



**Consumer Grievance Redressal Forum, Kalyan Zone**  
**Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301**  
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**IN THE MATTER OF GRIEVANCE NO. K/E/545/643 OF 2011-2012 OF MAHALAXMI PLASTIC INDUSTRIES VASAI (EAST) REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT EXCESSIVE BILLING.**

Mahalaxmi Plastic Industries  
Gala No. 28,  
N. J. Industrial Estate,  
Chinchpada, Vasai (East),  
Dist. : Thane – 401 208

(Here-in-after  
referred  
as Consumer)

Versus

Maharashtra State Electricity Distribution  
Company Limited through its  
Dy. Executive Engineer  
Vasai Road (East) Sub-Dn.  
Vasai, Dist. Thane.

(Here-in-after  
referred  
as licensee)

- 1) Consumer Grievance Redressal Forum has been established under "Maharashtra Electricity Regulatory Commission (Consumer Grievance

Redressal Forum & Ombudsman) Regulation 2006” to redress the grievances of consumers. This regulation has been made by the Maharashtra Electricity Regulatory Commission vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, 2003. (36 of 2003).

- 2) The consumer is a L.T.- V consumer of the licensee with 65 HP load. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on 27/09/2011 for Excessive Energy Bills. The details are as follows: -

Name of the consumer :- Mahalaxmi Plastic Industries

Address: - As given in the title

Consumer No : - 1)001590787244 – 65 HP

2)001590790539 – Single Phase

Reason of dispute : Excessive Energy Bills.

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/623 dated 27/09/2011 to Nodal Officer of licensee. Licensee filed letter No. 6507, dated 02/11/2011 from Dy. Executive Engineer, Vasai Road, East Sub-Division.
- 4) The Member Secretary and Member of the Forum heard licensee on 14/11/2011 @ 15.30 Hrs. in the meeting hall of the Forum’s office. Shri U. M. Naik, Dy. Executive Engineer, representative of the licensee attended hearing. Minutes of the hearing including the submissions made by the parties are recorded and the same are kept in the record.
- 5) The grievance application was registered in the Forum on 27/09/2011 and was kept for hearing on 18/10/2011 by issuing a due notice to the licensee.

However on 18/10/2011 Dy. Ex. Engr. MSEDCL Vasai Road East Sub-Division by sending a E-mail requested the Forum to postpone the schedule hearings of five cases (from 640 to 644) as the licensee had got an urgent meeting on MMRDA ground. The Forum grant the request of the licensee and it was immediately informed to the consumer representative by the Forum vide it's E-mail dated 18/10/2011 and also vide letter No. 0642, dated 18/10/2011.

- 6) On 08/11/2011 (on the second date of hearing) the consumer representative Shri Harshad Sheth telephonically informed the Forum that neither is he going to attend the hearing of the above referred cases nor does he want to postpone the cases. The licensee submitted it's documents on the same day itself.
- 7) The Forum contacted the consumer representative for giving him a second opportunity. On the query of the Forum the consumer representative replied that he does not received the copies of the documents submitted by the licensee.
- 8) In this regard the Forum again sent the E-mail dated 08/11/2011 and also letter No. 0661, dated 08/11/2011 directing him to inform his further stand with respect to the above referred cases. In reply to the above E-mail the consumer representative requested the Forum to decide the matters on the available record.
- 9) Taking into consideration all the above episodes grievance applications from (640 to 644) were kept for order.
- 10) The brief facts of the case are as under :
  - a) The consumer Mahalaxmi Plastic Industry is a L.T.- V consumer having a sanctioned load of 65 HP.

- b) It is the contention of the consumer that supply was provided to it on 17th July 1998 for which it had paid Rs. 19,500/- as Security Deposit, Rs. 13,650/- as Additional Security Deposit and Rs. 13,650/- as six months charges.
- c) Grievance of the consumer is that though it has paid the amount mentioned above it is not displayed on the bill.
- d) It is the contention of the consumer that licensee has refunded the amount of Rs. 13,650/- to him in the month of August 2003 collected towards six months charges. However, licensee again added the amount of Rs. 11,880/- in the bill and recovered it as adjustment, according to the consumer which is wrong. The consumer requested the licensee to refund the deposit alongwith the interest amounting to Rs. 21,251/-.
- e) The consumer further states that licensee has charged him a wrong amount of A.S.C.
- f) The consumer also submitted that as per the policy of Vasai Circle he applied for permanent disconnection of his single phase supply and requested the licensee to refund the amount of S. D., R. L. C. and excess amount paid against single phase connection.
- 11) Grievance of the consumer is that though he has paid the amounts mentioned above, licensee still has not refunded the same inspite of his continuous follow up. I.G.R. Cell also did not heed to his request, the consumer therefore approached the Forum and prayed that :
  - a) Licensee be directed to refund the amount of deposit alongwith interest
  - b) Licensee be directed to refund the amount of A.S.C. as per MERC order No. 144 of 2008 dated November 2009.

- c) Licensee be directed to make P. D. of single phase connection as per Vasai Circle policy and be directed to refund the amount of S.D. , R.L.C. and excess amount recovered.
- 12) Notice was issued to the licensee who appeared and filed a letter dated 04/11/2011 addressed to Member Secretary CGRF Kalyan alongwith spot inspection report and copy of CPL.
- 13) At the time of hearing licensee contended that licensee has visited the premises of the consumer on 01/11/2011 at 02.15 p.m. and observed that consumer is using the supply for the purpose other than for which the usage of electricity was authorized / sanctioned.  
Licensee further stated that consumer is not eligible to claim a legitimate right within the provisions of Hon. MERC and therefore requested to dismiss the grievance application of the consumer which comes under Section 126 of Electricity Act 2003.
- 14) The licensee also observed that consumer is availing the power supply provided to him for store room (godown) when the power supply was sanctioned / released to him for industrial purpose.
- 15) Licensee further states that the act of the consumer to change the purpose of supply for other than for which it is sanctioned, comes under Section 126 of Electricity Act 2003 and requested the Forum to dismiss the claims of the consumer stating that the Forum does not have jurisdiction to entertain the grievance application since the matter comes under Section 126 of Electricity Act 2003.
- 16) We have gone through the grievance application, letter, spot inspection report , rejoinder and other documents on the record and have heard the arguments laid down by the licensee. We have observed that :

- a) Consumer did not submit anything on record to repudiate the allegation of the licensee under Section 126 of Electricity Act 2003.
  - b) The firm quotation on the record (Exhibit - 3) shows that the supply was sanctioned for manufacturing of plastic molding. However, in the spot inspection report licensee in Clause No. 15 states that consumer is using the power supply for store room and remarked that “Consumer does not want to sign on spot inspection report”.
  - c) Though according to the consumer it is a forcible spot inspection made by the licensee, he would have protested it by writing a remark on the sport inspection report itself. The consumer neither made a remark nor clarified.
  - d) The consumer’s statement in rejoinder dated 14/11/2011 Clause (a) does not substantiate his stand that he was not using the power supply for the purpose for which it is sanctioned.
  - e) The Forum gave a second opportunity to the consumer by it’s letter dated 08/11/2011 and e-mail dated 08/11/2011 to clarify it’s stand against the claim of the licensee under Section 126 of Electricity Act 2003, but consumer failed to produce any document or make any substantial statement to repudiate licensee’s claim.
- 17) Taking into consideration all the above observations we are prima – facie of the view that the present grievance application falls within the purview of the provisions under Section 126 of Electricity Act 2003.
- a) Section 126 of Electricity Act 2003 reads as follows :  
“If on an inspection of any place or premises or after inspection of the equipments, gadgets, machines, devices found connected or used, or after inspection of records maintained by any person, the assessing officer

comes to the conclusion that such person is indulging in unauthorized use of electricity, he shall provisionally assess to the best of his judgment the electricity charges payable by such person or by any other person benefited by such use.”

- b) And explanation – for the purpose of this Section (iv) reads as follows :  
“For the purpose other than for which the usage of electricity was authorized”.
- 18) The above explanation makes it clear that electricity has to be used for the purpose for which it is sanctioned, and if it is used for the purpose other than for which it is sanctioned, it becomes unauthorized use within the meaning of this Section.
- 19) As per Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations 2006, “If the Forum is prima facie of the view that any Grievance referred to it falls within the purview of any of the following provisions of the Act the same shall be excluded from the jurisdiction of the Forum.
- (a) Unauthorized use of electricity as provided under Section 126 of the Act.
- 20) Taking into consideration all the above observations, we feel that prima facie it is a case of unauthorized use of electricity, therefore as per Clause 6.8 (a) of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations 2006 would be excluded from the jurisdiction of the Forum, hence there is no need to go into the merits of the case.
- 21) As explained from Para No. 05 to 08 delay has been caused to decide this case. We therefore pass the following order :

**O-R-D-E-R**

- 1) The grievance application stands disposed of since it does not come under the purview of the Forum as per Clause 6.8 (a) of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations 2006.
- 2) The Consumer can file representation against this decision with the Hon. Electricity Ombudsman within 60 days from the date of this order at the following address.

*“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”.*

Date : 02/12/2011

(Mrs. S.A. Jamdar)  
Member  
CGRF Kalyan

(R.V.Shivdas)  
Member Secretary  
CGRF Kalyan