

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

Case No. CGRF(NUZ)/014/2011

- Applicant : Sau. Ashabai Padamji Harshe
At Parsod, Taluka Kamptee,
Corp. Add. Plot No. 606,
Darshan Colony, Nandanwan,
NAGPUR.
- Non-applicant : MSEDCL represented by
the Nodal Officer-
O&M Division-I,
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 01.06.2011)

The present grievance application is filed by applicant Sau. Ashabai Padamji through her legal representavie Shri Manohar B. Harshe, resident of Parsod, Taluka Kamptee, Nagpur at present residing at plot no. 606, Darshan Colony, Nandanwan, Nagpur on dated 18.03.2011 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 on 11.12.2000, the applicant submitted a letter to the non-applicant and requested for reducing capacitor charges and change of name. The applicant submitted a cheque in the bank dated 27.03.2004 under "कृषी संजीवनी योजना" but benefit of that scheme is not given to the applicant. On dated 05.06.2002, the applicant filed an application to non-applicant that he paid 60% bill but even then his electric supply disconnected. The applicant submitted further application to the non-applicant on 20.06.2006, 13.02.2007, 21.02.2007, 28.10.2007 and 31.01.2008, but no action is taken. Thereafter on 31.03.2011 name is transferred but no relief is given by the non-applicant. The applicant filed present grievance application and claim following relief.

- 1) Benefit of "कृषी संजीवनी योजना" should be given to him.
- 2) Capacitor charges should be cancelled.

The non-applicant denied the claim of the applicant by filing reply on dated 19.04.2011. It is submitted that applicant should pay the amount for benefit of "कृषी संजीवनी योजना" on or before 31.03.2004, but applicant did not pay before stipulated date and hence no benefit of the said scheme was given to the applicant. Amount of the arrears was intimated to the applicant from time to time but applicant avoided to pay. The penalty for capacitor charges is never included in electric bill. All other adverse allegation in the application are denied each

one specifically by the non-applicant. It is submitted that application is false and deserves to be dismissed.

Forum heard arguments of applicant. The nodal officer was absent. All the case papers perused by the Forum.

It is noteworthy that closing date of “कृषी संजीवनी योजना” was 31.03.2004. Therefore cause of action arose to file the present case was 31.03.2004. All other dates given in the application i.e. 05.06.2002, 20.06.2006, 13.02.2007, 21.02.2007, 28.11,2007, 31.01.2008, 05.06.2008 & 08.12.2008 are barred by limitation. The present grievance application is presented on 18.03.2011 i.e. after about 5 years of limitation period. According to Regulation 6.6 of the said regulation. The Forum shall not admitted any grievance unless its filed within two years from the date of which cause of action has arisen. In this case cause of action from “कृषी संजीवनी योजना” arose on 31.03.2004, therefore the applicant should have applied on or before 31.03.2006 i.e. within two years. For this reason present grievance application is hopelessly barred by limitation, further these regulations were framed in the year 2005 amended in the year 2006. On 31.03.2004 i.e. on the date of “कृषी संजीवनी योजना” these regulations were not in existence. The said regulation had no retrospective effect.

During the course of arguments, applicant frankly admitted that he does not want to claim other reliefs except “कृषी संजीवनी योजना”. Therefore the applicant claim benefit of “कृषी संजीवनी योजना” dated 31.03.2004 is barred by time.

The present grievance application is submitted on 18.03.2011 and therefore forum was expected to dispose of within 2 months i.e. on or before 18.05.2011 but during the course of arguments applicant applied for adjournment on several time on the ground that he is not prepared for arguments. Therefore to give applicant a fair chance to present his grievance properly, the Forum has granted adjournments. Hence due to delay by the applicant in arguing the matter. Forum could not disposed of the matter strictly within 2 months.

Considering the record, forum hold that grievance application is barred by limitation and deserves to be dismissed. Hence Forum proceed to pass the following order.

ORDER

The grievance application is hereby dismissed.

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