

**CONSUMER GRIEVANCES REDRESSAL FORUM;**  
**MSEDCL NAGPUR (RURAL) ZONE NAGPUR**  
**COMPLAINT NO. 13/2013**

Shri Harishchandra Basantlal Agrawal  
C/o Raj Electricals, Near Gandhi Pratima  
Gondia  
District - Gondia.

**Complainant**

,,VS.,

1. Executive Engineer,  
MSEDCL,O&M Division,  
Gondia.

2. Executive Engineer/Nodal Officer,  
I. G. R. C., Circle Office,  
MSEDCL,Gondia.

**Respondents**

Applicant represented by 1) Shri K.S.Parihar

Respondents represented by 1) Shri A.V. Kurekar, Dy.Executive Engineer,Gondia.

**CORAM:**

Shri Vishnu S. Bute, Chairman.

Adv. Gauri D. Chandrayan, Member

Ms. S. B. Chiwande, Member-Secretary.

**JUDGEMENT**

**(Delivered on 02<sup>nd</sup> day of May, 2013)**

2. The applicant presented this grievance application in the prescribed scheduled on 07-03-2013. A notice was given to the respondent. The respondent submitted reply to the application under no.EE/G/Tech/2946 dated 18-04-2013. The case was fixed for personal hearing on 29-04-2013. Shri K.S.Parihar a representative was present for the applicant. Shri A.V.Kurekar, Dy.Executive Engineer, Gondia represented the respondent. Both the parties were heard.

3. Shri Parihar argued that the respondent initiated action under section 126 of the Electricity Act 2003. The assessment bill was illegal and improper. It is true that the

applicant consumed power more than the contract demand. However he deposited the amount assessed by the respondent from time to time. While issuing these bills the respondent charged penalty at the appropriate rates. In the Commercial Circular No.175 dated 05-09-2012 issued on the basis of MERC tariff order dated 16-08-2012 in case No.19/2012, there is a provision for assessment where a consumer exceeds his contract demand. So there is no question of initiating the action under section 126.

When the applicant received a notice of temporary disconnection under section 56, he approached IGRU Gondia on 01-02-2013. The IGRU Gondia heard a matter on 08-02-2013. Before the order of the IGRU the respondent initiated the action for temporary disconnection. Having no alternative the applicant deposited the amount of Rs.1,91,316/- on 11-02-2013, under protest.

The IGRU passed the order on 28-02-2013 and directed the respondent not to disconnect the power supply of the applicant till the decision of the case.

Finally the applicant requested that the respondent may be directed not to disconnect the power supply of the applicant till the decision of this case. Further more action may be ordered, against respondent for disobedience of the order of IGRU Gondia. Further more the amount of Rs.1,91,361/- may be adjusted in the electricity bills of the applicant.

4. Shri Kurekar, argued behalf of respondent. He referred to the written reply dated 18-04-2013. Shri Kurekar stated that the load sanctioned to the applicant is 107 HP/ 100KVA. The consumer installed various machines consuming load upto 141 HP. The applicant consumed more power than the sanctioned load during the period March-

2011 to April-2011 for more than 4 times. The Junior Engineer visited the factory of the applicant on 17-07-2012. It was noticed that the applicant installed the equipments consuming the total load of 141 HP. The sanctioned load of the applicant falls under L.T. category. However the applicant consumed more load which falls under H.T. category. Since the applicant consumed more load unauthorizely action under section 126 was initiated. Provisional assessment bill of Rs.3,82,721/- was given to him under no.1632 dated 28-09-2012. The applicant was also directed to submit the objection if any within the period of 30 days. The applicant had not submitted any objection. So a final assessment bill was issued to him under no.111 dated 17-01-2013.

The applicant submitted an application on 11-03-2013 and requested for installments. The applicant was allowed to deposit 50% amount which was Rs.1,91,361/-. The applicant deposited the amount on 13-02-2013.

The applicant's sanctioned load is in L.T. category whereas he consumed the load which come under H.T. category. So the action under section 126 is initiated against him. The proceeding did not come within the jurisdiction of the Forum. As such the application may be dismissed.

At the end, the Chairman of the forum asked the representative of the applicant, whether he has applied for extension of contract demand? The reply was in negative. When it was ask whether the respondent disconnected the power supply? The reply was again in negative.

5. We have perused the record. We have heard the arguments of both the parties.

The respondent submitted the details of the power consumption as under,

Month	Conn.load HP	Recorded demand KVA	
July,2011	107	111	
Nov. 2011	107	121	
Dec.2011	107	122	
Jan.2012	107	126	

The applicant also admitted the excess use of power. However his defence is that he had paid the charges including the penalty. The defence is not acceptable because he was authorized to use the power or his sanctioned load was 107 HP / 100 KVA. Naturally it is clear that the said consumer is indulged in unauthorized use of electricity as per section 126 as he is consistently exceeding the sanctioned contract demand of 100 KVA. The Distribution licensee has therefore issued him the assessment bill under section 126 for unauthorized use of electricity.

In view of above, there exist prima facia material on record showing the unauthorized use of electricity covered under section 126 of the Electricity Act 2003 which is not within the perview of the Forum as stipulated under Regulation 6.8 of CGRF Regulations. The matter is not maintainable before the Forum in terms of Regulation 6.8 for lack of jurisdiction.

In support of his contentions the applicant gave a reference of representation decided by Hon'ble Electricity Ombudsman, Nagpur bearing No.40/2012 decided on



**CONSUMER GRIEVANCE REDRESSAL FORUM  
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[cgrfnz@gmail.com](mailto:cgrfnz@gmail.com)

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NO. CGRF/NZ/

Date :

Certified copy of order dtd 02<sup>nd</sup> May, 2013 in Case No.13 / 2013 is enclosed herewith.

Member-Secy/ Exe.Engineer,  
C.G.R.F.(NZ)MSEDCL  
N A G P U R

To,

Shri Harishchandra Basantlal Agrawal, C/o Raj Electricals, Near Gandhi Pratima,  
Gondia, Dist.Gondia

Copy s.w.r.to :-

1. The Chief Engineer(NZ), MSEDCL, Vidyut Bhavan,Katol Road, Nagpur.

Copy f.w.cs.to:

1. The Executive Engineer/Nodal Officer., O&M Circle Office, MSEDCL.Gondia
2. The Executive Engineer,C.C.O&M Dn., MSEDCL, Gondia  
for information and necessary action.

Address of the Electricity Ombudsman is given as below.

Office of - The Electricity Ombudsman,  
12, Srikrupa, Vijay Nagar,  
Chhaoni, Nagpur-440 013  
0712-2596670

