

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

Case No. CGRF(NUZ)/044/2011

Applicant : M/s. RAM High Tech Private Limited
14/3, I.T. Park, Parsodi,
NAGPUR.

Non-applicant : MSEDCL represented by
the Nodal Officer-
Executive Engineer
Congressnagar 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 (29.10.2011)

It is the grievance application filed by M/s. Ram High Tech Private Limited on 02.09.2011 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, applicant applied for electric power for I.T. services. After dues scrutiny and site visit, they received the demand note amounting to

Rs.69,633/- which includes the processing fees of Rs. 50/- they have remitted the desired amount and their power supply was effected for 47 kW load on 21.03.2007. As I.T. unit, the energy requirement of applicant requirement was more, therefore applied for load extension for 30 Kw alongwith all documents as required by law on 06.07.2007. The demand note thereby amounting to Rs.30,441/- which includes the processing fees has been issued by non-applicant and due verification of their unit. Accordingly their load was sanctioned. They got energy bill for existing 47 kW with added load of 30 kW = 77 kW in the month of December 2007. Clause 4.5 of MERC (Electricity Supply Code and Other Condition of Supply) Regulation 2005 is prescribed regarding expenses of application for electricity as well the processing of acceptance application by way of site visit, load availability etc. and finally release of power with appropriate tariff. Applicant has SSI Registration and has been billed by non-applicant against LT-II tariff since the date of connection. Applicant as per has letter date 31.07.2007. requested the non-applicant for waivel of electricity duty and there by applicability of LT-V industrial tariff. But non-applicant has effected LT-V industrial tariff in the energy bill of July 2011 and non-applicant is reluctant to refund the difference of LT-II and LT-V tariff. When non-applicant has charged the application processing fee and thereby accepted the amount and released the power, it is duty of non-applicant to apply the appropriate tariff to the consumer. Therefore applicant filed this application and claimed following reliefs namely..

- 1) For issue of direction to the non-applicant to refund difference of LT-II and LT-V tariff as well refund of electricity duty collected by non-applicant.

The non-applicant denied the case of applicant by filing reply on dated 17.09.2011. It is submitted that consumer had applied for electrical connection for load of 47 KW which was sanctioned on 13.03.2007 for CL category. Consumer has also submitted test report mentioning the use as commercial category and accordingly the consumer connection is released on 21.03.2007. However, on 11.07.2007 consumer demanded for extension of load from 47 KW to 77 KW (Additional 30 KW) and also submitted test report mentioning the use as commercial category and accordingly additional load was sanctioned. Moreover on 29.03.2011 consumer applied for tariff revision from commercial to industrial and on verification of documents and as per new tariff order dated 17.08.2009 vide order no. REF/PR-3/tariff/346/43 dated 03.011.2009. Commercial Circular no. 102, the old tariff was revised and give effect of industrial category since July 2011. Regarding exemption of electricity duty the MSEDCL is only an agency to collect the amount from the consumer and to deposit to the Government of Maharashtra and it has no rights to exempt the electricity duty.

Forum heard arguments from both the sides and perused the records.

We have carefully perused original application for electric connection which is filed by the non-applicant

alongwith reply and it is an annexure–II. In his original application, applicant specifically mentioned that they want commercial (व्यवसाईक) connection. This application was submitted on 20.03.2007. In another application of additional load filed by the applicant vide annexure – III applicant specifically mentioned that applicant want commercial connection. Therefore it was request of the applicant by their applications dated 20.03.2007 and 11.07.2007 that he wanted commercial connection.

In this grievance application, applicant submitted that applicant wrote a letter dated 31.07.2007 and requested for application of industrial tariff. Therefore cause of action for filing this case arose on 31.07.2007 when applicant wrote a letter about change of tariff but since 2007 applicant did not file any grievance application till 2011. According to Regulation 6.6 of the said Regulation, the Forum shall not admit any grievance unless it is filed within two years from the date of which the cause of action has arisen. In this case cause of action has arisen in 2007. Therefore it was necessary to file grievance application before 2009 but present grievance application filed on 02.09.2011 and therefore it is hopelessly barred by limitation.

Admittedly MSEDCL has changed the tariff and applied the tariff of industrial category at present. However, so far as amount of past different is concerned, it is barred by limitation and therefore no relief can be granted to the applicant. Hence Forum proceed to pass the following order.

ORDER

The grievance application is dismissed.

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