

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

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**Case No. CGRF(NUZ)/042/2011**

- Applicant : The Executive Engineer,  
E&M MIDC Division,  
Hingna Industrial Area,  
Hingna, Nagpur.
- Non-applicant : MSEDCL represented by  
the Nodal Officer-  
Executive Engineer, MIDC Division,  
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 01.10.2011)**

It is the grievance application filed by Executive Engineer MIDC Division, Nagpur on dated 02.08.2011 under the 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, Dy. Executive Engineer Flying Squad MSEDCL, Nagpur have received the tariff of street light in MIDC industrial area for the period March 2007 to July 2009 only and charged the arrears in the

bill vide letter dated 21.05.2011. The applicant approached to the Office of the Executive Engineer (O&M) MSEDCL Hingna as per letter dated 25.05.2011, but there was no positive response. The applicant applied to IGRC Nagpur as per application on dated 01.06.2011 but no order was passed till filing of the application. As per circular of MSEDCL dated 02.07.2003 and 24.09.2002 for MIDC street light standard tariff is only applicable. Therefore applicant filed present grievance application and claimed following reliefs namely.

- 1) The tariff change from street light LT-VI to LT-II commercial for the period March 2007 to June 2009 is not legal. In fact it should be street light tariff.
- 2) As per MSEDCL Circular no. 377 dated 02.07.2003 street light tariff should be applicable for the period March 2007 to June 2009. It be declared that MSEDCL is not entitle to recover difference of tariff amount for the period March 2007 to June 2009

The non-applicant denied case of the applicant by filing reply on dated 20.08.2011. It is submitted that in the month of April 2010, the Dy. Executive Engineer of Flying Squad inspected and found that during the period March 2007 to July 2009 commercial tariff should have been applied and therefore amount of difference of tariff is calculated as Rs.15,11,618=75.

Forum heard argument from both the sides and perused the record.

Report of inspection of Flying Squad is on record dated 20.04.2010. It is an admitted fact that amount of difference of tariff is for the period March 2007 to June 2009 only. Record shows that this difference of amount of Rs.15,11,618=75 is for the first time show by MSEDCL after inspection of Flying Squad dated 20.04.2010 and this some has not been show continuously as recoverable as arrears of charges for electricity supplied during the period March 2007 to 20.04.2010.

According to section 56 (2) of Electricity Act 2003 “Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer under this section shall be recoverable after the period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrear of charges for electricity supplied.”

As we have already pointed out this, sum is not shown continuously as recoverable as arrears of charges for electricity supply since March 2007 till July 2009 but for the first time it is shown recoverable in 2011. Therefore according to the Section 56 (2) of Electricity Act, 2003, these arrears being the difference of tariff for the passed period March 2007 to July 2009 is not recoverable solely on the ground of limitation.

Therefore Forum hold that MSEDCL is not entitle to recover the amount of arrears as difference of tariff for the period March 2007 to July 2009. Hence Forum proceed to pass the following order.

ORDER

The grievance application is partly allowed.

It is hereby declared that MSEDCL is not entitled to recover time barred amount of arrears of difference of tariff for the period March 2007 to July 2009 from the applicant as per provision laid down under section 56 (2) of Electricity Act, 2003.

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

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