

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

Case No. CGRF(NUZ)/015/2011

Applicant : Shri Ratnakar T. Walde,
House No. 493, Near
Gurunanak School,
Bade Maidan, Bezanbag,
NAGPUR.

Non-applicant : MSEDCL represented by
the Nodal Officer-
Civil Line Division,
Nagpur Urban Zone,
Nagpur.

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

2) Adv. Smt. Gouri Chandrayan,
Member,

3) Smt. Kavita K. Gharat
Member Secretary.

ORDER (Passed on 07.05.2011)

The applicant, Shri Ratnakar T. Walde, Resident at House No. 493, Near Gurunanak School, Opp. Bade Maidan, Bezanbag, Nagpur filed the present grievance application on dated 20.03.2011 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (here-in-after referred-to-as the said Regulations.)

The applicant's case in brief is that, the applicant applied for residential connection in the year 2003. But since 2003 to 2009 non-applicant had issued commercial bill to the applicant. Thereafter on 30.10.2009 applicant applied to Jr. Engineer, MSEDCL on stamp paper of Rs. 50/- that his connection is residential connection since 2003 but he is paying commercial charges and therefore bills for residential charges should be issued to him. Since then non-applicant had issued bills as per residential charges. But since 2003 to 2009 applicant has to pay un-necessarily electric charges as per commercial tariff and therefore those amount along-with interest or penalty or compensation of Rs.5000/- should be given to applicant. Therefore applicant claimed following reliefs:.

- 1) Difference of commercial tariff and residential tariff since 2003 to 2009 should be refunded to the applicant.
- 2) Compensation of Rs.5000/- should be given to the applicant.
- 3) Suitable action may be taken against concerned officer of the non-applicant Company.

The non-applicant denied the case of the applicant by filing reply. It is submitted that applicant applied for electric connection on 03.05.2003 and he deposited security deposit of commercial connection of Rs.4001/- on 24.04.2003 and therefore commercial connection was

given to the applicant and commercial tariff was applied. For the first time on 04.11.2009, applicant applied on stamp papers of Rs.50/- and requested for residential tariff. Therefore the non-applicant had applied residential tariff since the application of the applicant. Present grievance application is submitted after a long period of 6 years, it is liable for dismissal.

Forum heard arguments of both the parties, and perused the record. It is an admitted fact that applicant is paying electric bill as per commercial tariff since 2003 up to 2009. It is also admitted fact that for the first time applicant applied on stamp paper on dated 04.11.2009 and requested for residential tariff. It is also admitted that as per request letter of the applicant on dated 04.11.2009. The non-applicant had applied residential tariff. It is also un-disputed fact that since 2003 upto 2009, applicant did not filed any application to the non-applicant that wrong commercial tariff is applied.

According to Regulation 6.6 of the said Regulation, Forum shall not admitted grievance unless it is filed within two (2) years from the date of which the cause of action has arisen. In this case alleged cause of action arises in 2003 but present grievance application is filed on 28.03.2011 and therefore grievance application is barred by limitation. During the period 2003 to 2009 applicant did not applied for refund of any differential amount for commercial tariff and residential tariff,

therefore that part of the claim is also barred by limitation.

The non-applicant argued that it is also possible that since 2003 up-to 2009 there was shop or commercial use of the applicant and in the year 2009 that shop must have been closed. Therefore only applicant was paying the electric bill as per commercial tariff since 2003 upto 2009 and as the shop closed in the year 2009. Therefore applicant applied for residential tariff on 04.11.2009. Forum find much force in the arguments of the non-applicant. Facts and circumstances of the case and specifically silence of the applicant for six years shown that his connection was commercial connection, therefore only he paid commercial bills up to the 2009.

Therefore, Forum find no substance in the present grievance application and application deserves to be dismissed. Hence Forum proceed to pass the following order.

ORDER

The grievance application is hereby rejected.

Sd/- (Smt.K.K.Gharat)	Sd/- (Adv.Smt.GauriChandrayan)	Sd/- (ShriShivajirao S.Patil)
MEMBER SECRETARY	MEMBER	CHAIRMAN