



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/535/631 OF 2011-2012 OF
M/S. PETRON ENGINEERING CONSTRUCTION LTD. VILLAGE - PALSPE,
DIST : RAIGAD REGISTERED WITH CONSUMER GRIEVANCE
REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT EXCESSIVE
ENERGY BILL.

M/s. Petron Engineering Constn. Ltd.
Iqbal Hussain Qazi,
Village – Palspe, Tal : Panvel
Mumbai – Goa Road, Dist : Raigad

(Here-in-after
referred
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Superintending Engineer
Pen Circle , Pen

(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 H. T. consumer of the licensee having Contract Demand 54 KVA and Connected Load 81 KW. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on 17/08/2011 for Excessive Energy Bill

The details are as follows :

Name of the consumer :- M/s. Petron Engineering Construction Ltd.

Address: - As given in the title

Consumer No : - 029099019156

Reason of dispute : Excessive Energy Bill

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/0555 dated 17/08/2011 to Nodal Officer of licensee. The licensee filed reply vide letter No. SE/PC/HTB/4614, dated 03/09/2011.
- 4) The hearing was held on 20/09/2011 @ 15.00 hrs. The Members of the Forum heard both the parties in the meeting hall of the Forum's office. Shri Mintu Hanspal and Shri Shaikh Ziya representatives of the consumer, & Shri B. B. Khandare Nodal Officer, Shri Sanjay Dond Asstt. Engr., Shri A. K. Patole Asstt. Acctt. And Shri G. A. Mali Jr. Law Officer 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) Consumer had taken H. T. electricity connection to their premises at Village Palspe, Mumbai – Goa Road, Dist : Raigad from the Distribution Licensee (DL) in the year 1996. It is contended that the consumer pays the bills regularly. Presently no activity is going on in the premises and it is used as godown and for small fabrication work and inspite of this, consumer received bill for the month of July 2011 of huge amount under the garb of charges of unauthorized use of electricity under Section 126 of Electricity Act 2003. According to consumer based on incorrect excessive bill amount officials of the licensee by notice dated 03/08/2011 threatened to disconnect supply if entire bill amount is not paid. It is contended if consumer's supply is disconnected irreparable loss would cause to them. By letter dated 11/06/2011 consumer requested the licensee to reconsider the matter but not responded, therefore without approaching the I.G.R. Cell consumer lodged this grievance with a prayer to direct the licensee to revise the bill and not to disconnect the supply.
- 6) Licensee filed detailed reply dated 03/09/2011. It is contended that consumer is supplied contract demand 54 KVA and connected load 81 KW for the purpose of surving of machinery and maintenance of workshop i.e. for industrial purpose. Energy bills are issued as per consumption recorded by the meter. According to licensee on 17/02/2011 Flying Squad Washi inspected the meter installed in the premises of consumer and found Industrial H.T. power supply extended to nearby plot No. 85/A for the commercial use. It is contended as per the inspection report H.T.- II tariff for the period 14/06/2010 to 17/02/2011 for unauthorized use of electricity from industrial to commercial use provisional assessment bill of the amount of Rs. 8,80,753=63 has been issued, however consumer did not reply to

the said provisional assessment therefore final assessment bill has been issued in the month of July 2011 which consumer did not pay and hence giving mandatory notice consumer's supply has been permanently disconnected on 03/09/2011. According to licensee since without approaching the I.G.R.C. consumer lodged the grievance cannot be entertained by the Forum vide Sub-Clause (b) of Clause 6.7 and further the bill under dispute being unauthorized use of electricity excludes the jurisdiction of the Forum vide Sub-Clause (a) of Clause 6.8 of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 and for all these reasons prayed to dispose of the grievance being sans merits.

- 7) On perusal the record and hearing both the parties following points arise for the consideration of Forum and findings thereon for the reasons recorded below :

Points	Findings
a)Whether this Forum has jurisdiction to take cognizance of the grievance vide Clause 6.7 (b) and 6.8 (a) of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations 2006" ?	NO
b)What Order ?	As per Order below

Reasons

- 8) At the outset learned representative for the licensee referring Sub-Clause (b) of Clause 6.7 of the Regulation 2006 referred to above urged with force

that the consumer did not resist the provisional assessment bill nor the final assessment made under Section 126 (6) of the I.E. Act 2003 and that without approaching the officials of the licensee and the I.G.R. Cell keeping the authority under the provisions in dark, directly lodged the grievance with the Forum is not at all maintainable. On the premise learned representative for the consumer submitted that licensee received letter in this context dated 11/06/2011. We have gone through the record and the letter dated 11/06/2011, and we find force in the submission of the learned representative for the licensee. Under the provisions of the Act consumer has liberty to challenge the provisional assessment as well final assessment with the assessment officials / higher authority. They had even opportunity to bring the same to the notice of I.G.R. Cell under the provisions referred to above but did not avail and abruptly lodged this grievance certainly not entertainable vide Sub-Clause (b) of Clause 6.7 of the Regulation. On this count grievance is apparently not maintainable.

- 9) Apart from non-maintainability of grievance on the ground mentioned supra learned representative for the licensee submitted that it is also hit by Sub-Clause (a) of Clause 6.8 of the Regulation and consequently it excludes the jurisdiction of the Forum. According to the licensee Flying Squad Washi when inspected the premises noticed the industrial consumer extending supply unauthorizedly for petrol pump i.e. for commercial purpose i. e. other than for which the supply was authorised and hence as per detail report and the remarks the consumer is booked for unauthorized use of electricity under 126 of Electricity Act 2003 of which bill under dispute is outcome and as such this Forum has no jurisdiction to entertain the same. We have minutely gone through the spot inspection report of consumer's electrical and metering installation and the letters accompanied thereto. We have

also gone through the letter of Dy. Executive Engineer Flying Squad Washi dated 01/03/2011 and the sketch of the spot inspected coupled with the statement showing month-wise consumption and bill in respect of consumer No. 029099019156 and 028530012516. On going through the chart enclosed and the relevant documents referred to supra, we are prima-facie of the view that the grievance is in connection with unauthorized use of electricity as provided under Section 126 of the Electricity Act 2003 and the same excludes the jurisdiction of Forum. In view of the discussion supra, Forum cannot take the cognizance of the grievance application and the same being not entertainable apt to be disposed of. Points are answered accordingly and hence the order :

O-R-D-E-R

- 1) The grievance application stands disposed of.
- 2) 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”.

Date : 26/09/2011

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

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan