

**Consumer Grievance Redressal Forum
Maharashtra State Electricity Distribution Co. Ltd.
Bhandup Urban Zone, Bhandup**

Ref. No. Secretary/MSEDCL/CGRF/BNDUZ/

Date :

Case No. 191

Hearing Dt. 5/06/08
& 13/06/08

**Matter regarding unauthorized use of electricity case under Section
126 of Indian electricity Act.**

Shri Kusum M. Chheda/ Shri Motilal D. Chheda - Applicants

Vs.

MSEDCL, Bhandup - opponent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri S.L. Kulkarni, Chairman, CGRF, Bhandup.
- 2) Shri S.B. Wahane, Member Secretary, CGRF, Bhandup.
- 3) Mrs. Manik P. Datar, Member, CGRF, Bhandup.

B - On behalf of Appellant

Shri Mahesh Korgaonkar, Consumer representative.

C - On behalf of Respondent

Shri Ashok N. Patil, Dy. Ex. Engr., MSEDCL, Bhandup Division.

Preamble

The consumer through his representative submitted his grievance application to the Forum on 31/05/2008 stating that he is running a wholesale pharmaceutical business at Bhandup. He is having a three phase electricity connection meant for industrial purpose. He was not aware that he has to inform the utility about change of use from Industrial purpose to the present commercial purpose. There is also one more single phase commercial connection. On the energy bills, consumption of energy is shown wrongly from one meter to another meter. He had applied to the utility officials on 15/11/2007 and 17/12/2007 to correct the error made by the utility, however the complaints remained unattended.

On 19/04/2008 the utility officials conducted a surprise inspection of the connections of the premises and noted the change of energy use from industrial connection to commercial use and sent the assessed energy bill on 14/05/2008 with penalty. The utility also threatened to disconnect the energy supply in case of failure to pay the bill. He therefore, approached the Forum to intervene in the matter since he being under the threat of disconnection of energy supply of his business premises.

The matter was first heard for interim order on 05/06/2008. The consumer was represented by his representative Shri Korgaonkar. On behalf of utility the Dy. Ex. Engr. Shri A.N. Patil attended the hearing. It was assured that investigation into the matter would be completed within ten days and till then without prior approval of the Forum the energy supply will not be disconnected.

Further, hearing was held on 13/06/2008 when consumer was represented by Shri M.S. Korgaonkar and Shri Rajdeep Soni. The utility was represented by Shri A.N. Patil, Dy. Ex. Engr.

While in the course of hearing the representatives of the consumer repeated the same say as put in the grievance application, the utility representative stated that office of the utility did not receive both the letters of the consumer said to have been dated 15/11/2007 and 17/12/2007. In support of this say Xerox copy of the office inward register was produced confirming non receipt of this letters. He further stated that the consumer has still not paid the assessed energy bill based on commercial tariff. But as assured to the Forum the energy supply has not been disconnected yet. He stated that the matter is under section 126 of Indian Electricity Act 2003 and the CGRF has no jurisdiction to deal with it.

OBSERVATION :

On examining the facts of the case, it is clearly seen that the matter is change of use of energy and falls under section 126. The assessment is to be meant by the utility and the consumer if aggrieved against the assessment has to file an appeal before the appellate authority i.e Chief Engineer (Electricity) Chembur, Mumbai within thirty days from the date of assessment order under section 126. In the present case the assessment order so far given to the consumer is provisional. The utility should issue a final assessment order to the consumer immediately. In case the consumer is not satisfied with it he may prefer an appeal to the appellate authority mentioned above within the prescribed time limit.

ORDER

As per reasons mentioned in the observations above, the case is dismissed and closed being not within the pervue of the CGRF as per provisions contained in Regulation 6.8 (a) MSRC (consumer Greivasnce Redressal Forum and Electricity Ombudsman) Regulation 2006

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 11th July 2008.

Note : 1) If Consumer is not satisfied with the decision, he may go in appeal within 60 days from date of receipt of this order to the Electricity Ombudsman in attached "Form B".

Address of the Ombudsman

The Electricity Ombudsman,
Maharashtra Electricity Regulatory Commission,
606, Keshav Building,
Bandra - Kurla Complex, Bandra (E),
Mumbai - 400 051.

2) If utility is not satisfied with this order, it may go in appeal before the Hon. High Court within 60 days from receipt of the order.

MRS. M.P. DATAR
MEMBER
CGRF, BHANDUP

S.L. KULKARNI
CHAIRMAN
CGRF, BHANDUP

S.B. WAHANE
MEMBER SECRETARY
CGRF, BHANDUP