

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

**Case No. CGRF/ AZ/ AUR/ U / 633/ 2017 / 26
Registration No. 2017060014**

Date of Admission 03.06.2017
Date of Decision 18.08.2017

Smt. Mangal Motilal Jagtap,
Shop No. -18, Jalna Road,
Mukundwadi Bus Stop,
Aurangabad
(Consumer No. 490012450891)

COMPLAINANT

VERSUS.

The Executive Engineer (Administration)
Nodal Officer, O/O Superintending Engineer ,
Urban Circle, MSEDCL, Aurangabad.

RESPONDENT

CORAM

Shri Laxman M. Kakade,

Chairman (I/c)

Shri Laxman M. Kakade,

Member Secretary

Shri Vilaschandra S. Kabra

Member.

CONSUMER GRIEVANCE REDRESSAL DECISION

The applicant Smt. Mangal Motilal Jagtap, Shop No. -18, Jalna Road, Mukundwadi Bus Stop, Aurangabad is a consumer of Mahavitaran having Consumer No. 490012450891. The applicant has filed a complaint against the respondent, the Executive Engineer i.e. Nodal Officer, MSEDCL, Urban Circle, Aurangabad under Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulation 2006 in Annexure(A) on 03.06.2017.

The brief details of the complaint are as under.

The complainant is running small food centre (Bhojnalaya) at Shop No. 18 at Mukundwadi, Jalna Road, Aurangabad. The complainant is commercial user of electricity. The meter issued by MSEDCL stands in the name of Smt. Mangal Motilal Jagtap. There was no dispute about bills and functioning of meter bearing 02373816 till April 2015. The said meter was replaced by new meter bearing No. 13231040 by Respondent in the month of May 2015. Old meter bearing Sr. No. 2373816 was tested by Testing Division of Respondent on 27.05.2015, in presence of complainant. The testing report discloses that meter was O.K. , but do not show proper display. In spite of meter found O.K., respondent issued a bill of Rs. 98150/- for the month of May 2016 as adjustment bill. Complainant requested to provide details of bill adjustment shown in the bill. Further from October 2016 to December 2016 no reading was taken. The complainant was shocked to receive a bill of 7126 Units in the month of

January 2017 (initial and final reading shown were 200 & 7326 respectively). Total bill amount shown was 203297/-. The complainant once again visited to Respondent and requested to inspect the meter and issue revised bill. Complainant paid Rs. 150/- towards testing charges of meter on dtd. 15.02.2017.

After hearing IGRC passes its order on 18.02.2017 and dismissed the grievance on the ground of jurisdiction. The complainant filed his grievance before the District Consumer Redressal Forum at Aurangabad which has dismissed the grievance as the electricity supply was taken for commercial purpose. During the hearing before IGRC it was told by the representative of MIDC Chikalthana office that the amount Rs. 97590/- was included in the bill of May 2016 on the basis of inspection carried out by Flying Squad, Jalna. The bill is said to be issued under Section 126 of Electricity Act 2003. Neither copy of panchanama nor inspection report was handed over to complainant. No provisional bill or final bill was received by the complainant till today which is mandatory, in case of assessment under Section 126. New meter bearing Sr. No. 13231040 inspite of payment of testing charges of Rs. 150/- on 15.02.2017, till date it is not tested. (It recorded consumption of 7126 units for the period of October 2016 to January 2017 for four months).

Complainant pray for revised bill as per testing report dated 27.05.2016 which shows O.K.

Complainant submitted copy of assessment Rs. 76453/- showing only due date 10.06.2016 and said that Addl. EE falsely reported the assessment amount as 93, 049/-

Say of Executive Engineer, Nodal Officer, Aurangabad Urban Circle.

Smt. Mangal Motilal Jagtap, Shoplet No. -18, Jalna Road, Mukundwadi Bus Stop, Aurangabad is a consumer of Mahavitaran having Consumer No. 490012450891 in commercial category.

On dtd. 23.05.2016 Flying Squad, Jalna inspected the site. Electricity user is Shri Kanahyyalal Joshi found in unauthorise use of electricity. According to spot inspection report, panchnama On dtd. 23.05.2016 & Meter Testing Report on dtd. 27.05.2016, Flying Squad, Jalna asked Addl. Executive Engineer, Chikalthana to issue bill for unauthorise use of electricity as per Section 126 of Electricity Act 2003. Accordingly Addl. Executive Engineer, Chikalthana has issued assessment bill of Rs. 93049/- to consumer.

Initially, consumer has issued assessment bill 76,453/- as a theft under section 135 on dtd. 07.06.2016 wrongly. As per Office Note put up by Assistant Accountant, Chikalthana unauthorized bill issued to consumer was wrongly given under section 135 and is to be corrected under Section 126. Accordingly revised bill of assessment Rs. 93,049/- is given to the consumer.

As per CGRF Regulations 2006 Regulation 6.8 grievance falls within purview of unauthorized use of electricity as provided under Section 126 of the act is excluded from jurisdiction of CGRF. Hence grievance should be rejected.

Observations of the I/c Chairperson & Member Secretary

- 1) Dy. EE, Flying Squad, Jalna inspected the site of Smt. Mangal Motilal Jagtap on dtd. 23.05.2016. According to spot inspection report, panchnama and Meter Testing Report on dtd. 27.05.2016 also these reports are prepared in presence consumer representative Shri Kahhayyalal Laxman Joshi and also signed him, accordingly Dy.EE, Flying Squad, Jalna asked concerned Addl. EE, Chikalthana Sub Division to take action as per Section 126 of Electricity Act 2003, as meter has no seals (Seals broken) no display and meter terminal cover found opened. Also no pulses found in meter after giving 20 amp. load.
- 2) Addl. EE, Chikalthana has issued bill under section 135 amount Rs. 76453/- on dtd. 07.06.2016 and corrected by Office Note to under Section 126, amount Rs. 93049/-
- 3) Consumer has raised complaint of only high amount bill received at IGRC, Urban Circle, Aurangabad on dtd. 21.01.2017. IGRC has rejected the case stating that this case comes under Section 126 of Electricity Act 2003 & action as per Section 126 / 135 not comes under its jurisdiction.

- 4) Consumer is demanding for testing of meter as he has paid testing fees Rs 150 on date 15.02.2017, but Addn. EE said that same consumer detected in theft as on 30.06.2017 hence issue of meter testing is not importance here.

In case of unauthorise use of electricity under Section 126, complainant has liberty to approach to appropriate authority as prescribed under Indian Electricity Act Section 127.

As per CGRF Regulations 2006 Regulation 6.8 grievance falls within purview of unauthorized use of electricity as provided under Section 126 of the act is excluded from jurisdiction of CGRF. Hence the following order 1) The application of the consumer is rejected. 2) Recover arrears as per Rules of MSEDCL. 3) The compliance shall be reported within 30 days.

Differ Opinion of Shri V. S. Kabra, Member(CPO), CGRF, Aurangabad Zone is given as under :

The brief details of the complaint are as under:

This case is an appeal against IGRC order.

The complainant is running small food centre (Bhojnalaya) at Shop No. 18 at Mukundwadi, Jalna Road, Aurangabad. The complainant is commercial user of electricity. The meter issued by MSEDCL stands in the name of Smt. Mangal Motilal Jagtap. There was no dispute about bills and functioning of meter bearing 02373816 till April 2015. The said meter was replaced by new meter bearing No. 13231040 by Respondent in the month of May 2015. Old meter bearing Sr. No. 2373816 was tested by Testing

..7/-

Division of Respondent on 27.05.2015, in presence of complainant. The testing report discloses that meter was O.K. , but do not show proper display. Inspite of meter found O.K.

Inspite of meter found O.K., respondent issued a bill of Rs. 98150/- for the month of May 2016 as adjustment bill. Complainant requested to provide details of bill adjustment shown in the bill. Further from October 2016 to December 2016 no reading was taken. The complainant was shocked to receive a bill of 7126 Units in the month of January 2017.

Complainant paid Rs. 150/- towards testing charges of meter on dtd. 15.02.2017. After hearing IGRC passes its order on 18.02.2017 and dismissed the grievance on the ground of jurisdiction. The complainant filed his grievance before the District Consumer Redressal Forum at Aurangabad which has dismissed the grievance as the electricity supply was taken for commercial purpose.

The bill is said to be issued under Section 126 of Electricity Act 2003. Neither copy of panchanama nor inspection report was handed over to complainant. No provisional bill or final bill was received by the complainant till today which is mandatory, in case of assessment under Section 126. New meter bearing Sr. No. 13231040 inspite of payment of testing charges of Rs. 150/- on 15.02.2017, till date it is not tested. (It recorded consumption of 7126 units for the period of October 2016 to January 2017 for four months).

Say of Executive Engineer, Nodal Officer.

Smt. Mangal Motilal Jagtap, Shoplet No. -18, Jalna Road, Mukundwadi Bus Stop, Aurangabad is a consumer of Mahavitaran having Consumer No. 490012450891 in commercial category.

On dtd. 23.05.2016 Flying Squad, Jalna inspected the site. Electricity user is Shri Kanahyyalal Joshi and found in unauthorise use of electricity. According to spot inspection report, panchnama On dtd. 23.05.2016 & Meter Testing Report on dtd. 27.05.2016, Flying Squad, Jalna asked Addl. Executive Engineer, Chikalthana to issue bill for unauthorise use of electricity as per Section 126 of Electricity Act 2003. Accordingly Addl. Executive Engineer, Chikalthana has issued assessment bill of Rs. 93049/- to consumer.

Observation :

It is pertinent to note that, neither copy of panchanama nor inspection report was handed over to the complainant as per submission of complainant before Forum till the date of filing of this complaint. Also no provisional or final bill issued by Flying Squad or opponent Company of assessment under section 126 of Electricity Act 2003 and which is mandatory. No such documents were submitted before IGRC. Chikalthana Sub Division supplied assessment sheet to complainant issued by Addl. Executive Engineer, Flying Squad, Jalna, but with that assessment sheet no Spot Panchanama, Spot Inspection Report and not followed procedure of 126 under Electricity Act 2003. Complainant has paid Rs. 55000/- till today for avoid disconnection against this erroneous action of

126. It is further to be noted that the billing period shown on the bill of May 2016 i.e. for the period 23.04.2016 to 30.05.2016 & so called inspection of Flying Squad, Jalna was said to be carried out on 23.05.2016. This admitted facts alternatively confirms that Opponent has included the amount in the bill of May 2016 of which the meter reading was taken on 30.05.2016.

Above facts confirms that Opponent deliberately indulging complaint under 126 under Electricity Act 2003.

Hence in view of Meter testing report is shown O.K. and in absence of proper procedure not followed by concerned opponents. This is not case of 126 in my opinion. Hence Differ order, 1) Quashed provisional bill issued by Opponent MSEDCL under Section 126 of Electricity Act 2003. 2) Opponent is directed to take regular meter reading on monthly basis and issue bills regularly to consumer. 3) Opponent is directed to issue revised bill without DPC and interest. 4) No other order has to cost.

Sd/-
Vilaschandra S. Kabra
Member

In view of the majority as Member Secretary has a charge of Chairperson and Chairperson have a casting vote, the grievance falls within purview of unauthorized use of electricity as provided under Section 126 of Electricity Act 2003 and it is excluded from Jurisdiction of CGRF as per CGRF Regulation clause 6.8.

Therefore we proceed to pass the following order on majority.

ORDER

- 1) The application of the consumer is rejected.**
- 2) Recover arrears as per Rules of MSEDCL.**
- 3) The compliance shall be reported within 30 days**

Sd/-
Laxman M. Kakade
Chairman I/c

Sd/-
Laxman M. Kakade
Member / Secretary

Differ opinion
Vilaschandra S.Kabra
Member