

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

Case No. CGRF(NUZ)/056/2015

Applicant : Smt. Rajshree C. Jaiswal,
L.I.G. 13/15, HUDCO Col.,
Jaripatka, Near Police Station,
Nara Road,
Nagpur.

Non-applicant : Nodal Officer,
The Superintending Engineer,
(Distribution Franchisee),
MSEDCL,
NAGPUR.

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

2) Shri Anil Shrivastava,
Member / Secretary.

ORDER PASSED ON 24.4.2015.

1. The applicant filed present grievance application before this Forum on 9.3.2015 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 she has paid assessment of theft of energy on 23.1.2009 but the said amount has not been credited to her account and is still reflected as arrears in her bill since then along with arrears of interest. Therefore she

approached to I.G.R.C. of SNDL. I.G.R.C. of SNDL ordered that applicants grievance relates to the period of M.S.E.D.C.L. i.e. 2008-09, that too, pertaining to theft of electricity. Therefore I.G.R.C. of SNDL has no jurisdiction and hence application was disposed off. Being aggrieved by the said order passed by I.G.R.C. of SNDL applicant approached to this Forum.

3. Non applicant M.S.E.D.C.L. filed reply Dt. 23.3.2015. It is submitted that there was assessment of theft amount and applicant deposited it on 23.1.2009. This assessment amount of Rs. 25810/- is deposited on 23.1.2009 and entry of the same is already taken in the CPL. Compounding charges has to be deposited with the Government and that entry can not be taken in CPL. Grievance application deserves to be dismissed.

4. SNDL also filed separate reply Dt. 20.3.2015 and submitted that grievance is regarding the year 2008-09. It was the period of M.S.E.D.C.L. and therefore SNDL is not responsible for anything.

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

6. Firstly it is noteworthy that it is the grievance for the year 2008-09. According to regulation 6.6 of the said regulations, Forum shall not admit any grievance unless it is filed within 2 years from the date on which cause of action has arisen. Alleged cause of action arose in 2009 and therefore it was necessary to file

grievance application before 2011. Grievance application is filed on 9.3.2015 and therefore barred by limitation.

7. We have carefully perused CPL on record. Record shows that applicant deposited assessment of theft amounting to Rs. 25810/- and entry of the same has already been taken in CPL. Needless to say that compounding charges of theft case has to be deposited with Government and entry of the same can not be taken in CPL. Applicant is confusing herself. One has to differentiate between assessment amount of theft and compounding charges. As the compounding charges has to be deposited with Government, entry of the same can not be taken in CPL. There is nothing on record to show that assessment amount of Rs. 25810/- deposited by the applicant is again charged by the Distribution Licensee at any time in CPL.

8. During the course of argument on behalf of M.S.E.D.C.L. it was argued that there was theft case in 2008-09 but prior to that there was permanent disconnection in November 2008 and amount of Rs. 51416/- were PD arrears. Applicant did not pay entire P.D. arrears and therefore interest was charged from time to time and remaining amount of P.D. arrears is increasing day by day. It is misunderstanding of the applicant that amount of assessment of theft has not credited or though she paid, again it was reflected. We find much force in arguments of M.S.E.D.C.L. As remaining amount of P.D. is not paid by the applicant interest is increased. Applicant made last payment on 2.5.2014 and thereafter did not pay anything.

9. We find no force in the present grievance application and application deserves to be dismissed. Hence following order :-

ORDER

- 1) Grievance application is dismissed.

Sd/-
(Anil Shrivastava)
MEMBER/
SECRETARY

Sd/-
(Shivajirao S.Patil)
CHAIRMAN