

CONSUMER GRIEVANCE REDRESSAL FORUM
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION COMPANY LTD.

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

No:- CGRF/AZ/AUR/U/ 446 / 2013 /30

Date :-

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

02) The Dy. General Manager(Planning)
GTL Ltd., T-9 Software Technology Park,
MIDC Chikalthana, Opp: ESI Hospital,
Aurangabad.

Sub:- Forwarding of grievance in respect of M/s Narang Industries, Ltd.,Plot No E 28,
MIDC, Chikalthana , Aurangabad
(Consumer No. 490012326812)

Dear Sir,

Please find enclosed herewith a copy of the grievance application received by the Forum, in respect of M/s Narang Industries Ltd.,Plot No E 28 ,MIDC, Chikalthana , Aurangabad

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 25.06.2013 at 11.30 Hours.

Member/Secretary
CGRF(AZ) MSEDCL
Aurangabad

Encl: As above

Copy to:-

M/s Narang Industries ,
Ltd.Plot No E 28, MIDC,
Chikalthana, Aurangabad.

Date of Admission. 11.6.2013.
Date of decision. 8.7.2013.
Duration

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
AURANGABAD ZONE, AURANGABAD.

Case No. CGRF /AZ/U/446/2013/30

1. M/s Narang Industries, Ltd.
Plot No. E-28 MIDC,
Chikalhana, Aurangabad. **COMPLAINANT.**

VERSUS.

2. Executive Engineer,(Adm.) **RESPONDENT.**
Nodal Officer,
O&M Urban Circle,
MSEDCL, AURANGABAD.

2. M/s GTL LTD.
T-9 IT Park,
MIDC, Chikalhana,
Aurangabad.

CORAM:

Shri V.B.Mantri Chairperson

Shri V.S.Kabra Member.

Shri S.K.Narwade Tech. Member.

REDRESSAL - DECISION.

1. The grievance of the complainant is against the provisional bill for Rs. 122810 issued on 29.10.2012 alleging for the bill off theft assessment.
2. The case of the complainant in brief is that, the complainant is the consumer of the respondent, bearing consumer No. 490012326812 carrying construction activity of I.T.Park and residential complex at the above premises. The respondent had released 14 KV load for construction purpose in the year 2007. The complainant is paying the bills regularly.
3. On 29.10.2012 the complainant received the disputed bill of Rs. 122810/- with the remark of “provisional bill for theft assessment”. On receipt of such disputed bill the complainant visited the office of the respondent and tried to submit the application but the respondent did not accept his application. The complainant requested the respondent No. 2 to provide the details of the bill, but the respondent did not provide any details. The complainant submitted reminder letter on 28.1.2013 however the respondent NO. 2 did not provide any details of the bills.
4. The respondent No. 2 called the complainant for hearing on 7.2.2013 as per provision u/s 126 of the Act and on such date the respondent No. 2 handed over the copy of inspection report dated 16.10.2012. Final bill is however is not issued u/s 126 of the Act.

5. The respondent has issued Notice of disconnection on 24.5.2013. Seals of the meter were found intact during the inspection. There was no theft of electricity. It is therefore prayed that the respondent NO. 2 be directed to withdraw the disputed bills, and token compensation of Re. 1, may be granted. Hence the complainant.

6. The respondent No. 2 GTL has submitted its reply to the complaint and thereby submitted that, the complainant has made unauthorized use of electricity. The provisional bill u/s 126(2) was issued to the complainant, on 20.10.2012. The complainant has submitted his objection for such provisional bill on 30.1.2013. The complainant was asked to remain present for hearing 14.2.2013 at 10.00am.u/s126 (3) of the Act. Assessed bills calculations and relevant documents were submitted to the complainant, on 7.2.2013. The complainant did not remain present on the date of hearing. He did not submit any evidence or submissions on the date of hearing. The remedy available to the complainant is to prefer appeal u/s 127 of the Act. This Forum has no jurisdiction to entertain the grievance.

7. This Forum heard submissions of Mr. Kapadiya for the complainant, and the Nodal officer for the respondent.

8. There is no dispute that the respondent No. 2 has issued provisional bill for theft assessment. The Nodal Officer has pointed out that sanctioned load to the complainant is 20.00KV whereas the connected load is found 36.70 KV, during the inspection dated 16.10.2012. On the provisional bill it has been noted that the complainant was found using more than sanctioned load. It has been submitted that the tariff changes after 20 KV and thereby it is a case of unauthorized use of electricity.

9. Mr. Kapadiya for the complainant on the other hand has submitted that, the complainant in response to the provisional bill has submitted his representation and had asked for the details of the bill but the respondent did not issue the details of the bills. It has been submitted that there was hearing but the respondent did not issue the final bill. The respondent has issued the notice of disconnection. He placed reliance on the judgment passed by Ombudsman in representation No. 67 of 2012.

10. The provisional bill speaks that, the sanctioned load is 20 KV, and connected load is 36.70 KV. There is no dispute regarding the fact of sanctioned load and connected load. It is however clarified that, the complainant is making payments of the consumed energy and such it is not case of theft. On the other hand it is submitted that tariff changes on load exceeding 20 KV. The said fact is not disputed. Hence prima facie it appears that it is case of unauthorized use of electricity which covers and attracts section 126of the Act. The respondent NO. 2 has issued

provisional bill u/s 126 of the Act. It is further seen that the complainant has applied for the details of the bills on 28.1.2013. The complainant has then sent another application by registered post on 30.1.2013. The said application has been treated as objection for the bill. The respondent has issued notice of hearing. The only omission which is noticed is that the respondent did not issue final bill might because the complainant did not remain present on the date of hearing, however issuance of final bill is necessary so that the complainant can seek the remedy u/s 127 of the act. As it is prima facie case is found to be of unauthorized use of electricity, this Forum does not have jurisdiction to entertain the grievance. The respondent should however be directed to issue final bill. The judgment of Ombudsman on which complainant has relied is not applicable to the facts of the present case. This Forum thereby proceeds to pass following order.

ORDER.

1. This Forum has no jurisdiction to entertain the present grievance.
2. The respondent shall issue the final bill u/s 126 of the Act, within a week from the date of this order.
3. Interim order is hereby vacated.

(V.B.Mantri)
Chairperson

(S.K.Narwade)
Member/Secretary,

CONSUMER GRIEVANCE REDRESSAL FORUM
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION COMPANY LTD.
AURANGABAD ZONE AURANGABAD.

Old Power House Premises, Dr.Ambedkar Road, Aurangabad. Phone No.2336172

No. CGRF/AZ/Aur/U/446/2013/30

Date :-

To,

- 01) The Executive Engineer (Administration)
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Aurangabad.
- 02) The Dy .General Manager(Planning)
GTL Ltd., MIDC, Chikalthana,
Aurangabad.
- 03) M/s Narang Industries ,
Ltd.Plot No E 28, MIDC,
Chikalthana, Aurangabad.

(Consumer No 490012326812)

Sub:- Grievance in Case No. CGRF/AZ/Aur/U/ 446 /2013/30

Please find enclosed herewith a copy of the 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: As above

Member/Secretary,
CGRF(AZ) MSEDCL,
Aurangabad

Copy submitted with respect to:-

The Chief Engineer(AZ)
MSEDCL, Aurangabad.

Contact details of:

The Electricity Ombudsman,

Plot No.12, Shrikrupa, Vijaynagar, Chhaoni, Nagpur – 440 013

Phone No.(Office) (0712) 20 22 198 (E-mail – cgrfnz@gmail.in)

