

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

Case No. CGRF(NUZ)/111/2012

Applicant : M/s. Tourist Inn Pvt. Ltd.,
Malviya Road, Sitabuldi,
NAGPUR.

Non-applicant : Nodal Officer,
The Superintending Engineer,
N.U.C.,
M.S.E.D.C.L. NAGPUR.

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

2) Adv. Subhash Jichkar,
Member,

3) Smt. Kavita K. Gharat
Member Secretary.

ORDER PASSED 20.12.2012.

1. The applicant filed present grievance application before this Forum on 25.10.2012 under Regulation 6.5 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 applicant is HT consumer and connection was released on 12.5.2000 by converting previous L.T. connection into H.T. connection. All the dues of L.T. connection were paid and then only H.T. connection was released. M.S.E.D.C.L. authorities have issued bill amounting to Rs. 3,39,806.51 (Rs. Three Lacs Thirty Nine Thousand Eight Hundred

Six & Ps. Fifty One only), on 1.10.2012 after a period of 12 years. There is no communication in between the period of 12 years. This bill is illegal within the meaning of Section 56 (2) of Electricity Act 2003. Therefore applicant claimed to set aside this bill.

3. Non applicant M.S.E.D.C.L. denied the applicant's case by filing reply Dt. 3.11.2012. It is submitted that M/s. Tourist Inn Pvt. Ltd. is H.T. Consumer since 12.5.2000. Connection was converted from L.T. supply to H.T. side supply on 12.5.2000 by making permanent disconnection of L.T. side supply. L.T. side supply was of the same consumer who is now enjoying H.T. supply. The same is also agreed by the consumer in his application. C.P.L. of L.T. P.D. connection is attached with reply which is at Annexure 'A'. From the C.P.L. it is found that arrears of Rs. 1,04,652.45 (Rs. One lac Four Thousand Six Hundred Fifty Two & Ps. Forty Five only) are still outstanding on the consumer pertaining to L.T. connection. M.S.E.D.C.L. office has also requested the applicant to produce supporting evidence regarding clearance of dues as per letter Dt. 23.5.2012. The consumer is not prompt in payment of bills of H.T. Connection. In each month the disconnection notice is issued to the consumer and consumer pays the bill during the disconnection notice period as regular practice. It is prayed that application be dismissed and recovery of Rs. 104652.45 along with up to date interest is recoverable.

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

5. It is an admitted fact that M/s. Tourist Inn is H.T. Consumer since 12.5.2000. It is also admitted fact that connection

was converted from L.T. to H.T. supply on 12.5.2000 itself. For the first time, these arrears are claimed by M.S.E.D.C.L. on 1.10.12 amounting to Rs. 339806.51 after a period of 12 years. According to Section 56(2) of Electricity Act 2003, there is limitation of (2)years. Even according to Limitation Act, there is limitation of 3 years. In this case, complete 12 years lapsed but even then officers of M.S.E.D.C.L. did not take pains to recover this amount within a period of 12 years and it is a great surprise. Now this amount has become hopelessly barred by limitation. There is no law on the land to recover the arrears which was due and outstanding prior to12 years. Therefore now M.S.E.D.C.L. has absolutely no right to recover 12 years old arrears which were due on 12.5.2000 in the year 2012.

6. For these reasons grievance application of the applicant must be allowed. Hence Forum proceeds to pass the following order :-

ORDER

- 1) Grievance application is partly allowed.
- 2) Bill amounting to Rs. 3,39,806.51 Dt. 1.10.2012 is hereby set aside and cancelled being barred by limitation under section 56 (2) of Electricity Act 2003. M.S.E.D.C.L. is hereby directed not to recover this amount from the applicant and to revise the bill accordingly.
- 3) Non applicant to comply this order within 30 days from the date of order.

Sd/-
(Smt.K.K.Gharat)
MEMBER
SECRETARY

Sd/-
(Adv.Subhash Jichkar) (ShriShivajirao S.Patil)
MEMBER
CHAIRMAN