

**Maharashtra State Electricity Distribution Co. Ltd.'s
Consumer Grievance Redressal Forum
Nagpur Urban Zone, Nagpur**

Case No. CGRF(NUZ)/271/2014

Applicant : Dr. Shyam Keshao Babhulkar,
Plot No. 80, Shankar Nagar,
Nagpur.

Non-applicant : Nodal Officer,
The Executive Engineer,
Congressnagar Division,
MSEDCL, N.U.C.,
NAGPUR.

Quorum Present : 1) Shri Shivajirao S. Patil,
Chairman.

2) Adv. Subhash Jichkar
Member.

3) Shri Anil Shrivastava,
Member / Secretary.

ORDER PASSED ON 18.12.2014.

1. The applicant filed present grievance application before this Forum on 28.10.2014 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as Regulations).

2. The applicant's case in brief is that there was another connection of the applicant vide Consumer No. 410010152287/3. Due to non payment of Rs. 6070/- connection was permanently disconnected on 28.2.2001. These P.D. Arrears amount is added in the bill of the applicant for existing connection along with interest and D.P.C. etc. Applicant received first letter from non applicant Dt. 30.6.2014 directing him to pay these P.D. arrears. Applicant sent reply to this letter on 14.7.2014. Then non applicant issued notice u/s 56 of Electricity Act 2003 Dt. 8.8.2014. Applicant sent reply to this notice on 26.8.2014. Thereafter applicant received another letter dated 16.9.2014 from M.S.E.D.C.L. In this letter it is specifically mentioned that if the applicant is ready to deposit entire P.D. arrears in one stroke, 50% rebate shall be given to the applicant in interest, subject to condition that applicant has to execute document on stamp paper of Rs. 200/-. This is very old P.D. arrears amount and M.S.E.D.C.L. has no right to claim this amount from the applicant in his existing connection.

3. Non applicant denied applicant's case by filing reply Dt. 17.11.2014. It is submitted that there are P.D. arrears on the premises of the applicant for Consumer No. 410010152287/3, amounting to Rs. 6070/-. Last payment was done on 10.1.2001. Due to non payment of this amount previous connection was made P.D. on 10.1.2001. Notice was duly served on the applicant. M.S.E.D.C.L. is ready for 50 % wave off in the interest, as per H.O. Circular Dt. 8.7.2009. Till August 2014, interest on principal amount i.e. Rs. 6070/- comes out to be Rs.14932/-. Total amount payable at the end of August 2014 is Rs. 21002/-.

4. Forum heard arguments of both the sides and perused the record.

5. It is apparent from the record that date of P.D. is 28.2.2001. For the first time M.S.E.D.C.L. issued letter dated 30.6.2014 to the applicant to pay these P.D. arrears i.e. after 13 years and therefore this claim is barred by limitation. It is not only barred by limitation but hopelessly time barred. M.S.E.D.C.L. was sleeping over its rights for 13 years and did not take any step to recover this amount. Present existing connection was also live and therefore M.S.E.D.C.L. could have added these P.D. arrears immediately in 2001. But there was clear cut negligence on the part of M.S.E.D.C.L. staff for not claiming of the amount. Now this amount is barred by limitation and not recoverable within the meaning of Section 56 (2) of Electricity Act 2003.

6. However, during the course of hearing applicant voluntarily submitted letter / pursis Dt. 27.11.2014 on record and had shown his readiness and willingness to deposit principal amount of P.D. arrears Rs. 6070/-. Record shows that as per the reply of the non applicant principal amount is Rs. 6070/-. Amount of interest is Rs. 14932/- and therefore total amount payable at the end of August 2014 is Rs. 21002/-. Though the amount is time barred, the applicant is willing to deposit basic P.D. arrears of Rs. 6070/-. Therefore M.S.E.D.C.L. is at liberty to accept this amount.

7. For these reasons, in our opinion, grievance application must be partly allowed. Hence following order : -

ORDER

- 1) Grievance application is partly allowed.
- 2) In view of pursis Dt. 27.11.2014, applicant is ready and willing to deposit basic amount of Rs. 6070/-. Therefore M.S.E.D.C.L. shall receive this amount.
- 3) So far as other claim of M.S.E.D.C.L. is concerned, it is barred by limitation and therefore M.S.E.D.C.L. is not entitled to recover remaining amount from the applicant.
- 4) Compliance should be reported within 30 days from the date of this order.

Sd/-
(Anil Shrivastava)
MEMBER
SECRETARY

Sd/-
(Adv. Subhash Jichkar)
MEMBER

Sd/-
(Shivajirao S. Patil),
CHAIRMAN