

Consumer Grievance Redressal Forum, Kalyan Zone
Behind “Tejashree”, Jahangir Meherwanji Road, Kalyan (West) 421301
Ph– 2210707, Fax – 2210707, E-mail : cgrfkalyan@mahadiscom.in

IN THE MATTER OF GRIEVANCE NO. K/E/546/644 OF 2011-2012 OF
WIRECOM (INDIA) PVT. LTD. VASAI (EAST) REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN
ABOUT EXCESSIVE BILLING.

Wirecom (India) Pvt. Ltd.

Savex Seal Pvt. Ltd. (earlier name)

Gala No. A - 17,

Sagar Sangam Industrial Complex,

Sativali, 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 :- M/s. Wirecom (India) Pvt. Ltd.

M/s. Savex Seal Pvt. Ltd. (earlier name)

Address: - As given in the title

Consumer No : - 1)001590788925 – 65 HP

Reason of dispute : Excessive Energy Bills.

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/626 dated 27/09/2011 to Nodal Officer of licensee. Licensee filed letter No. 6506, dated 04/11/2011 from Dy. Executive Engineer, Vasai Road, East Sub-Division.
- 4) The Member Secretary and Member of the Forum heard licensee on 14/11/2011 @ 16.00 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 granted 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 Wirecom (India) Pvt. Ltd. is a L.T.- V consumer having a sanctioned load of 65 HP.

- b) It is the contention of the consumer that it was carrying on its business under the name and style as Savex Seal Pvt. Ltd. till 2004, and was having a load of 40 HP.
 - c) The consumer further states that it has paid Rs. 12,000/- against the amount of Security Deposit and Rs. 7,200/- against Additional Security Deposit at that time.
 - d) The consumer further states that in February 2004 consumer applied for load extension from 40 HP to 65 HP for which it has paid Rs. 7,500/- as S. D. and Rs. 4,500/- as A.S.D.
 - e) Grievance of the consumer is that though it has paid the amount in March 1996, as mentioned above it is not displayed on the bill.
- 11) It is the contention of the consumer is that inspite of his repeated follow up with I.G.R. Cell for refund of the above amounts, I.G.R.Cell did not heed to his request. The consumer therefore approached Forum and prayed that :
- a) Directions be given to the licensee to refund the amount of Rs. 31,200/- with interest collected against S. D. and A.S.D.
 - (i) Rs. 12,000/- (Security Deposit) + Rs. 7,200/- (A.S.D.) collected in March 1996.
 - (ii) Rs. 7,500/- (S.D) + Rs. 4,500/- (ASD) collected in March 2004.
- 12) Notice was issued to the licensee who appeared and filed a letter dated 02/11/2011 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 17/10/2011 at 03.00 p.m. and observed that consumer is using the supply for the purpose other than for which the usage of electricity was authorized / sanctioned.

- 14) 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.
- 15) Licensee further contended that consumer has claimed the refund of amount paid against S.D. in March 1996. The S.D. receipt is in the name of M/s. Savex Seal Pvt. Ltd. and refund is claimed by Wirecom (India) Pvt. Ltd. which is not as per the provisions of Regulation. Moreover, according to the licensee consumer has not filed any authorization of M/s. Savex Seal Pvt. Ltd. to show that consumer can claim the refund of S.D. paid in the name of M/s. Savex Seal Pvt. Ltd.
- 16) The licensee pleaded that the amount of A.S.D. was collected by the consumer was against reduction of N.O.Cs. of different departments for releasing power supply. It is mandatory for the consumer to produce those N.O.Cs. of different departments for claiming refund. But till date the consumer has not produced any such N.O.Cs.
- 17) The licensee also stated that original connection was released to M/s. Savex Seal Pvt. Ltd. which is situated at Gala No. 17 and was having the supply for manufacturing of plastic seals. However, at the time of spot inspection licensee observed that supply for Gala No. 17 was interconnected to Gala No. 18 in which the present Wirecom (India) is situated and carrying on the manufacturing of spring.
- 18) According to the licensee this activity of the consumer is against the provisions of Electricity Act 2003 and falls under Section 126 of Electricity Act 2003. Licensee therefore requested to dismiss grievance application since Forum does not have jurisdiction to entertain the matter which comes under Section 126 of Electricity Act 2003.

- 19) 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 claim of the licensee under Section 126 of Electricity Act 2003.
 - b) The consumer's statements that :
 - (i) Licensee's visit is highly objectionable.
 - (ii) Such pressurize tactics by licensee are not acceptable.
 - (iii) Work done by MEDCL is anti consumer work.
- do not substantiate the claim of the consumer that activity of inter connection has not taken place in it's premises.
- c) The firm quotation on record at Exhibit – 3 shows that the original supply was sanctioned by the licensee for polythene bags.
 - d) There is no document on record to show that the supply was released to the consumer for manufacturing spring.
- 20) Taking into consideration all the above observations we are of the opinion that prima – facie it is the case of unauthorized use of electricity provided under 126 of Electricity Act 2003 and of the view that the present grievance application falls within the purview of the provisions under Section 126 of Electricity Act 2003.
- 21) 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.”

- a) 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 and Section (v) reads as :
“For the premises or area other than those for which the supply of electricity was authorized”.
- 22) The above explanation makes it clear that electricity has to be used for the premises or area for which it is sanctioned, and if it is used for the premises / purpose other than for which it is sanctioned, it becomes unauthorized use within the meaning of this Section.
- 23) In the present case the consumer neither produced any document (except re-joinder dated 18/10/2011 to show that how Gala No. 17 and 18 are not interconnected with each other or otherwise, nor clarified.
- 24) Record shows that M/s. Savex Seal Pvt. Ltd. which was situated in gala No. 17 was having 40 HP load. The consumer applied for the load extension from 40 HP to 65 HP for Wirecom (India) Pvt. Ltd. However, the sanction letter for load extension by the licensee – which is very much important document is not placed on record by the consumer. So there can be a possibility that consumer has interconnected Gala No. 17 and 18 without waiting for the sanction letter (for load extension) by the licensee. Moreover, consumer has not resist the claim of the licensee.
- 25) 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.
- 26) 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.
- 27) 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