litigation.
- 11.0 In the net result the complaint should fail, accordingly we proceed to pass the following order.

**ORDER**

1. The complaint no. N-E-203-2013 stands dismissed.
2. Copies be given to both the parties.

(Shri S M Mohite)  
Member

(Shri M P Thakkar)  
Member

(Shri R U Ingule)  
Chairman