

**BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM**  
**AURANGABAD ZONE, AURANGABAD**

Case No. CGRF/AZ/AUR/U/2005/ 10

Date of Filing: 26 / 09 / 2005.

Date of decision: 23./ 11 / 2005

**Mrs. Smita S.Shelke -- The Consumer Complainant.**

**R/o plot No.201,Samarthnagar,Aurangabad.**

**V/s**

**MAHARASHTRA STATE ELECTRICITY  
DISTRIBUTION COMPANY LTD. ( MSEDCL)**

**The Distribution Licensee.**

Sub: Grievance under the Maharashtra Electricity Regulatory  
Commission,(Consumer Grievance Redressal Forum  
and Ombudsman) Regulation 2003

1. The consumer complainant Mrs.Smita S.Shelke,  
( Con.No. 490010383118 ) has filed her grievance in  
Annexure “ A “ before this Forum on 26.09.2005 under  
regulation No. 6.5 of The Regulations 2003. A copy of the  
grievance was forwarded on 26.09..05 to the Nodal officer  
and Executive Engineer (Adm) in the office of the  
Superintending Engineer, Urban Aurangabad with a request  
to furnish his response on the grievance within fifteen days  
and hearing in the matter was fixed on 17.10.05.
2. The grievance of the consumer in brief is as stated below.  
The Consumer has taken electrical connection for her  
residence for the two tenements situated at Plot No. 201,  
Samarthnagar, Aurangabad. Since she had shifted to other  
Place ,namely Cidco , she had given the tenements on rent,  
one for residential and other for commercial purpose and the  
tenants are charged tariff for their respective categories i.e  
residential & commercial. It is further stated that she has  
received bill for Rs. 10700/ which included Rs.10000/ as  
SLC. She approached Dy. Executive Engineer and told that  
SLC charges are not accepted to her and paid only the bill

for electricity charges. She again received bill which included arrears of SLC charges along with DPC, interest etc.

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She again referred the matter to the Supdt. Engineer but however she was asked to pay the SLC charges and for her failure to do so her supply was cutoff. After contacting the concerned officer she paid Rs. 5000/ under protest. The contention of the consumer is that she is not prepared to pay the SLC charges but she will pay the same only if the D.L. agrees to return the same if the premises on rent for commercial purpose cease to be used for commercial purpose.

3. On the date of first hearing i.e. 17.10.2005 the representative of the consumer was present. The Nodal officer along with Divisional Accountant was present on behalf of D.L. No response to the grievance was filed by the Nodal officer. However on his request the case was adjourned to 21.10.2005.
4. On 21.10.05, the Nodal officer & Divisional Accountant were present on behalf of D.L. .The representative of the consumer was present. The Nodal officer filed his response to the grievance .In the response the Nodal officer has stated that the consumer was granted connection for residential purpose whereas it is found that she is using supply for commercial purpose without prior permission from MSEDCL and the SLC has been charged as per circular No. 138 dt.13.02.91. Since no copy of the circular referred to in the response the reply was filed ,the N.O. was directed to file the same and the case was adjourned to 26.10.2005.
1. On 26.10.2005,the representative of consumer and the Nodal officer were present. The Nodal officer did not file copy of the circular and again applied for granting some time to

produce the same. Granting the request the case was adjourned to 14.11.2005.

2. On 14.11.05 , the Nodal officer was present. No body was present on behalf of consumer. The Nodal officer filed copy of the circular No.408 dt. 5.1.2005.
3. Irrespective of the fact that the Nodal officer has stated circular No. 138 as the base for charging SLC, he has not filed copy of the same. Therefore it would not be out of place to assume that the response of the Nodal officer is not correct. The circular filed bears Sr.No.408 and is related to change in category of the consumer vis –a- vis revision in applicability of tariff.

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4. The circular has assumed three situations and in relation to these situations action to be taken has been enumerated therein. The two relevant situations ( third being not relevant) are as below.
  - a) The consumer on his own desires change in category due to proposed change in usage of electricity and approaches the Board in advance,
  - b) The consumer is detected using electricity authorizedly for a different purpose other than the purpose approved by the Board,

In second situation, it is stipulated in the circular that action as per section 126 of the Electricity Act 2003 should be initiated .

9. On going through section 126 of the Act 2003, we find that

the section relates to assessment in cases where a person is indulging in unauthorized use of electricity. .Clause (b) of explanation to sub section 6 of section 126 defines unauthorized use of electricity as the usage of electricity for the purpose other than for which the usage of electricity was authorized. The consumer has stated that both the tenements for which connection was granted were being used for residential purpose before she shifted to new premises. Though the consumer has stated that tariff for commercial purpose is being recovered from her on account of one tenement being leased to architectural firm, has not stated that she had applied to the D.L. in advance for the proposed change in purpose.

10. Regulation 6.4. of the Maharashtra Electricity Regulatory Commission ( Consumer Grievance Redressal Forum & Ombudsman ) regulation 2003 stipulates that the grievance falling within the preview of any of the following provisions of the Act 2003 are excluded from the jurisdiction of Forum.. And unauthorized use of electricity as provided under section126 of the Act has been mentioned thereunder besides other three situations. Since the case involving unauthorized use of electricity as provided under section 126 of the Act have been excluded from the jurisdiction of Forum, we are not in a position to consider the grievance under the provisions of the Regulation 2003.

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Hence the following order.

The grievance of the consumer stands discharged for want of jurisdiction.

**Inform the parties and close the case.**

**(H.A.KAPADIA)**

**( V.G.JOSHI)**

**( R.K.PINGLE)**

**MEMBER**

**MEMBER SECRETARY**

**CHAIRMAN**