

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1532 OF 2015

Maharashtra State Electricity
Distribution Company Limited .. Petitioners
VS.
M/s. Bombay Dyeing & Manufacturing
Co. Ltd. & Anr. .. Respondents

Mr. N. Shah i/b. M/s. Little & Co. for Petitioners.
Mr. Vishal Kanade with Mr. Neveille Mukerji i/b. Veritas Legal for
Respondent No. 1.

CORAM : M. S. SONAK, J.
DATE: 22 DECEMBER 2015

P.C. :-

1] The challenge in this petition is to the order dated 13 October 2014 made by the Electricity Ombudsman (M) directing the petitioners to refund an amount of Rs.19,71,260/- to the respondents towards Pre Payment Discount (PPD) and Load Factor Incentive (LFI).

2] The learned counsel for the petitioners submits that in the present case, the respondents were not entitled to the benefit of PPD and LFI, since they were delayed by one day in making payment of the bill raised by them. The learned counsel for the petitioners points out that the position was correctly appreciated by the Consumer Grievance Redressal Forum (CGRF) and the

Ombudsman has exceeded jurisdiction in setting aside the CGRF's order dated 15 July 2014.

3] There is no dispute that benefit of PPD is available if the bill is cleared by the consumer within seven days from the date of issue of the bill or within five days from the date of receipt of the bill whichever is later. Further, clause 23.4 of the Conditions of Supply, issued, clearly provide that the petitioners shall exclude the date of issue of energy bill for the determination of period of the payment of the bill.

4] Further, LFI rebate is available if payment is made within seven days from the date of the bill. In the facts of this case, the bill date was 6 August 2013 and the same was issued on 7 August 2013 at 20.33 hrs. by email. The amount referred to in the bill has been paid by the respondents by RTGS on 13 August 2013. The bill, in this case, as per the email records upon which the petitioners placed reliance, was issued beyond normal office hours. In any case, if the day upon which the bill was issued is excluded from consideration, the payment has been made within seven days from the date of issue of the bill. This is finding of fact recorded by Ombudsman and there is neither any perversity nor unreasonableness in the record of the same. Interpretation by

Ombudsman is neither unreasonable nor perverse.

5] Therefore, considering the aforesaid facts and circumstances, there is no case made out to interfere with the impugned order. This petition is dismissed. There shall be no order as to costs.

(M. S. SONAK, J.)

Chandka