

NO.EE/CGRF/BMTZ/

Date: 28/03/2014

In the matter of

Case No.: 09/2014

Date: 05/03/2014

**Complainant**

M/s. Ramesh Devram Takalkar,  
At/Po. Pimple Jagtap, Tal. Shirur  
Dist. Pune

(Here in after referred As Consumer)

**Versus**

Executive Engineer (ADM)  
M.S.E.D.C.L.,  
Baramati Circle  
Baramati

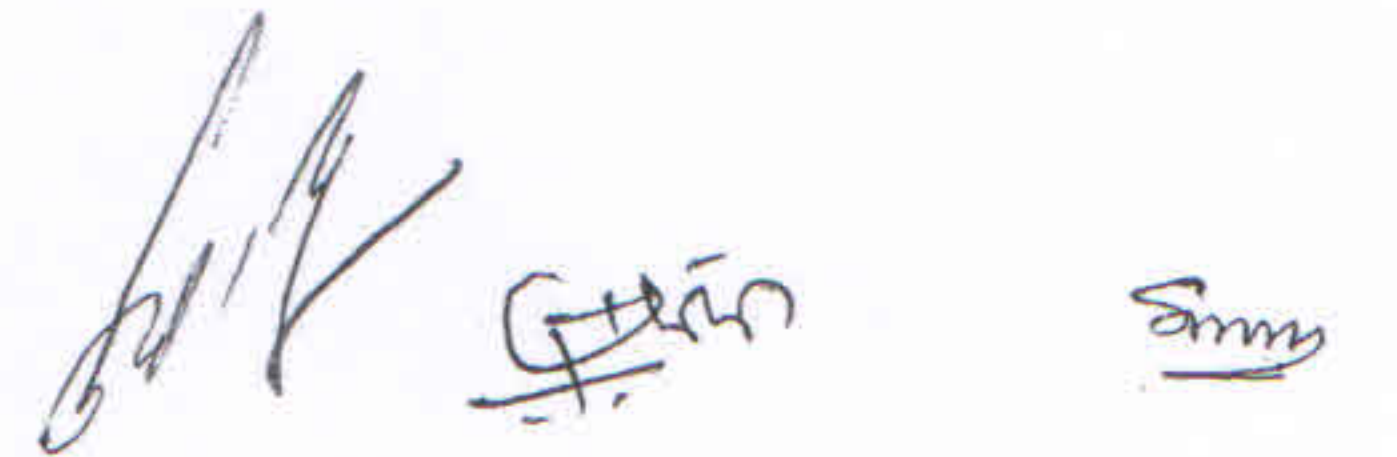
**Opponent**  
(Here in after referred As Licensee)

**Quorum**

Chair person  
Member Secretary  
Member

Mr. S.D. Madake  
Mr. .V. M. Bhattad  
Mr. Suryankant Pathak

- 1) **Shri Ramesh Devram Takalkar**, filed the complaint as per section 42(5) of Electricity Act 2003 as a member of school managing committee Pimple Jagtap, Tal. Shirur, Dist. Pune.
- 2) The Electricity connection is in the name of Z.P. primary school, vide consumer no. 184271927588.
- 3) Complainant made grievance before IGRC on date 26.11.2013, alleging that MSEDCL issued supplementary bill in violation the provisions of Electricity Act, 2003as well as MERC regulations.
- 4) He contended that the previous bills cannot be charged beyond the period mentioned in Section 56 (2) of Electricity, Act, 2003.
- 5) The said application was decided by IGRC and observed that the bills are properly issued by MSEDCL relying on Circular No 175 dated 5<sup>th</sup> September, 2012 and relying on the flying squad and its report stating that the recovery shall be made with effect from August 2009. The tariff which was applicable for school was commercial during Aug 2009 to July 2012 whereas the bills were issued as per residential tariff.
- 6) The point that arises for our consideration is as under
  - a) Whether the electricity bill issued to complaint is legal and valid?  
Our finding is in the negative.



### REASONS

- 7) We have heard Mr. Ramesh Takalkar and the officials of MSEDCL at length. We have perused the documents produced on record. We have perused the Tariff Order of MERC for the year 2009 in case no 111 of 2009, Commercial circular no 175 issued by MSEDCL dated 5<sup>th</sup> September 2012. On perusal of the documents it is evident that during the period between Aug 2009 and July 2012 the tariff applicable to school was commercial.
- 8) On perusal of Commercial circular no 175 a new tariff category called public service is created covering educational institutions with effect from 5<sup>th</sup> September 2012. This is an admitted position and there is no grievance regarding the said fact. The only dispute appears regarding the date of application of the recovery of electricity bills.
- 9) As per the provisions of Section 56(2) of Electricity Act, 2003 no sum due from any consumer under this section shall be recoverable after a period of two years from the date when such sum became first due. Unless the same has been shown continuously as recoverable as arrears of charges for electricity supplied. The documents indicate that no sum was shown as recoverable. In the result we hold that MSEDCL is entitle to recover for a period of two years. However we hold that MSEDCL is entitle to recover the earlier sum by filing the civil suit.
- 10) In the result, we pass the following order

### ORDER

- A) MSEDCL is directed to issue revised bill for a period of two years as per section 56 of the Electricity Act, 2003
- B) No order as to cost.

*S. D. Madake*  
Mr. S. D. Madake  
(Chairperson)

*V. M. Bhattad*  
Mr. V. M. Bhattad  
(Member Secretary)

*S. Pathak*  
Mr. Suryankant Pathak  
(Member)