

**ग्राहक गा-हाणे निवारण मंच**  
**महाराष्ट्र राज्य विद्युत वितरण कंपनी मर्यादित**  
**औरंगाबाद परिमंडळ, औरंगाबाद.**

Old Power House Premises, Dr.Ambedkar Road, Aurangabad. Phone: 0240 - 2336172

No,CGRF/AZ/U / 207 / 2009 / 41 /

Date :-

To,  
**The Executive Engineer ( Administration)**  
**O/O Superintending Engineer ,**  
**O&M Urban Circle , M.S.E.D.C.L.,**  
**Aurangabad.**

Sub:- Forwarding of grievance in respect M/S Empire Mall , Plot No. P-80, MIDC Chikalthana Aurangabad.  
**(Consumer no. 490019043380)**

Dear Sir,

Please find enclosed herewith a copy of the grievance application received by the Forum from Forwarding of grievance in respect M/S Empire Mall , Plot No. P- 80, MIDC Chikalthana Aurangabad.

The consumer has requested for passing an interim order for not to disconnect his supply on account of wrong assessment bill issued by Distribution Licensee.

You are requested to submit your para wise reply on the grievance at the time of hearing. The hearing in the matter will be held on 15.04.2009 at **14=00 Hrs.**

Encl: As above

Member/Secretary  
CGRF(AZ) MSEDCL  
Aurangabad.

Copy to:-  
M/S Empire Mall , Plot No. P-80, MIDC Chikalthana  
Aurangabad.

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

( Case No. CGRF / AZ /AUR / U / 207 / 2009 / 41 ).

M/S Empire Mall Pvt.Ltd.  
Plot No. P-80, MIDC, Chikalhana  
Aurangabad.

( Consumer No. 490019043380)

**Consumer Complainant.**

V/s

MAHARASHTRA STATE ELECTRICITY DISTRIBUTION  
COMPANY LTD. Urban Circle,Aurangabad.

**The Distribution Licensee.**

**Date:- 16.04.2009**

**Sub:** Grievance under the Maharashtra Electricity Regulatory  
Commission, (Consumer Grievance Redressal Forum  
and Ombudsman) Regulations, 2006.

**INTERIM ORDER**

The consumer has filed his grievance in the Forum regarding bill of Rs. 35,49,322=96 issued by the Distribution Licensee ( hereinafter referred to as D.L.) and notice for disconnection on failure of aforesaid amount before 06.04.2009. The consumer contended that he has taken electricity supply for construction of Mall at above said location. The consumer further stated that , on receipt of first electricity bill , vide his letter dt.18.07.2007, he brought to the notice of the concerned officials of the D.L.about the incorrect tariff levied in the bill. The consumer also stated that after release of power at his site, the representative of the D.L. regularly visits his construction site for taking monthly meter reading and also contended that he has no intention to hide the correct use of electricity. The consumer in his grievance filed before the Forum requested the Forum to pass an interim order directing the D.L. not to disconnect his electricity supply till disposal of his grievance filed before the Forum.

The grievance of the consumer was admitted as per Regulation No. 6.5 of Maharashtra Electricity Regulatory Commission The hearing on the application of the consumer for passing interim order was kept on 15.04.2009.

On the date of hearing, i.e. on 15.4.09 , consumer representative Shri S.M.Chobe was present. Shri S.G.Rathore was present on behalf of Distribution Licensee. Nodal officer filed an application for postponement of hearing stating that he has not received documents related to the matter. However he verbally stated that since the bill is issued under section 126 of the Electricity Act 2003, it is beyond jurisdiction of the Forum and requested the Forum to dismiss the grievance filed by the consumer.

On hearing both the parties and on going through the documents filed by the consumer , we observed that the power supply has been sanctioned by the concern authority of the D.L. showing purpose of use of electricity as for “ Mall” and the connection on HT side was released to the consumer on 07.06.2007. The consumer , on 18.07.2007, after receipt of first electricity bill, intimated the D.L. about incorrect tariff levied in the bill. In the said letter he also mentioned that the electricity is being used for construction purpose and requested to issue bill as per tariff applicable for construction purpose . In spite of this fact bills were not corrected by the D.L. and this situation went on till the 19.03.2009 .It is on 31.03.2009, the Supdt. Engineer, Urban Circle, Aurangabad vide his letter asked the consumer to make payment of Rs.35,49,322=96 towards alleged misuse of power before 06.04.2009 failure of which his supply will be disconnected.

The Forum, prima-facie observed that D.L. after releasing the power supply has issued monthly bills by applying wrong tariff. The representatives of the D.L. regularly visits the site of consumer for taking monthly meter reading and are well aware of the purpose for which the electricity is being used. The consumer on other hand intimated the D.L. about wrong tariff applied in the bills from the date of receipt of first electricity bill and requested the D.L. to issue bill as per tariff applicable for construction purpose, thereby showing his integrity.

In view of above observations, we are of the opinion that the grievance filed by the consumer does not come under section 126 of the Electricity Act 2003 and is billing dispute arise out of wrong application of tariff.

We therefore direct the D.L. not to disconnect the electricity supply of the consumer till disposal of his grievance filed before the Forum. The next date of hearing in this matter is kept on 28.04.2009.

**( H.A.Kapadia )**  
**Member**

**( P.A.Sagane )**  
**Member Secretary**

**(V.A.Hambire)**  
**Chairman**

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

**Case No. CGRF/AZ/AUR/U /207/ 2009/41**

**Date of Filing: 13.04.2009**

**Date of Decision: 02.06.2009**

**M/s Empire Mall  
Plot No. P-80, MIDC  
Chikalthana , Aurangabad.**

**Consumer Complainant.**

**V/s**

**Maharashtra State Electricity Distribution Co.Ltd.  
Urban Circle, Aurangabad.**

<b>Corum:</b>	<b>Shri V.A.Hambire</b>	<b>President</b>
	<b>Shri H.A.Kapadia</b>	<b>Member</b>
	<b>Shri A.P.Sagne</b>	<b>Member/Secretary</b>

**Sub: Grievance under the Maharashtra Electricity  
Regulatory Commission, (Consumer Grievance  
Redressal Forum and Ombudsman) Regulations 2006.**

The consumer complainant through its representative Shri Ramesh Kankariya, has filed this grievance in Annexure "A" before this Forum on **13.04.09**, under Regulation No. 6.10 of the Regulations 2006. The grievance of the consumer was registered in this office at Sr.No. 207/2009/41 and was forwarded to the Nodal Officer, (Adm.) in the office of the Superintending Engineer, O&M Urban Circle, Aurangabad and hearing in the matter was kept on 15/04/2009

The grievance of the consumer, in brief, as per consumer, is as stated below..

1. The consumer has applied for electricity connection for Mall in the month of May 2007 for contract demand of 150 KVA and connected load of 200 Kw. with the Distribution Licensee (hereinafter referred to as D.L.) The same was sanctioned by the Supdt .Engineer, Urban Circle, Aurangabad vide his letter No. SE/AUC/Tech/02559 and the supply was released on 07.06.2007. The consumer contended that he has started the construction activity after release of electricity supply at site. The consumer further contended that on receipt of first electricity bill i.e. for the month of June 2007, he has informed the Superintending Engineer, MSEDCL, Urban Circle, Aurangabad by his letter 18.07.2007 about the incorrect tariff charge in the bill and requested to issue correct bill. The consumer also stated that on 20/03/2009 , the representative of D.L. visited his site and inspected the premises and issued a assessment bill of Rs. 35,49,322=96 towards assessment for alleged misuse of electricity and was asked to pay the same before 06.04.2009. The D.L. also send him a notice stating that his power supply will be disconnected on non payment of the said assessment bill. The consumer in his grievance filed before the Forum stated that he has , on receipt of very first bill informed the concerned authority of the D.L. about the incorrect tariff levied in the bill and therefore section 126 of the E.I. Act 2003 does not apply in his case. The consumer also contended that the representative of the D.L. visits his premises every month for taking monthly meter reading & are well aware about the fact that the electricity is being used for construction purpose. The consumer stated that he is ready to pay the bill as per applicable tariff and requested the Forum to direct the D.L. to withdraw the notice of disconnection, to withdraw the assessment bill and to issue the revise bill as per applicable tariff. The consumer also requested the Forum to pass an Interim order directing the D.L. not to disconnect his electricity supply till disposal of his grievance.
- 2 On 13/04/2009 consumer representative Shri S.M.Chobe was present. Nodal Officer, Shri G.S.Rathor, was present on behalf of the Distribution Licensee. Nodal Officer did not file any reply on the grievance but orally stated that the Forum do not have jurisdiction as the assessment bill is issued under section 126 of the E.I. Act 2003. The consumer representative stated that the power supply was released for construction activity of a Mall and he has submitted his application for permanent demand of 9900 KVA

which has been now sanctioned by the D.L. He also further stated that on receipt of very 1<sup>st</sup> electricity bill in the month of July 2007, by his letter dated 18/07/2007, he has brought to the notice of concerned authority about the incorrect tariff charged in the bill. He also stated that in the application filed by him for enhancement load, he has very clearly mentioned that the construction activity will be completed by March 2008. which alternatively means that the present power supply is utilized for construction purpose.

On hearing both the parties, prima facie, Forum observed that the grievance filed by the consumer is related to incorrect tariff applied in the bill and not pertaining to Section 126 of the E.I. Act 2003. The Forum therefore passed an Interim order directing to D.L. not to disconnect electricity supply of the consumer till disposal of grievance filed by the consumer before the Forum. The Nodal Officer was directed to submit his reply before next hearing which was kept on 28.04.2009.

On 28.04.09, consumer representative was present. Nodal officer Shri Rathore along with Shri Mane, Asst. Engineer & Shri Kinnor, Asst. Engineer were present on behalf of D.L. Nodal officer filed his reply on the grievance and stated that the consumer has taken electricity supply for Mall and later on started utilizing the same for construction activities. The Flying squad of D.L. visited the site and after inspection found that the power supply is being used for other purpose than for which is provided and therefore assessment bill of Rs. 35,49,322.96 was issued to the consumer and the same is correct and is as per provision in Act. Since the Nodal officer did not file copy of consumers application, load sanction form, copy of agreement, load details etc, Forum directed the Nodal officer to file all the relevant documents before next hearing which was kept on 5.5.09.

3. On 05.05.2009, consumer and Nodal officer were present. Nodal officer filed A-1 form, load application form, test report, copy of agreement etc and stated that in all the documents consumer has mentioned that the power supply is required for Mall activity. Consumer filed copy of bill for the month issued by the D.L. for the month of March 2009 and stated that D.L. has now issued bill as per correct tariff which was demanded by him in July 2007. He also stated that he is ready to pay previous bills, if revised. He requested the Forum to direct the D.L. to withdraw the penalty charges and assessment as per section 126 of the E.I. Act 2003.

Nodal & consumer were asked to file related documents, if desired, in support of their say before 12.5.09 and the matter was kept for decision.

On going through the documents placed before us and on hearing both the parties, we observed that D.L. has released the power supply for Mall activity in the month of June 2007. However the list of machinery ( Welding m/c, concrete mixer etc.) attached with the application for power supply, and **mentioned in the test** report, discloses that the same are used for construction activity i.e. not a part of regular load required for Mall. The consumer on receipt of first electricity bill in the month of June 2007, filed his application on 18.7.07 and brought to the notice of D.L. that tariff charged in the bill is incorrect. The consumer in the said letter also mentioned that the bill issued to him is with high tariff and such high tariff is applicable only when Mall activity will start. This letter very clearly shows that the consumer has intimated the D.L. that the power is being used for construction activity even though he has wrongly anticipated that the charges of temporary power supply are less than the regular charges applicable for Mall activity. It is pertinent to note that the D.L., on receipt of consumer's application for power supply of 150 KVA contract demand and 250 Kw connected load, after due inspection, verification and after techno-commercial feasibility reports, released the power at site where construction activity for Mall was undergoing. On going through the agreement made on 8<sup>th</sup> Day of June 2007 , we observe that in the sub head " charges for supply" nothing has been mentioned about the rates or tariff applicable.

We further observed that D.L. has released the power supply to the consumer on HT side ( 11kv voltage level) in the month of June 2007 . The monthly readings were taken since then regularly by the officials of the D.L. It is impossible to believe that during such visits or inspection, consumer has hide the purpose of use of power. The contention of Nodal officer that consumer has misused the power for construction purpose is therefore cannot be accepted.

It is pertinent to note that in spite of consumer's letter about incorrect tariff levied in the bill , no action to rectify and issue correct bills was taken by the D.L. till the site was inspected on 20.3.09 by vigilance branch.

It is only after the inspection carried out by Vigilance squad of the D.L. on 20.03.2009, the allegation for misuse of power was made and a assessment bill under section 126 of E.I. Act 2003 was served to the consumer. Had it been a case where power supply has been given to a existing Mall and then the same was extended or used for construction activity , such action would have been appropriate and certainly covered under section 126 of the Act. But in the present matter, D.L., after inspecting the site and with full knowledge about the use of power for construction purpose, has sanctioned and released the connection and issued monthly bills as per HT II tariff. The consumer on receipt of very first bills has brought to the notice of concerned authorities of D.L. about incorrect tariff levied in the bill showing his fair intention to pay the bill as per applicable tariff. The application form for load of 9.9 MVA also discloses that against column No.12, consumer has very clearly mentioned that construction activities will be over by March 2008, which alternatively means that construction activities were undergoing at the time of submitting application and power supply was used for construction purpose.

In view of above observations , we are of the opinion that since the consumer has brought to the notice of the D.L. about incorrect tariff charged on receipt of very first bill and also intimated about status of construction activity at the time of submitting application for load of 9.9 MVA , the assessment bill issued as per section 126 is not correct and is therefore required to be quashed. The consumer is required to be billed on the basis of difference in rates of the two tariff i.e. tariff rates applicable for commercial and temporary connection .



**Hence the following order:**

**ORDER**

- 1. The assessment bill of Rs.35,49,322=96 is quashed.**
- 2. The D.L. is directed to issue revise bill from June 2007 to March 2009 on the basis of rates applicable for temporary connection tariff.**
- 3. No interest and DPC charges shall be levied in the revised bill.**
- 4. The amount paid by the consumer shall be given set off while issuing the revise bill.**

**The D.L. and the consumer shall comply with the above order and report compliance to the Forum.**

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

**(H.A.Kapadia)  
Member**

**(P.A.Sagane)  
Member/Secretary**

**(V.A.Hambire)  
Chairman**

**Case No. 2009 / 41**

**Page No. 06 / 06**

**ग्राहक गा-हाणे निवारण मंच**  
**महाराष्ट्र राज्य विद्युत वितरण कंपनी मर्यादित**  
**औरंगाबाद परिमंडळ, औरंगाबाद.**

जुने पावर हाऊस परिसर.डॉ.बाबासाहेब आंबेडकर रोड, मिल कॉर्नर, औरंगाबाद. - ४३१ ००१, दुरध्वनी व फॅक्स -०२४० - २३३६१७२.

**Case No: CGRF/AZ/U/207/2009/41/**

**Date:-**

**To,**

1. **The Executive Engineer (Adm.)**  
**O/O Superintending Engineer**  
**O & M , Urban Circle, M.S.E.D.C.L.**  
**Aurangabad.**
2. **M/s Empire Mall,**  
**Plot No.P-80, MIDC,Chikalhana,**  
**Aurangabad**

---

**Sub: Grievance incase No. ( Case No:CGRF/ AZ/ U/207/2009 /41 )**

---

**Please find enclosed herewith a copy of order passed by  
the Forum in the case mentioned above.**

The consumer, if not satisfied with the decision of the Forum , is at liberty to make a representation to the Electricity Ombudsman, the contact details of whom is as under, within a period of 60 days from the date of this order.

Encl: A/A

Contact Details of Electricity Ombudsman:

**The Electricity Ombudsman**  
Maharashtra Electricity Regulatory Commission  
606-608, Keshava Building  
Bandra-Kurla Complex, Mumbai 400 051  
Tel.No. 022-26590339

**Copy submitted with respect to:-**  
**The Chief Engineer(AZ)**  
**MSEDCL, Aurangabad.**

