

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

Case No. CGRF / AZ / AUR / R / 590 / 2016 / 21

Registration No. 2016070010

Date of Admission 05.07.2016

Date of Decision 03.09.2016

M/s. B.G. Shirke Constn. Tech. Pvt. Ltd. COMPLAINANT
C/o. Gut No. 74-P, Village Deolai,
Dist. Aurangabad 431 001.

VERSUS.

The Executive Engineer(Admn), RESPONDENT
Nodal Officer,
O/O Superintending Engineer,
MSEDCL, Rural Circle,
Aurangabad

CORAM

Shri Dr.Bhaskar G. Palwe	Chairman
Shri Uttam M. Urkude,	Member/Secretary
Shri Vilaschandra S.Kabra	Member.

CONSUMER GRIEVANCES REDRESSAL DECISION

The Complainant , Shri B.G. Shirke Construction Technology Pvt. Ltd., C/o. Gut No. 74-P, Village Deolai, Dist. Aurangabad 431 001 (Consumer No. 4914000053591) has filed a complaint against Executive Engineer(Admn), MSEDCL, Rural Circle, Aurangabad under Maharashtra Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Electricity Ombudsman) Regulation 2006 in Schedule 'A' on 05.07.2016

The brief details of the complaint are as under.

The complainant's representative Shri H.A. Kapadia submitted that, the Respondent has sent 15 days disconnection notice dtd. 23.06.2016 showing arrears amount of Rs.5012490/- which is not correct. The complainant has pointed out the provisions of Section 56 of the electricity act 2003. Accordingly no sum due from any consumer, under this section shall be recoverable after the period of two years from the date when such a sum became first due, unless such a sum has been shown continuously as recoverable as arrears of charge of electricity supplied and the licensee shall not cut off the supply of electricity.

The complainant has submitted that there are no dues on the said consumer No. 491000053591 and therefore notice of this connection of supply is illegal in the eyes of law. The complainant has already filed objection against disputed bill issued in respect of consumer No. 49000043111. A separate Petition has been filed before the honorable Forum.

In view of the above complainant has prayed as under.

- 1) The application may be allowed.
- 2) The disconnection notice dated 23.06.2016 may be set aside.
- 3) The respondent may be directed no to disconnect electric supply.

Say of Executive Engineer(Admn), Nodal Officer, O&M Rural Circle, M.S.E.D.C.L. Aurangabad - Respondent

Shri N. R. Gandhale, Executive Engineer, Rural Division-1, Aurangabad submitted that, M/s. B. G. Shirke Constructions (Consumer No. 491 000053591) has taken commercial connection for the construction purpose from the respondent, the complainant has again taken another connection for industrial purpose having

Consumer No. 491000043111 on dtd. 10.11.2012 for 100 HP load in the same premises.

On 13.01.2015 Additional Executive Engineer, flying squad has carried out the spot inspection of connection No. 491000043111, it was found that consumer was using electricity for construction purpose. However, it is billed according to the industrial tariff.

According to section 126 of Electricity Act 2003, the assessing officer has issued provisional bill of Rs. 4693501/- on 16.01.2015. It was later made final, the consumer was requested to pay the bill several times, however the consumer didn't pay, therefore the connection having consumer No. 491000043111 was permanently disconnected on 28.01.2016.

Both connections having consumer No. 491000043111 and consumer No. 491 000053591 belongs to the same owner at the same premises and hence, it is the responsibility of the owner to pay the bills. Therefore, the consumer was given a notice of 15 days to pay the total bill of Rs. 5012490/- on 23.06.2016 otherwise; the connection of consumer No. 491000053591 will be disconnected.

Observation of the Consumer Grievance Redressal Forum.

- 1) The complainant is carrying out the business of construction & development of LIG 404 tenements of MHADA at Gut No. 74 (P), Deolai, Aurangabad, where there is no any industrial activity.
- 2) The connection No. 491000043111 having connected load of 100 HP for industrial purpose is released on 10.11.2012 & to consumer No. 491000053591 on 06.06.2013 for commercial purpose.

- 3) On 13.01.2015, Additional Executive Engineer, Flying Squad, Aurangabad(R) carried out a spot inspection of consumer No. 491000043111. It was found that electricity was used for construction purpose, instead of industrial purpose.
- 4) The assessing officer has issued a provisional bill of Rs. 4603591/- on 16.01.2015 under Section 126 of the Electricity Act 2003. The bill was later made final.
- 5) The complainant not paid the assessment bill; hence 15 days notice issued on 09.10.2015 and the connection No. 491000043111 is permanently disconnected on 28.01.2016 due to the nonpayment of outstanding arrears.
- 6) As said both the connections are of the same owner and at the same premises, due to nonpayment of outstanding arrears of Consumer No. 491000043111, it is adjusted to the existing connection No. 491000053591.
- 7) The complainant has not paid the above mentioned bill and therefore 15 days disconnection notice was issued for consumer No. 491000053591 on 23.06.2016.
- 8) It is observed that the complainant has dishonestly taken the connection No. 491000043111 for industrial purpose, even though there was not any industrial activity and used electricity for the construction purpose which is commercial activity.
- 9) This dishonest use of electricity for the purpose other than that which was authorized clearly establish the theft of electricity as per Section 135 (1) (e) of Electricity Act 2003 amendment 2007.
- 10) The disconnection notice Dated 23.06.2016 can not be set aside.

- 11) The respondent may disconnect the electric supply due to nonpayment of outstanding arrears.

In view of the above say & arguments of complainant, respondent and observations of the forum, this forum issues the following order.

ORDER

- 1) The complaint is rejected.
- 2) The compliance of the order shall be communicated within 30 days.

Sd/-
Dr.Bhaskar G. Palwe
Chairman

Sd/-
Uttam M. Urkude
Member / Secretary

Sd/-
Vilaschandra S.Kabra
Member