

CONSUMER GRIEVANCES REDRESSAL FORUM;
MSEDCL NAGPUR (RURAL) ZONE NAGPUR
COMPLAINT NO. 116/2013

Smt. Shakila Saleem.Solanki
Chandani Chouk, Ganj Ward
Gondia
District - Gondia.

Complainant

,,VS.,

1. Executive Engineer,
MSEDCL,O&M Division,
Gondia
2. Executive Engineer/Nodal Officer,
I. G. R. U., Circle Office,
MSEDCL,Wardha.

Respondents

Applicant represented by 1) Shri K.S.Parihar, Authorized representative
Respondents represented by 1) Shri Prakash Shastrakar, Assistant Engr, Gondia(R)

CORAM:

Shri Vishnu S. Bute, Chairman.
Adv. Gauri D. Chandrayan, Member
Ms. S. B. Chiwande, Member-Secretary.

JUDGEMENT

(Delivered on this 13th day of January, 2014)

2. Smt. Shakila S.Solanki, Chandani Chouk, Ganjward, Gondia (hereinafter referred to as, the applicant) has industrial connection bearing no. 430019054050. The officers of distribution licensee MSEDCL (hereinafter referred to as, the respondent) visited the industrial premises of the applicant. They noticed that the applicant is indulged in unauthorized use of electricity. So they initiated action against the applicant. Feeling aggrieved by this action the applicant approached the IGRU Gondia. His application was dismissed on the ground that the IGRU can not entertain the application against the action under Section 126. Feeling aggrieved by this order the applicant presented the

instant application under the provisions contained in Regulation 6.4 of the MERC (CGRF and E.O.) Regulations 2006.

3. A copy of the application was given to the respondent. The respondent was directed to submit the parawise reply. The respondent submitted reply under no.EEG/Tech/7780 dated 04-01-2014. The case was fixed for personal hearing on 06-01-2014. Shri K.S.Parihar an authorized representative of the applicant, argued the case. Shri Prakash Shastrakar, Assistant Engineer, Gondia Rural was present for the respondent. Both the parties were heard.

4. It was contended on behalf of applicant that the respondent wrongly initiated the action under Section 126. There is no unauthorized use of electricity anyway. The open space around the boiling unit of the boiler is misinterpreted as public road. It was stated that the factorys land is utilized for the factory and it is used by the employees for the free movement in the factory. This is not a public property, public road or the road for trespassers. So it is not true that the applicant took the electricity crossing the road. Secondly, it is alleged by the respondent that the applicant use the electricity for a boiler and the boiler supply the steam to other units. This is totally wrong.

As such the action taken by the respondent is illegal, it may be quashed and set aside.

5. Shri Shastrakar replied for the respondent. He referred to the written reply dated 04-01-2014. It was further stated that the officers of respondent company visited the premises of the applicant. It was noticed that the applicant took the power supply crossing the road. Secondly, the applicant supplied the power to a boiler. The

steam generated in this boiler is used by the industrial units of another consumer. This action of the applicant is illegal. So the action under Section 126 was initiated. The respondent requested that the proceeding is excluded from the jurisdiction of the Forum. As such the application may be dismissed.

6. We have perused the record. We have heard the arguments advanced by both the parties.

The provisions of section 126 contemplated the following steps to be taken.

- 1) The assessing officer is to conduct inspection of premises & equipments, gadgets, machines, devices in such place.
- 2) The formation of conclusion of such person in unauthorized use.
- 3) The assessing officer provisionally assess to the best of his judgment the charges payable.
- 4) The order of provision assessment to be served and opportunity to file objections.
- 5) Has to offer reasonable opportunity of being heard & pass final order within 30 days.
- 6) The person is at liberty to pay the amount. When he file objections final order shall be passed.

On perusal of the case papers, it is noticed that the officers of the respondent visited the premises on 03-07-2013. A notice bearing no. I vx/1676 dated 26-09-2013 is on record. The respondent sent a copy of the provisional bill of Rs.19,35,606/-,

a statement & the panchnama with the aforesaid notice. The respondent took the hearing of the respondent on 22-10-2013. The copy of the proceeding of the hearing - ¼ I qko.kh fj i kZ½ report is on record. Thereafter a letter / order no. I vxkxk1988 dated 26-11-2013 has been given to the applicant. The respondent passed the final bill of assessment as per the I.E.Act 126 / 2003.

On perusal of the aforesaid record it is very much clear that the respondent conducted the proceeding as per the provision of 126 of the I.E. Act 2003.

Regulation 6.8 of the MERC (CGRF & EO) Regulations 2006 reads as under,

If the Forum is prima facie of the view that any grievance referred to it false within the pervue of any of the following provisions in the Act they shall be excluded jurisdiction of the Forum.

(a) Unauthorized used of electricity as provided under section 126 of the Act.

Considering the totality of facts and circumstances, we find the action initiated by the respondent is under section 126 of the I.E. Act. As such the application filed by the applicant is excluded from the jurisdiction of this forum.

So we pass the following order,

ORDER

- i) Application No.116 of 2013 is hereby dismissed.
- ii) The parties are left to bear their own cost.

Sd/- (Adv.Gauri D.Chandrayan) <u>MEMBER</u>	Sd/- (Ms.S.B.Chiwande) <u>MEMBER SECRETARY</u>	Sd/- (Vishnu S. Bute) <u>CHAIRMAN</u>
<u>CONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR ZONE NAGPUR</u> <u>(Nagpur Dtd.13th day of January, 2014)</u>		

CONSUMER GRIEVANCE REDRESSAL FORUM
NAGPUR ZONE (RURAL) M. S. E. D. C. L.

Plot No.12, Shrikrupa, Vijaynagar, Chhaoni,
NAGPUR – 440013

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cgrfnz@gmail.com

(O) 0712- 2022198

NO. CGRF/NZ/

Date :

Certified copy of order dated 13th January, 2014 in Case No.116 / 2013 is enclosed herewith.

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

To,
Smt. Shakila Saleem Solanki, Chandani Chouk, Ganj ward, 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