

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
AURANGABAD ZONE, AURANGABAD

(Case No. CGRF / AZ /AUR / U / 212 / 2009 / 46).

The Principal.
Hi-Tech Institute Technology
Plot No.P-119, MIDC, Waluj
Aurangabad.
(Consumer No. 490011554803)

Consumer Complainant.

V/s

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

The Distribution Licensee.

Date:- 19.05.2009

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. 311915/ issued by the Distribution Licensee (hereinafter referred to as D.L.). The consumer has also received notice dt.22.4.09 for disconnection of electricity supply on failure of aforesaid amount within 15 days period. The consumer contended that he has taken electricity supply for educational institute and is using the power for same purpose. The consumer further stated that , till April 2009 he has paid all the bills issued by the D.L. The consumer further contended that he has submitted application for additional power requirement with the concerned office of the D.L. The consumer requested the Forum to pass an interim order directing the D.L. not to disconnect his electricity supply till disposal of his grievance and also to quashed the bills of Rs. 311915/ issued to him.

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 19..05.2009.

On the date of hearing, i.e. on 19.05.09 , consumer representative Shri B.D.Shinde along with Shri Shirodkar were present. Shri S.G.Rathore and Shri Sanjay Sarag were present on behalf of Distribution Licensee. Nodal officer filed his reply on the grievance and stated that the bill issued to the consumer is as per provision under section 126 of E.I. Act and therefore the Forum do not have jurisdiction to entertain the complaint 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 both parties, we observed that the power supply of 13 Kw has been sanction by the concerned authority of the D.L. in the name of applicant and bills were issued as per L.T. commercial tariff (LT2-commercial). The consumer has also submitted application for enhancement of load up to 50 KW in the month of Jan.2009. On going through the assessment issued under section 126 by the D.L. to the consumer , we observed that the assessment bill is for drawing of additional power i.e. exceeding contract demand and not for misuse or any other purpose as mentioned in section 126. Forum also observed that contract demand has not been established and the bills to the consumer are being issued only on Kwh consumption.

In view of above observation and prima facie we feel that this issue does not come under section 126 of E.I. Act. The Forum hereby direct the D.L. not to disconnect the electricity supply of the consumer till disposal of the grievance filed by the consumer.

The next date of hearing in this matter is kept on **26.05.2009**.

(H.A.Kapadia)
Member

(V.A.Hambire)
Chairman

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

Case No. CGRF/AZ/AUR/U /212/ 2009/46

Date of Filing: 15.05.09

Date of Decision: 14.07.2009

**The Principal
Hi Tech Institute of Technology
P-119, Bajajnagar, MIDC Waluj,
Aurangabad.
(Consumer No. 490011554803)**

Consumer Complainant.

V/s

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

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

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

The consumer through its Principal Shri Shirodkar has filed this grievance in Annexure "A" before this Forum on **15.05.09** under Regulation No. 6.10 of the Regulations 2006. The grievance of the consumer was registered in this office at Sr.No. 212/2009/46 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 19/05/2009

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

1. The consumer has taken LT connection for commercial purpose from Distribution Licensee (hereinafter referred to as D.L.) for sanctioned load of 13 KW. The consumer has also submitted his application for sanction of additional load of 37 KW (13+37=50 Kw). The consumer contended that he is regular payer of electricity bills and there was no complaint till April 2009. On 19.03.09, the representative of D.L. visited his premises and issued provisional bill of Rs. 3,11,915/ under section 126 of Electricity Act 2003. The representative of D.L. also issued him 15 days notice of disconnection incase he fails to pay the aforesaid amount. The consumer vide his letter dt.5.5.09 requested D.L. for cancellation of the assessment bill , however since no cognizance of his request was taken , he filed his grievance in the Forum. The consumer also requested the Forum to direct D.L. not to disconnect his supply till disposal of his grievance filed before the Forum.
2. On 15.05.09, i.e. on the date of first hearing, Shri Shirodkar along with his representative Shri B.D. Shinde were present. Nodal Officer Shri G.S.Rathore alongwith Shri Sarag Dy.Ex. Engineer , Waluj Sub Division, Shri Daimi , Dy.Ex.Engineer, Flying squad , Shri P.B.Mahatulle, Jr.Engineer Flying squad were present on behalf of D.L. The Nodal officer in his reply filed before the Forum stated that the flying squad has visited the consumer premises and it was noticed that consumer has recorded maximum demand of 36.53KVA as against sanction load of 13 KW. The assessment bill of Rs. 311315/ was therefore issued to the consumer as per section 126 of the E.I. Act 2003 and the same is correct. The Nodal officer further contended that since the grievance of the consumer pertains to section 126 of E.I. Act , it is beyond jurisdiction of Forum and requested the Forum to dismiss the grievance of the consumer. The consumer contended that he has already applied for additional load and the extension of load does not attract section 126 of the E. I .Act 2003.
3. On hearing both the parties, Forum observed that the assessment bill of Rs. 311315/ issued by the D.L. is on the basis of assessment of Flying squad is on account of excess recording of maximum demand.

The Forum further observed that the unauthorized increase in connected load resulting in excess recording of contract demand does not come under purview of section 126 of E. I. Act 2003. This section covers action for misuse of power, tampering of meter etc. After coming to conclusion that the grievance filed by the consumer does not pertain to section 126 of E.I. Act 2003, Forum passed an interim order directing the D.L. not to disconnect the electricity supply of the consumer till disposal of the grievance filed by the consumer before this Forum. The next date of hearing in the matter was kept on 26.05.09

4. On 26.05.09, both parties were present. Consumer filed his counter reply on the reply of Nodal officer and stated that the bills has been issued to him on the basis of KWH units and not as per KVA demand and he has paid all his bills regularly. He also stated that he neither changed the purpose of use of electricity nor tampered the meter and therefore the bills issued under section 126 is wrong. He also stated that the assessing officer was not present at the time of spot inspection and the assessment bill is issued only to harass him and defame his organization. Nodal officer did not file any reply. The matter was therefore kept for decision.
5. On going through the documents placed before us by both parties, we observed that the consumer has taken electricity supply for educational institute situated at above mentioned address. The electrical load sanctioned by the D.L. is 13 Kw. The consumer has also applied for additional load of 37 KW (Total 50 KW) and submitted his application to D.L. on 2.2.09. The concerned Executive Engineer vide his letter dt. 2.2.09 has forwarded his application to Dy. Ex. Engineer for survey and submission of estimate. However it is observed that the demand for additional load has neither been sanctioned nor demand note for payment has been issued by the D.L. till the date of filing of grievance by the consumer in the Forum. The Flying squad of the D.L. visited the premises of the consumer on 19.3.09 and on observed that the meter has recorded KVA demand of 36.53 and therefore issued assessment bill of Rs. 311315/ under section 126 of E.I. Act 2003. Forum further observed that recording of excess demand attracts penal charges and not assessment under section 126 of E.I. Act. Forum also observed that D.L. has issued bills to the consumer on the basis of Kwh units and fixed charges and not on the basis of KVA demand. Forum is of the view that the assessment bill issued under section 126 for exceeding load is wrong and not as per provision mentioned in section 126 of E.I.Act 2003.

6. On going through the spot inspection report of dt.19.03.09, Forum observed that, the spot inspection has been carried out by Jr. Engineer Shri P.B. Maharole and line helper Shri S.B.Todkar. The spot inspection report further reveals that Dy. Ex. Engineer Flying squad has not signed the report. However the assessment bill bears signature of Dy. Ex. Engineer, flying squad which alternatively means that on the basis of report prepared by Jr. Engineer and Line helper, the Dy. Ex. Engineer Flying squad has issued the assessment bill to the consumer.

In view of above observations, we are of the opinion that the assessment bill of Rs. 311315/ issued by the D.L. is required to be quashed. The Forum is surprised to observed that the assessing officer of Flying squad is unaware about provisions of section 126 of E.I.Act 2003. The Nodal officer filed copy of additional load sanctioned only after consumer filing this grievance in the Forum. .

The grievance file by the consumer is needs redressal and consumer is also required to be compensated for mental harassment.

Hence following order:

ORDER

- 1. The assessment bill issued by the Distribution Licensee for Rs. 311315/ is quashed.**
- 2. The Distribution Licensee is directed to pay Rs.1000/ to the consumer towards mental harassment within 30 days.**

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. 212/ 09
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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/212/2009/46

Date:-

To,

- 1. The Principal**
Hi Tech Institute of Technology
P-119, MIDC, Bajajnagar
MIDC Waluj, Aurangabad.
- 2. The Executive Engineer (Adm.)**
O/O Superintending Engineer
O & M , Urban Circle, M.S.E.D.C.L.
Aurangabad.

Sub: Grievance incase No. (Case No:CGRF/ AZ/ U/212 /2009 /46)

**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

CC to: The Chief Engineer(AZ)

MSEDCL, Aurangabad.

