



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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IN THE MATTER OF GRIEVANCE NO. K/E/502/592 OF 2011-2012 OF
SHRI PRABHAKAR SHANTARAM PAWAR, KADAMPADA, TAL :
MURBAD REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL
FORUM KALYAN ZONE, KALYAN ABOUT EXCESSIVE BILLING.

Shri Prabhakar Shantaram Pawar,
H. No. 341, Kadampada,
Tal : Murbad,
Dist. : Thane – 421 401

(Here-in-after
referred
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Assistant Engineer
Murbad Sub-Division
Tal : Murbad, Dist. Thane.

(Here-in-after
referred
as licensee)

- 1) Consumer Grievance Redressal Forum has been established under "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers. This regulation has been made by the

Maharashtra Electricity Regulatory Commission vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, 2003. (36 of 2003).

- 2) The consumer is a L.T.- 2 consumer of the licensee. The Consumer is billed as per Commercial tariff. Consumer registered grievance with the Forum on 16/03/2011 for Excessive Energy Bills. The details are as follows: -

Name of the consumer :- Shri Prabhakar Shantaram Pawar

Address: - As given in the title

Consumer No : - 018212141131

Reason of dispute : Excessive Energy Bills.

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/214 dated 17/03/2011 to Nodal Officer of licensee. The licensee filed reply vide letter No. AE/MBD/Tech/262, dated 18/04/2011.
- 4) The Member Secretary & Member of the Forum heard both the parties on 20/04/2011 @ 16.30 Hrs. in the meeting hall of the Forum's office. Shri Prabhakar Pawar consumer and Shri Dhanaji Dalvi representative of the consumer & Shri Purohit Nodal Officer and Shri Kale Asstt. Engr., representatives of the licensee attended hearing. Minutes of the hearing including the submissions made by the parties are recorded and the same are kept in the record. Submissions made by each party in respect of each grievance shall be referred while deciding each of the grievances to avoid repetition.

- 5) This is a grievance application filed by the consumer against licensee who has charged him under Section 126 of Indian Electricity Act 2003. The brief facts according to the consumer are as follows :
- a) The consumer has completed his training from I.T.I. and has started his own workshop at Hissa No. 341, Kadampada, Tal : Murbad, Dist : Thane since 2009.
 - b) The consumer further states that a commercial tariff meter No. 918212141131 has been installed in the same premises and he is paying the energy bills regularly.
 - c) It is the contention of the consumer that on 07/09/2010 a special squad Kalyan visited his premises and told him that he is using excess load but the bills which are issued to him are very less.
 - d) The consumer has further stated that he is having only 2 H.P. welding and drilling machine. The meter installed in his premises is also not faulty and that he is not misusing the electricity supply. However, the licensee has charged him under Section 126 of I.E. Act 2003. He therefore prayed to revise the bill assessed as per Section 126 of I.E. Act 2003.
 - e) Notice was issued by the Forum to the licensee who has submitted a spot inspection report dt. 07/09/2010 in support of it's claim.
- 6) The licensee has stated that the consumer is having 2.1 KW load but billing is very less. It has further stated that consumer can take supply from nearest AG pump meter No. 19557937, as all connections of the said meter are nearest to the workshop. Hence it is recommended to recover units as per Section 126.

Accordingly licensee has charged the consumer under Section 126 of I.E. Act 2003 and further stated that the grievance application does not fall within the purview of C.G.R.F.

- 7) We have gone through the record kept before us and the contentions made by both the parties and our observations are :
- a) Before charging the consumer under Section 126 of I.E. Act 2003, basic requirements are not followed by the licensee such as :
- i) No spot panchanama is on the record.
 - ii) No photographs are on the record to show that the consumer is indulged in the theft of electricity supply.
 - iii) No assessment report is submitted on the record.
- b) Section 126 (1) of Indian Electricity Act 2003 reads as follows :
- “If on an inspection of any place or premises or after inspection of the equipments, gadgets, machines, devices found connected or used, or after inspection of records maintained by any person, the assessing officer comes to the conclusion that such person is indulging in unauthorized use of electricity, he shall provisionally assess to the best of his judgment the electricity charges payable by such person or by any other person benefited by such use.”
- c) The said provision applies only when any allegation concerning electricity line, equipment, machine devices arises between licensee and the consumer and falls within the nature of provision elaborated in Section 126 of the said Act and if the assessing officer after following the basic due requirement as stated above comes to the conclusion that the consumer has misused the electricity supply or unauthorized use of electricity supply has taken place, then only the assessment can be made.

However, in the report dated 07/09/2010 the Junior Engineer has stated that as all the connections of the said meter (195579337) are nearest to the workshop the consumer can take supply from the nearest AG pump.

- 8) We strongly feel that mere assumption that the consumer can take supply from the nearest meter does not attract the provisions of Section 126 of I.E. Act 2003. **In the present case the licensee have not established any misuse or unauthorized use of power supply by the consumer.**

We therefore are of the opinion that the consumer cannot be charged under Section 126 of I.E. Act 2003 and hence we feel it proper to quash the assessment carried out by the licensee under Section 126 of I.E. Act 2003. It is also proper to quash the DPC and interest if any, charged by the licensee. The consumer must have suffered mental agony in the whole episode of Section 126 of I.E. Act 2003. It is therefore proper to grant him compensation of Rs. 1,000/-.

- 9) Taking into consideration all the above facts we allow the grievance application filed by the consumer and pass the order as follows :

O-R-D-E-R

- 1) The grievance application is allowed.
- 2) The assessment carried out by the licensee under Section 126 of Indian Electricity Act 2003 is hereby quashed.
- 3) Licensee is directed to revise the bill, the interest and the DPC if any, levied on the same amount is also hereby set aside.

4) Licensee is directed to give compensation of Rs. 1,000/- (Rs. One Thousand only) to the consumer within 90 days from the date of receipt of this order.

5) The Consumer can file representation against this decision with the Hon. Electricity Ombudsman within 60 days from the date of this order at the following address.

“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”.

6) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” at the following address:-

“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”

Date : 28/04/2011

(Mrs. S.A. Jamdar)
Member
CGRF Kalyan

(R.V. Shivdas)
Member Secretary
CGRF Kalyan