

**Maharashtra State Electricity Distribution Co. Ltd.'s  
Consumer Grievance Redressal Forum  
Nagpur Urban Zone, Nagpur**

---

**Case No. CGRF(NUZ)/010/2009**

Applicant : M/s. Pransukha Palses Industries  
Ltd.,  
Plot No. 9, E.I.A.S., Kalmana Road,  
NAGPUR.

Non-applicant : MSEDCL represented by  
the Nodal Officer-  
Executive Engineer,  
Gandhibag Division, NUZ,  
Nagpur.

Quorum Present : 1) Shri D.K. Chaudhari,  
Executive Engineer &  
Member Secretary,  
Consumer Grievance Redressal  
Forum, Nagpur Urban Zone,  
Nagpur.

2) Smt. Gouri Chandrayan,  
Member,  
Consumer Grievance Redressal  
Forum,  
Nagpur Urban Zone,  
Nagpur.

**ORDER (Passed on 17.03.2009)**

The present grievance application has been filed on 09.02.2009 under the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 here-in-after referred-to-as the said Regulations.

The grievance of the applicant is in respect of erroneous charging for industries usage of electricity under

Section 126 of the Electricity Act,2003 here-in-after referred to as the Act.

Before approaching this Forum, the applicant had filed his complaint on 07.11.2008 on the same subject-matter of the present grievance to the Executive Engineer, Gandhibag Division MSEDCL, NUC, Nagpur requesting for withdrawal of assessment amount of Rs. 51,803/- which is made under Section 126 of the Electricity Act, 2003. However, no remedy, whatsoever, was provided to his grievance and hence, the present grievance application.

The matter was first heard on 25.02.2009, however the order is not closed for final order as the applicant requested that he has received the parawise comments on the same day and requested to this Forum to give next date of hearing for good arguments from my side. The Forum considered his request and next date of hearing fixed on 05.03.2009.

The matter was heard on 05.03.2009.

It is the contention of the applicant that the non-applicant's letter no. EE/REV/0718 dated 24.02.2009. The Flying Squad has visited the industries on dated 05.05.2007 and started their activities in my absence. I was on the terrace. I was called upon after an hour and asked to sign the subject document saying that this is a routine inspection. As regards to the seal condition and other discrepancies quoted in the subject report does not come under the preview of the consumer unless it is duly intimated by the non-applicant. Hence the point no.1 i.e. Null & vide.

The applicant has also contended that his family is property dispute is stated since June 2005 and the dispute is resolved in March 2007. During all this period the CPL consumption clarifies that only lighting consumption is recorded which has been duly paid in every month. The applicant's supply was disconnected in the month of August, 2006 for non-payment of energy bill of July, 2006 during this period our family disputes were at the peak being limited company and the industry was closed. Property disputes were resolved in the month of March 2007 and the subject industry came in his possession. The non-applicant has contacted the applicant in the month of March 2007, the non-applicant has taken the base of January, 2007 energy bill amounting to Rs.53,890/- wherein the current month consumption was shown as 5000 units which clearly proves the bogus reading entries since August, 2006. The authorities have accepted this and amount of Rs.27,000/- along with reconnection charges of Rs. 50/- have been paid to the non-applicant and the supply is restored to my industry on dated 21.03.2007. He asked to the non-applicant that the supply was not disconnected any time before 05.05.2007 is correct. How such false statements are made to this Hon. Forum. Is this not a misleading direction suggested by the responsible authorities of the licensee to this Hon. Forum? Further it is seen that the CPL given by the non-applicant for the month of May 2007 the arrears were shown nil as the payment were made. Hence the energy bills of August 2006 to March 2007 the entire bogus billing should be withdrawn because the supply to our industry was disconnected.

As stated by the non-applicant that the meter seals were handled and thereby section 126 and the assessment of Rs.51,803/- was charged in the regular monthly bill of June 2007. The applicant's say that the Hon. Forum to verify the entire CPL of the non-applicant and will find that in every month the payment has been made by the applicant since the year 1994 but whenever the non-applicant has played the mischief the payment has not been made. Here also he made the payment of May 2007 bill on dated 28.06.2007, he could not make the payment of June 2007 bill for want of assessment details his Advocate is notice dated 15.06.2007 and letter dated 27.07.2007 addressed to Flying Squad, Nagpur are very much clear to establish the facts on the part of the applicant. Further more to clarify this point he was to ask the details of seals handling. If the seal is tampered as asked by the non-applicant whether panchanama has been made? Whether the subject meter is tested for any play full ness with the meter and if not why this assessment, these meters are installed in the year 2001? It is not possible that wear & tear might be the cause of slight breakages of the lead seals. When the non-applicant claims such exorbitant amount there is no responsibilities of such authorities to establish the full proof evidences; mere writing one line that the seals are tampered and imposing section 126 is totally incorrect. He has quoted here that while inspecting the meter in his absence for an hour, the non-applicant himself might have broken the seals.

The applicant has contended that the non-applicant is allegedly inclined to make the payment repeatedly delayed.

The applicant demanded the documents with due notice and letters as per the provision of Electricity Act, 2003. The non-applicant has suitably presumed that the consumer is dependant on electricity and whatsoever is demanded by the non-applicant should be fulfilled by making payment. Such type of arrogance on the part of non-applicant should be seriously viewed by this Forum. Now the so called reflected amount in the CPL and the interest & DPC has been charged through out the billing.

As stated by the non-applicant against letter no. 31523 dated 31.12.2008 for Rs.1,64,290/- is outstanding, this amount is arrived at the entire interest / DPC has been discarded by the non-applicant. The applicant has also stated that he was ready to pay the factual payment against his consumption.

The applicant has contended the following points as is under.

- 1) The Electricity Act, 2003 Section 126 sub clause (6) b says the usages of electricity by any artificial means, tampered meter, whether the subject consumer has used the electricity through tampered meter resulting in less consumption by providing any artificial means? No this has not happened. The subject meter was not tested and more over our industry was reconnected in March 2007 after a gap of proceeding two years and the industry was closed, only the lighting consumption is recorded in the CPL.

- 2) As quoted in MERC supply code Regulations 2005 clause 14.4.1 “ the licensee shall be responsible for periodic testing and maintenance of all the consumers.” Whether this has been done in the subject case? No it is not done in the proceeding 4 years. Further whether there is any acknowledgment regarding scales provided by the non-applicant. If the answer is yes it should be produced to this Hon. Forum. Further the non-applicant is not in a position to give details of loss of revenue due to broken seals then what for this assessment is made. The section 126 is null & void in totality in the subject matter.
- 3) The wrong billing w.e.f. August to March 2007 should be withdrawn except minimum charges only as the supply stand disconnected during this period.
- 4) As indicated in the CPL of May 2007 the arrears are shown “nil”. The bill payment of April 2007 is made on dated 28.05.2007 and the bill against May 2007 is made on dated 28.06.2007. The amount of Rs.51,800+238.36)= 52,038.36 has been charged in the month of June 2007 against Flying Squad inspection. Hence from this date onwards the entire interest + DPC charges claimed by the non-applicant till this date should be discarded. He has ready to make the factual consumption charges if the energy bills are framed accordingly.

He lastly prayed that the compensation of Rs. One lakh towards illegal / irrelevant action in the subject matter with resulted in huge harassment and mental torture.

The non-applicant in his parawise report dated 24.02.2009 which is on record. A copy to this report was given to the applicant and he was given opportunity to offer his say on this parawise report.

The non-applicant has stated that the Flying Squad NUZ inspected the applicant's premises on dated 05.05.2007 at 13.30 hrs. for inspection of meter etc. It is found that the meter seal are found tampered, capacitor not working properly, security deposit not mentioned in the energy bill, joints are observed on incoming P.T. wire, Actual reading is 55864.86, but actual bill is 58764. Meter may be replaced with C.T. meter box, capacitor not in working, notice given in this connection as per Section 126, of Election Act, 2003 additional security deposit may be recovered. Meter seals are found tampered as per Electricity Act, 2003 under section 126 assessment may be recovered from past period.

The non-applicant stated that the supply of said premises is not disconnected previous to 05.05.2007, his average consumption 400 to 500 per month as per meter reading.

The non-applicant has demanded the assessment amount of Rs. 51,803/- as assessed under section 126 of the Electricity Act, 2003. Additional security deposit of Rs.39,117=00 and cost of meter Rs. 4,500/- has been issued to the consumer alongwith the "15 days' notice" vide letter no.

1923 dated 23.05.2007. As per applicant's request, revised assessed bill has been issued to the applicant of Rs.39,117/-. However the applicant has not paid the above assessment amount.

The non-applicant vide his letter no. 303 dated 25.03.2008 the assessment bill Rs. 39,117/- along-with 15 days' notice has been issued to the applicant but not paid as well as regular bill had not paid by the consumer.

The non-applicant has argued that on 06.11.2008 the applicant has made application to the office of Superintending Engineer NUC, MSEDCL, Nagpur regarding correction of bill. As per S.E. NUC instruction, the revised bill of amounting Rs. 1,64,290/- has been issued to the consumer vide letter no. 31523 dated 31.12.2008.

The applicant has paid the amount of Rs. 40,000/- vide receipt no. 7288007 dated 01.01.2009 and agreed that the first installment will be paid on 15.01.2009 and balance amount will be paid on 31.01.2009 but he has not paid any installments after payment of Rs. 40,000/- up till now.

Hence, the facts and circumstances of the case show that this grievance falls within the purview of unauthorized use of electricity provided under Section 126 of the Act and as such, this Forum holds that the grievance in question cannot be entertained in terms of clause (a) of Regulation 6.8 of the said Regulations.



In the result, we hold that the grievance application cannot be entertained by this Forum. Question of going into the merits or demerits of the case, therefore does not arise.

The applicant's application stands disposed of accordingly.

Sd/-  
**(D.K. Chaudhari)**  
Member-Secretary

Sd/-  
**(Smt. Gauri Chandrayan)**  
MEMBER

**CONSUMER GRIEVANCE REDRESSAL FORUM  
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO LTD's  
NAGPUR URBAN ZONE, NAGPUR.**

Member-Secretary  
Consumer Grievance Redressal Forum,  
Maharashtra State Electricity Distribution Co.Ltd.,  
Nagpur Urban Zone, NAGPUR.