

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
AURANGABAD ZONE AURANGABAD

Case No. CGRF/AZ/Aur/R/366/2011/46

Date of Filing 20.12.2011
Date of Decision 01.03.2012

M/s Sahara City Homes,
C/o Santoshkumar S.Jain,
Gut No.643, Village Gandheli,
Aurangabad.
(Consumer No. 490620259389)

Complainant

V/s

01) The Nodal Officer,
O/O Superintending Engineer,
O&M Rural Circle, M.S.E.D.C.L.,
Aurangabad

Respondents

CORAM

Shri V.B.Mantri

Chairperson

Shri V.S.Kabra

Member

Shri Mohd.Quamarudin

Tech.Member

Claim: - Against the bill of Rs.191955 issued u/s 126 of Electricity Act..

JUDGEMENT

- 01) The complainant M/s Sahara City Homes has submitted its complaint against the bill of Rs.191955 issued u/s 126 of the Act.
- 02) The case of the complainant in brief is that, the complainant is engaged in the business of construction of housing project. In order to set up its office, the complainant, through its manager submitted an application for 10 KW load. The MSEDCL sanctioned load of 10 KW and connection was released at the site. The bills were issued on commercial tariff, from the date of release of connection . Separate Diesel Generator was installed for construction activity. The connection was taken for office purpose and electricity was used only for office purpose.

- 03) On 20.5.2008, vigilance team of MSEDCL visited the site. The concern officer of vigilance directed Asstt. Engineer to levy construction tariff. The said Asstt. Engineer Rural Sub Divn. has accordingly issued bill of Rs.191955/- u/s 126 of the Act. Grievance was filed before IGR Cell, but no cognizance was taken. The complainant did not misuse the power. The respondent did not follow proper procedure. The bill issued for Rs.191955 is illegal. The same should be quashed. The respondent be directed to refund the amount paid by the complainant along with 14 % interest thereon.
- 04) The respondent MSEDCL has submitted reply and thereby pleaded that, Appellate Authority only can correct the disputed bill u/s 127 of the Act.
- 05) This Forum heard arguments of Mr. Kapadiya for the consumer. Heard submissions of Nodal Officer for MSEDCL. Hence in view of the submissions, following points arise for our determination and our findings for the following reasons are as follows:-

POINTS

01.	Whether the present grievance prima facie falls under un-authorized use of electricity u/s 126 of the Act.	Yes
02.	Whether the Forum has subject matter jurisdiction to entertain the present grievance	No
03.	What redressal/order	The consumer may approach to appropriate authority.

REASONS

- 06) The complainant has taken electricity connection for office purpose. As per the case of the complainant, no construction activities are carried out at site since 2003, therefore there is no question of misuse of power. It has been argued by Mr. Kapadiya that, there is no category such as construction category tariff construction is to be charged as commercial, and thereby there is no misuse of power or unauthorized use of power.
- 07) Mr. Kapadiya for complainant argued that, the connection was taken in the year 2003 for the purpose of office. The bills were issued as commercial purpose. There was no dispute for the period 2003 to 20.05.2008. On 20.05.208, the site was inspected by vigilance squad and instructed to apply construction category. The concern office accordingly issued disputed bill. Accordingly to him there is no construction tariff.
- 08) The Nodal Officer on the other hand submitted that connection was given for office purpose, but the power was used for construction purpose. There is thereby change of use falling u/s 126 of the Act. Report of flying squad dated 21.05.2008 has been produced. As per the said report, it appears that, construction activity was being carried out. Tariff commercial LT II was being applied. Actual tariff applicable accordingly

`to squad is construction LT VII. It therefore prima facie reveals that the grievance regarding such application of tariff is regarding un-authorized use of electricity falling u/s 126 of the Act. The point No.1 as such answered in affirmative.

- 09) In case, the grievance under enquiry prima facie found to be unauthorized use of electricity then this Forum has no subject matter jurisdiction to entertain the grievance for redressal under Regulation 6.8 of Maharashtra Electricity Regulatory Commission Regulation 2006. If the spot inspection report of flying squad dated 20.05.2008 is taken in to account, then prima facie, it reveals the present case regarding un-authorized use of electricity. Hence this Forum does not have subject matter jurisdiction to entertain the grievance. The consumer may prefer appeal u/s 127 of the Act, if desire so. This Forum therefore proceed to pass following order.

ORDER

01. This Forum has no subject matter jurisdiction under 6.8 of Maharashtra Electricity Regulatory Commission Regulation 2006 to entertain the present grievance.
02. The complaint is disposed off.

Sd/-
(V.S. Kabra)

Sd/-
(Mohd. Qamaruddin)

Sd/-
(V.B. Mantri)

