

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

Case No. CGRF(NZ)/63/2019

Applicant : The Secretary,
Shri Shankar B. Sugandh,
Chhaproo Nagar Housing Society,
Garoba Maidan, Nagpur.

V/s

Non-applicant : Nodal Officer,
The Superintending Engineer,
(D/F), NUC. M.S.E.D.C.L.,
Nagpur.

Applicant represented by : Shri Sunil Jacob.
Non-applicant represented by: 1) Shri Sonkusale, Exe.Engr.,
MSEDCL, NUC, Nagpur.
2) Shri Dahasahasra, SNDL, Nagpur

Quorum Present : 1) Shri Arvind Jayram Rohee,
Chairperson.
2) Mrs. V.N.Parihar,
Member Secretary
3) Mrs. Asmita Avinash Prabhune,
Member(CPO)

ORDER PASSED ON 27.06.2019

1) The applicants approached this Forum under clause 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievances Redressal Forum & Electricity Ombudsman) Regulations 2006, since his claim for refund of the difference in commercial and residential tariff from May 2011 is rejected by IGRC vide order dated 31.05.2019.

2) The live connection is in respect of Housing Society for common utility of the occupants. According to the applicant commercial tariff has been charged instead of residential tariff from 2011. Request was made for change of tariff/application of correct tariff in the month of March 2019. Record shows that from May 2019 the residential tariff was charged. The applicant submitted that, since the premises are not being used for any commercial purpose and the live connection was for the use of street light in the premises of Housing Society, the applicant is entitled for refund of difference in tariff from May 2011.

3) The Non-applicant vide reply dated 21.06.2019 denied the claim and supported the order passed by IGRC, since the applicant failed to take any steps for correction of tariff.

4) On 25.06.2019 Forum heard Shri Shankar Sugandh, Secretary and Shri Ashok Waswani, President of the Housing Society and reply arguments of Shri V.R. Sonkusale, Executive Engineer, MSEDCL and Shri Dahasahasra of SNDL. who represented the Non-applicant. We have carefully perused the case record.

5) The CPL shows that commercial tariff has been charged since beginning, however, no grievance was made by the applicant till 27.03.2019 for change of tariff for residential purpose. It is stated by the applicant that they bonafide credited the bill as and when received, without verifying the type of tariff mentioned on the bill. It is needless to say that tariff for commercial purpose is higher

than residential tariff. As such the applicant should have been vigilant to verify if correct tariff has been shown in the bills and charged accordingly. Since the applicant failed to do so and without any protest credited the bills they are estopped from claiming the refund from May 2011. At the most since as per rules the consumer has to approach this forum within a period of 2 years i.e. from the date of accrual of cause of action, it may be said that claim for refund for the last 2 years i.e. from March 2017 to March 2019 can be said to be within limitation. However, this forum is not inclined to grant the said limited relief for the same reasons of acquiescence on the part of the applicant in making the payments as per bills without any protest. In view of above it cannot be said that the order passed by IGRC needs any modification. Necessary relief is already granted to the applicant from May 2019.

6) In view of above the Grievance Application stands dismissed and as such there is no question of revising bill by granting any refund to the applicant on change of tariff.

7) No order as to costs.

Sd/-
(Mrs. Asmita A. Prabhune)
MEMBER(CPO)

Sd/-
(Mrs. V.N.Parihar)
MEMBER SECRETARY

Sd/-
(Arvind J. Rohee)
CHAIRPERSON