

**Before Maharashtra State Electricity Board's
Consumer Grievance Redressal Forum,
Nagpur Urban Zone, Nagpur.**

Case No. CGRF (NUZ)/004/2005

Applicant : Shri A.H. Lanjewar
Director
Ujwal Computer Institute,
Lanjewar Niwas, Dosar square,
Central Avenue,
Nagpur.

Non-Applicant : Executive Engineer,
Mahal Division, (NUZ), MSEB.,
Nagpur.

Quorum Present : 1) Shri S.D.Jahagirdar, IAS (Retd),
Chairman,
Consumer Grievance Redressal
Forum, Nagpur Urban Zone,
Nagpur.

2) Smt. Gouri Chandrayan,
Member, Consumer Grievance
Redressal Forum,
Nagpur Urban Zone, Nagpur.

ORDER (Passed on 23.03.2005)

The present application is filed on 18.02.2005 before this Forum in the prescribed Schedule "A" by the applicant as per Regulation No. 6.3 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulations, 2003 hereinafter referred-to-as the said Regulations.

The applicant had approached the Internal Grievance Redressal Unit headed by the Executive Engineer (Adm) in the Office of the Chief Engineer, NUZ, MSEB, Nagpur and filed his application dated 15.09.2004 for redressal of his grievance. However, no remedy was provided to him by this Unit with the result that the applicant had to approach this Forum for redressal of his grievance.

The grievance of the applicant is that he is being charged commercial tariff by the non-applicant in view of his running a Computer Institute at his residential premises. His consumer number is 410011608217. It is his request that his commercial Phase-I meter may be converted into a domestic or residential use meter.

The matter was heard by us on 18.03.2005 when both the parties were present. Both of them were heard.

After receipt of the applicant's application, the non-applicant was asked to furnish his parawise remarks on the application in terms of Regulation Number 6.7 & 6.8 of the said Regulations. Accordingly, the non-applicant submitted his parawise report before this Forum on 10.03.2005. A copy of these parawise remarks was given to the applicant and the applicant was given opportunity to furnish his say on this parawise report also.

The only limited point to be decided in this case is whether running of a Computer Institute by the applicant amounts to a commercial activity.

The applicant contended that he runs a Computer Institute at his residential premises since January 1996. His premises came to be inspected by the MSEB Officials in March 2001 and thereupon the MSEB officials started treating the running of a Computer Institute by the applicant as a commercial activity and accordingly, electricity tariff meant for commercial use has been charged to the applicant with effect from March-2001 which, according to applicant, is unjust, improper and misconceived. The applicant vehemently argued that running of a Computer Institute is an educational activity for which electricity tariff meant for residential use should have been charged by the non-applicant. He has referred to his applications dated 27.08.04, dated 28.06.2004 and also another application dated 11.05.2004 addressed to the MSEB Officials in which he has requested several times the concerned Official for converting his electricity meter into educational or residential use meter. He further stated that no satisfactory reply was given by the non-applicant to his requests. He has produced a copy of letter bearing number 453 dated 04.09.2004 from the Assistant Engineer, Tulsibag Sub-Dn., MSEB, Nagpur by which the Assistant Engineer informed

him that a Computer Institute falls in the category of commercial activity and hence, the commercial phase One meter, being meter number 410011608217, cannot be converted into residential use meter. The applicant is aggrieved by this decision of the MSEB Official. It is

his contention that all the Educational Institutions running in Nagpur City are being charged electricity tariff meant for residential or educational use and hence the same analogy should be applied to his Institute also. He further stated that the institutions like VNIT, Govt. Polytechnic etc. which are autonomous institutions are not subjected to pay electricity tariff meant for commercial activity. His is a small educational institute and hence the commercial tariff ought not to have been levied therefor. It is his say that his Institute is recognized by the Maharashtra State Board of Vocational Examinations and that he has also obtained a permission letter from the Chairman of M.S.Board of Vocational Examinations, Govt. Maharashtra for running the Computer Institute as per Govt. approved syllabus. He has also produced a copy of permission letter of this Board and also a copy of provisional NOC from Nagpur Municipal Corporation showing that the Corporation has no objection if the applicant runs a Computer Institute. A copy of Registration Certificate issued on 28-11-1995 by the Assistant Registrar of Co-operative Societies, being Registration Certificate number 14076, issued under the Society Registration Act, 1860 is also produced by the applicant to show that his Institute is duly registered under the relevant Law.

He lastly prayed that his grievance in question may be removed and appropriate direction issued to the non-applicant for charging electricity tariff meant for residential use for his Institute with retrospective effect.

The non-applicant has contended that the applicant's Institute is a commercial activity and hence, commercial tariff is charged to the applicant. He further submitted that the request of the applicant may not be considered. He further stated that the applicant was already informed by letter dated 07.09.2004 that his request for conversion of his commercial tariff meter into a domestic one can not be considered.

We have carefully gone through all the submissions made before us and also the record of the case.

The only limited point to be decided is whether the applicant's Institute is to be treated as a commercial activity or not. It is a fact admitted by the applicant that he is running the Computer Institute since January, 1996 and that the approved intake capacity of the students is 25. It also transpired during the course of hearing that each student enrolled in this institute was or is being charged certain fees. The quantum of profit earned by the applicant's Institute has not been disclosed to us by the applicant. No convincing reasons have been submitted by the applicant to prove that the Institute run by him does not fall in the category of commercial use activity. Running a Computer Institute of which the intake capacity of students is 25 cannot be treated as a non-commercial activity.

The contentions raised by the applicant are not convincing and hence they are not acceptable. The applicant has made a mention in his application dated 27.08.2004 that his Institute was running alright in the beginning for some years but the response now-a-days is disappointing. It seems that the applicant had approached the Dy. Exe. Engineer Juni Shukrawari Nagpur for the first time on 11-05-04 raising this grievance. The Computer Institute started functioning in January,1996 and the non-applicant started charging commercial tariff from March,2001. This shows that the applicant moved the MSEB officials as late as 2004 i.e. after more than three years for conversion of his commercial Phase-I meter into residential use meter evidently because till then, his institute was running alright and the profits earned by him allowed payment of commercial tariff unhesitatingly. However, financial position of the applicant's institute deteriorated after May,2004 because of the poor response of students to his Institute. Hence, these facts go to show that the applicant started raising his grievance when his commercial venture went into losses. It cannot be imagined that there is no element of profit in running a Computer Institute like one owned by the applicant. No cogent proof is submitted by the applicant to prove that his Computer Institute is a non-commercial activity. The documents produced by him, in no way, prove that his Institute is not a commercial venture.

We are, therefore, of the view that the non-applicant's action treating the applicant's Institute as a commercial activity is correct. The contentions raised by the non-applicant deserve favourable consideration.

During the course of hearing, the applicant raised a point that the non-applicant has a bias against the applicant. However, we are not convinced about this contention. The applicant's Institute is charged tariff meant for commercial activity with effect from March – 2001 when it came to be inspected by the non-applicant although the applicant started this Computer Institute in January 1996. This fact alone proves that there is no prejudice or bias against the applicant.

In the light of above, we are of the view that there is no substance in the grievance of the applicant. We, therefore, reject the grievance application filed by the applicant.

(Smt. Gauri Chandrayan)
MEMBER

(S.D. Jahagirdar)
CHAIRMAN

**M.S.E.B.'S CONSUMER GRIEVANCES REDRESSAL
FORUM, NAGPUR URBAN ZONE, NAGPUR.**