

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

Case No.4/2017

Applicant : Smt.Varsha D.Lalwani
At.Po.Murri,
Dist.Gondia.

Non-applicant : Nodal Officer,
The Executive Engineer,
O&M Division,MSEDCL,
Gondia.

Applicant'Representative :- Shri Parihar,

Respondent by:- 1) Shri Ajay Dhakane, Dy.E.E.Gondia Dn.

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

2) Shri N.V.Bansod,
I/C.Member

3) Shri D.H.Agrawal,
Member/Secretary

ORDER PASSED ON 07.02.2017.

1. Applicant presented present grievance application on 21-01-2017 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as said Regulations).

2. Applicant's case in brief is that applicant applied for industrial connection. Connection was released on 21-10-2010. But since the date of connection i.e. 21-10-2010 till May-2016 MSEDCL applied commercial tariff instead of industrial tariff. For the first time applicant applied for change of tariff on 29-04-2016 and thereafter on 13-05-2016, 08-06-2016 and 13-06-2016. In June-2016 tariff of the applicant was changed from commercial to industrial. Since June-2016 bills of industrial tariff are issued. Applicant is entitle for difference of tariff since the date of connection i.e. 21-10-2010 till his first application i.e. 29-04-2016. Therefore difference of tariff may be given to the applicant.

3. Non applicant, denied applicant's case by filing reply dated 04.02.2017. On 21-10-2010 connection was given to the applicant for Bakery purposes. There was commercial use in the premises. Therefore commercial tariff was applied. Applicant was paying commercial bill regularly since 21-10-2010 till April-2016. Therefore applicant is not entitle for difference of tariff. In the beginning there was no use of supply. Applicant also did not produce SSI certificate.

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

5. As per application of the applicant dated 29-04-2016 tariff is already changed from commercial to industrial and bills are issued in industrial tariff since June-2016.

6. Applicant claimed difference of tariff since 21-10-2010 till June-2016 however it is period of six years. **According to Regulation 6.6 of the said Regulation "The Forum shall not admit any grievance unless it is filed within two (2) years from the date on which cause of action has arisen"**. First application of the applicant is dated 29-04-2016. Therefore applicant can claimed difference of tariff since 29-04-

2014 only. Because of cause of action arisen first application of the applicant dated 29-04-2016.

7. Difference of tariff since 21-10-2010 till 28-04-2014 are barred by limitation according to Regulation 6.6 of the said Regulation. Therefore applicant is entitled to claim difference of tariff since before two years of his first application dated 29-04-2016.

8. Hence we proceed to pass the following order.

ORDER

1. Non-applicant is directed to pay difference of tariff commercial to industrial to the applicant since before two years of filling first application by the applicant dated 29-04-2016.
2. Difference of tariff since 21-10-2010 till 28-04-2014 are barred by limitation therefore can not be granted.
3. Non-applicant is directed to comply within 30 days from the date of this order.

Sd/-
(N.V.Bansod)
I/C. MEMBER

Sd/-
(D.H.Agrawal)
MEMBER/SECRETARY

Sd/-
(Shivajirao S. Patil),
I/C. CHAIRMAN