

NO.EE/CGRF/BMTZ/

Date: 22/09/2014

In the matter of

Case No: 20/2014

Date: 12/08/2014

Complainant

Shri. Ramesh Shyamrao Jadhav,
Ap- VasantNagar, Baramati,
In front of baramati railway station,
Tal-Baramati Dist-Pune.
Mob No. 9763268760

(Here in after referred As Consumer)

Versus

Executive Engineer (ADM)
M.S.E.D.C.L.,
Baramati Circle
Baramati.

Opponent

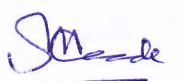
(Here in after referred As Licensee)

Quorum

Chairperson
Member Secretary


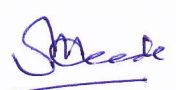
Mr. Suryankant Pathak
Mr. .S. M. Akode

- 1) Complainant Shri. Ramesh Shyamrao Jadhav filed the complaint against Maharashtra State Electricity Distribution Company for non-compliance of final order passed by District consumers Dispute Redressal forum Pune dated 19/04/2013 under consumer Protection Act of 1986 & Refund of Assessment for unauthorized use of Electricity under section 126 of Rs 5110/-
- 2) The brief facts of the complaint are as below. The consumer Shri. Ramesh Shyamrao Jadhav is having flooring mill connection of 10 H.P. IP-2580 at Vasantnagar, Baramati.
- 3) The Consumer Shri. Ramesh Shyamrao Jadhav has applied for shifting of flooring mill. After receiving the firm Question for shifting of flooring mill, consumer has paid Rs. 14700/- on dated 29/01/2001. But the connection was not shifted by the License.
- 4) Aggravated by this, consumer Shri. Ramesh Shyamrao Jadhav filed a complaint in District consumer Dispute Redressal forum Pune under section 14 of the consumer protection Act of 1986.
- 5) After hearing both sides, District Consumers Dispute Redressal Forum Pune has passed final order on 19/04/2003. In the final order Consumer Dispute Redressal Forum has



ordered to pay Rs. 5000/- as compensation to consumer and asked the Licensee to shift the connection within 4 weeks.

- 6) As per the final order the Licensee has paid Rs. 5000/- as compensation. But the connection was not shifted. Hence the consumer has approached Consumer Grievance Redressal Forum for implementation of order given by consumer Dispute Redressal Forum Pune.
- 7) The Consumer Shri. Ramesh Shyamrao Jadhav is having another Residential connection (Consumer No. 186840053977). This connection was permanently disconnected for non-payment of Electricity Bill. In the permanently disconnected premises unauthorized supply was extended by the consumer. Hence Dy. Executive Engineer Baramati Sub-division has made assessment of Rs. 5110/- under section 126 of Indian Electricity Act 2003.
- 8) Shri. Ramesh Shyamrao Jadhav has filed complaint before I.G.R.C. on 15/03/2014. The I.G.R.C. in their Result on dated 10/04/2014 has ordered the Dy. Executive Engineer, Baramati Urban Sub-division to refund Rs. 14700/- within eight days
- 9) The present appeal is filed against the order of IGRC dated 10/04/2014. We have heard Shri. Ramesh Shyamrao Jadhav as well as the MSEDCL Offices at length. We have perused the allegations made by complainant in detail.
- 10) Complainant Shri. Ramesh Shyamrao Jadhav has requested the CGRF to refund the Assessment charges of Rs. 5110/- for unauthorized use of electricity under section 126 of Indian Electricity Act 2003.
- 11) As per section 127 of Indian Electricity Act 2003 " Any person aggrieved by a final order made under section 126 may within thirty days of the said order, prefer an appeal in such form, verified in such manner & be accompanied by such fee as may be specified by the state commission, to an appellate authority as may be prescribed"
- 12) As per section 6.8 of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman). Regulation, 2006. "If the forum is prima facie of the view that any Grievance referred to it falls within the purview of any of the following provisions of the Act, the same shall be excluded from the jurisdiction of the forum
 - a) Unauthorized use of electricity as provided under section 126 of the Act.
 - b) Offences and penalties as provided under sections 135 to 139 of the Act.
- 13) Hence we are of the view that the refund of assessment under section 126 of 5110/- does not come under the jurisdiction of the Forum.

- 14) Further the complaint Shri. Ramesh Shamrao Jadhav has requested Consumer Grievance Redressal Forum of implementation of the order given by Consumer Dispute Redressal Forum Pune under Consumer Protection Act of 1986.
- 15) Hence we are of the view that the implementation order requested by Consumer as per Consumer Protection Act. 1986, does not come under the jurisdiction of the forum. Also as per consumer's request the amount of Rs.14700/- is adjusted in another residential bill of consumer.
- 16) Further as per decision of IGRC of dated 10/04/2014, the Dy. Executive Engineer, Baramati Urban Sub-division is asked to refund Rs. 14700/- within eight days.
- 17) Complainant is not entitle for relief claimed, hence we pass following order.

ORDER

1. Complaint is disposed of with No Order as to cost.



Mr. S. M. Akode
(Member Secretary)



Mr. Suryankant Pathk
(Chairperson)