

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

---

**Case No. CGRF(NUZ)/0137/2006**

- Applicant : Late Shri Narayanrao Fardaji  
Khobragade,  
D/H Smt. Sandhaya Martand  
Gajbhiye,  
Plot No. 47, Khobragade Niwas,  
Bhoslewadi, Lashkaribag,  
Nagpur 440 017.
- Non-Applicant : The Nodal Officer-  
Executive Engineer,  
Civil Lines Division,  
Nagpur representing the MSEDCL.
- Quorum Present : 1) Shri S.D. Jahagirdar,  
Chairman,  
Consumer Grievance Redressal  
Forum,  
Nagpur Urban Zone,  
Nagpur.
- 2) Smt. Gouri Chandrayan,  
Member,  
Consumer Grievance Redressal  
Forum,  
Nagpur Urban Zone,  
Nagpur.
- 3) Shri S.J. Bhargawa  
Executive Engineer &  
Member Secretary,  
Consumer Grievance Redressal  
Forum, Nagpur Urban Zone,  
Nagpur.

**ORDER (Passed on 31.07.2006)**

The present grievance application has been filed on 07.07.2006 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 grievance of the applicant is in respect of erroneously charging her for commercial tariff when, in reality, she was using power only for residential purposes. She has also demanded compensation of Rs. 5000/- towards harassment caused by the non-applicant's officials.

Before approaching this Forum, the applicant had filed her complaint on the same subject-matter of the grievance before the Internal Grievance Redressal Unit on 21.02.2005 under the provisions of MERC (Consumer Grievance Redressal Forum & Ombudsman) Regulations, 2003 requesting for redressal of her grievance. However, no remedy, whatsoever, was provided by this Unit to the applicant and hence, the present grievance application.

The matter was heard by us on 31.07.2006.

The applicant's case was presented before by her nominated representative Shri M.S. Gajbhiye.

The Nodal Officer did not remain present on this date. However, he had submitted his parawise report before this Forum earlier.

A copy of the non-applicant's parawise report dated 20.07.2006 was duly received by the applicant from him before the date of hearing. The applicant's representative was given adequate opportunity to offer his say on this parawise report also.

The contention of the applicant's representative is that the applicant has been using power at her residence only for residential purposes and that, at no point of time, there was any commercial use of electricity. He added that the applicant was charged for commercial tariff erroneously during the period from 18.09.2001 to 03.03.2003 when the usage of electricity during this period was only for residential purpose with the result that wrong and excessive energy bills came to be issued to the applicant. He also contended that the applicant had made a complaint to the Executive Engineer, Civil Lines Division, MSEB, NUZ, Nagpur on 04.04.2003 requesting him to issue revised bills to her based on usage of electricity for residential purpose in place of commercial usage and to refund excess amount recovered from her during the last period of one year or so. He has produced a copy of this complaint application on record. He has also produced a copy of the applicant's another complaint made by him to the Executive Engineer, Civil Lines Division MSEB, NUZ, Nagpur on 09.09.2003 again on the same subject matter. Although credit is given to the applicant in her energy bill, she is not satisfied with the remedy provided to her by the non-applicant. He has also produced copies of energy bills to show that the applicant was charged for commercial tariff during the period from 18.09.2001 to 03.03.2003.

The applicant's representative further submitted that the applicant's power was disconnected in May 2004 on the ground of non-payment of electricity charges without any notice with the result that there was no power supply at her residence from May 2004 till 5<sup>th</sup> January 2005. He added that he paid an amount of Rs. 5000/- on 04.01.2005 to the non-applicant Company towards electricity

consumption charges and, thereafter, power was restored on 05.01.2005. Since no power supply was available to the applicant & her family from May 2004 onwards till 05.01.2005, she had to shift her family elsewhere. The applicant and her family had to suffer great hardship due to non-availability of power supply at their residence and due to shifting of her family to a different place. The applicant's representative has, therefore, demanded compensation of Rs. 5000/- towards the applicant's harassment.

The non-applicant, on his part, has admitted in his parawise report that energy bills based on commercial tariff were wrongly issued to the applicant during the period from November 2001 to May 2003. However, these energy bills were subsequently corrected by charging the applicant for residential use and accordingly, a credit of Rs. 1,474=56 came to be given to the applicant in the billing month of July 2003. Moreover, the applicant's bi-monthly energy bills from September 2002 to January 2003 issued on average basis of 400 units were also corrected because of the applicant's meter being faulty and that a credit of Rs. 750=08 was given to the applicant in her energy bill for February 2006.

The non-applicant has further submitted that energy bills as per domestic tariff meant for residential usage were correctly issued to the applicant from July, 2003 and onwards. However, the applicant did not make any payment her energy bills after 04.01.2005 and the last bill amount paid by her on 04.01.2005 was of Rs.5000/-. It is the contention of the non-applicant that an arrear amount of Rs.16,242=01 is outstanding against the applicant as in June-2006. According to the

non-applicant, there is no substance in the applicant's grievance application.

In the present case, the grievance is about wrongly charging the applicant for commercial tariff during the period from 18.09.2001 to 03.03.2003 when the actual usage of electricity was only for residential purpose. It is, therefore, clear that the applicant is challenging the non-applicant's erroneous action before this Forum much after lapse of two years' period from the date on which the cause of action has arisen. The non-applicant has admitted that the commercial tariff was erroneously charged to the applicant during the aforesaid period and hence, a credit of Rs.1474=56 came to be given to the applicant in July 2003 thereby correcting the mistake committed earlier.

As laid down in Regulation 6.6 of the said Regulations, the Forum shall not admit any grievance unless it is filed within two (2) years from the date on which the cause of action has arisen.

In the instance case, the grievance application has been filed on 07.07.2006 while the cause of action had arisen way back in the year 2003. Obviously, such a grievance cannot be admitted, it being time-barred.

The applicant's representative has demanded award of compensation because of disconnection of the applicant's power supply from May 2004 onwards. Here also, the cause of action had arisen in May 2004 while the applicant is challenging the same before this Forum on 07.07.2006 i.e. after expiration of period of two years from the date on which the cause of action had arisen. There is also no record produced before us to show that the applicant had ever made

any complaint before the non-applicant in respect of allegedly illegal disconnection of her power supply.

The applicant's request for award of compensation cannot, therefore, be admitted by us, it being time-barred.

Moreover, it is seen that the applicant has not paid any amount towards consumption of electricity after 04.01.2005. It is because of this that the arrear amount recoverable from the applicant has swollen to Rs. 16,242=01 upto June 2006.

In the result, the applicant's grievance application stands disposed off as not admissible in terms of Regulation 6.6 of the said Regulations.

Question of going into merits of the case, therefore, does not arise.

**(S.J. Bhargawa)**      **(Smt. Gauri Chandrayan)**      **(S.D. Jahagirdar)**  
Member-Secretary                      MEMBER                      CHAIRMAN

**CONSUMER GRIEVANCE REDRESSAL FORUM  
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO LTD's  
NAGPUR URBAN ZONE, NAGPUR.**

**Member-Secretary  
Consumer Grievance Redressal Forum,  
Maharashtra State Electricity Distribution Co.Ltd.,  
Nagpur Urban Zone, NAGPUR**