

**Before Maharashtra State Electricity Board's
Consumer Grievance Redressal Forum,
Nagpur Urban Zone, Nagpur**

Case No. CGRF(NUZ)/015/2005

- Applicant : Shri Rajabhau Shivramji Parale
M/s. Ujwal Rolling Shutter
Plot No. 8, Imamwada
Grate Nag Road,
Nagpur.
- Non-Applicant : The Executive Engineer,
MSEB, Mahal Division (NUZ)
Nagpur.
- Quorum Present : 1) Shri S.D. Jahagirdar, IAS (Retd)
Chairman,
Consumer Grievance Redressal
Forum Nagpur Urban Zone,
Nagpur.
- 2) Smt. Gouri Chandrayan,
Member,
Consumer Grievance Redressal
Forum, Nagpur Urban Zone,
Nagpur.

ORDER (Passed on 20.05.2005)

The applicant Shri Parale has filed before this Forum his grievance application in the prescribed schedule "A" on 07.04.2005 as per Regulation No. 6.3 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulations, 2003 here-in-after referred-to-as the said Regulations.

The grievance of the applicant is in respect of the penalty amounts charged to him in his electricity bills since 1998 which, according to him, are unjust & illegal.

The matter was heard by us and both the parties were given adequate opportunity to present their say. Accordingly, both the parties are heard by us and documents produced by both the parties are also perused by us.

After receipt of the grievance application, the non-applicant was asked to furnish parawise remarks on the applicant's application in terms of Regulation numbers 6.7 and 6.8 of the said Regulations. Accordingly the non-applicant submitted his parawise remarks dated 21.04.2005 before this Forum. A copy of this parawise report was served on the applicant on 30.04.2005 and opportunity was given to him to offer his say on this parawise report also.

The facts of the case, in brief, are as under.

The applicant runs a Unit styled as Ujwal Rolling Shutters in Plot No. 8, Imamwada, Grate Nag Road, Nagpur. His consumer number is 410010273386/6 B.U. No. 4684. The sanctioned connected load of the applicant is 10 HP. The Unit of the applicant came to be inspected by the Flying Squad and it was noticed that the connected load of the applicant was 17 HP. Hence penalty for the excess connected load of 7 HP was charged to the applicant @ of Rs. 70 per HP per month for 42 months i.e. from the month of

March, 1995 upto September 1998 and accordingly, a bill was issued in September 1998. The penalty @ of Rs. 80 per HP per month was charged to the applicant from January 1999 billing month to March 2000 due to change of rate. From July 2000 billing month, penalty @ Rs. 120/- per HP per month was charged upto May, 2004 again due to change of rate. The Flying Squad again checked the premises of the applicant in March 2004 and found that the connected load was 25 HP and hence penalty for additional load of 15 HP was charged to the applicant @ of Rs. 120/- per HP per month from the billing month June 2004 till date. The applicant-consumer was advised by the non-applicant to apply for sanction of additional connected load of 7 HP and accordingly, the applicant's application for the total connected load of 17 HP was sanctioned by the non-applicant on 08.02.2005. The applicant did not pay the demand note amount of Rs. 24,871/- in respect of the newly sanctioned load and hence penalty on the excess connected load is continued further.

The applicant has contended that he was paying all the electricity bills regularly. However, since 1998 penalty charges are levied in all the electricity bills received after 1998. It is his contention that he made complaints to the MSEB Officials from time to time. However, no attention was paid to his complaints. He has denied the report of the Flying Squad. He vehemently argued that he has been utilizing his sanctioned connected load of 10 HP only and that he never used either 17 HP or 25 HP load. He added that penalty charged to him for 42 months @ of Rs. 70 per HP per month

for the excess connected load of 7 HP in the bill issued in September 1998 is unjust, improper and illegal. He has denied the contents in the parawise report submitted by the non-applicant. He has, however, admitted that he did apply to the non-applicant for the sanction of excess connected load of 7 HP which is sanctioned to him by the non-applicant by his order dated 08.02.2005. He has further submitted that since he was not requiring any excess connected load over and above his originally sanctioned connected load of 10 HP, he again applied to the non-applicant on 02.05.2005 to cancel the order dated 08.02.2005 sanctioning excess connected load of 7 HP and to keep intact his originally sanctioned connected load of 10 HP only. He has also given test report to the non-applicant accordingly. It is his say that his application dated 02.05.2005 is accepted by the non-applicant and his sanctioned load is now maintained at 10 HP. It is his prayer that all the penalties inflicted upon him by the non-applicant from the month of March 1995 onwards may be withdrawn.

The applicant has also produced copies of the following documents during the course of hearing.

- 1) His application dated 29.03.2004 addressed to the non-applicant in which he has stated that the electricity bills containing penalty charges inflicted upon him for the use of excess connected load of 7 HP are unjust and further that additional connected load of 7 HP may be sanctioned for his Unit.

- 2) A copy of the application in the prescribed schedule “X” dated 30.12.2004 submitted by him to the Internal Grievance Redressal Unit requesting therein to redress his grievance.
- 3) His application dated 02.05.2005 addressed to the non-applicant requesting therein to keep intact his originally sanctioned connected load of 10 HP alongwith a copy of the test report dated 01.05.2005.

The applicant has also produced copies of two electricity bills dated 06.01.2005 and 09.03.2005 respectively for Rs. 55,650/- and 45,133/- showing penalty charges on the excess connected load and also interest on arrears. He has also produced charts prepared by him in manuscript indicating various details of penalty charges and interest on arrear etc. for the period from 23.01.1999 onwards. According to him, the amounts as shown below charged in the electricity bills issued from time to time are unjust and improper since he never used any excess connected load over and above his originally sanctioned load of 10 HP.

- 1) Rs. 1,12,501=26 as per bill dated 23.10.1998.
- 2) Rs. 31,524=38 as per electricity bills from 22.01.99 to 24.11.1999.
- 3) Rs. 7,015=69 as per bills for the period from 19.01.2001 to 24.11.2001.
- 4) Rs. 23,792=60 as per bills for the period from 10.02.2003 to 26.12.2003.

- 5) Rs. 32,255=39 as per bills for the period from 01.02.2004 to 23.11.2004.
- 6) Rs. 8,052=77 as per bills for the period from 30.05.2002 to 27.12.2002.

The applicant has given various details of the afore-mentioned bill amounts in the manuscript charts prepared and produced by him.

He lastly requested that the penalty amounts and interest there-on may be withdrawn.

The non-applicant has mentioned in his parawise report dated 21.04.2005 that the various penalty amounts charged to the applicant are correct and legal since excess connected load of 7 HP was detected from the month of March 1995 to September 1998 and also there-after. He has further submitted that the Flying Squad after checking the Unit of the applicant again in March 2004 found that the excess connected load of the applicant was 15 HP as against the sanctioned connected load of 10 HP. The various bill amounts were worked out correctly by him in view of the reports of the Flying Squad and that the applicant was rightly asked to pay these amounts. He added that the applicant was advised to apply for additional connected load of 7 HP with a view to avoid continuance of the penalty charges and, accordingly, the applicant did apply to him for sanctioning additional connected load of 7 HP which was sanctioned to him by the non-applicant by his order dated 08.02.2005. However,

the demand note amount of Rs. 24,871/- as per his order dated 08.02.2005 has not been paid by the applicant. Hence his originally sanctioned load is not extended and charging of penalty in respect of excess connected load continued. The non-applicant further stated that the applicant's connected load was raised to 17 HP as against 10 HP in view of his application dated 02.05.2005. It is the say of the non-applicant that the applicant will have to pay all the penalty charges and interest amounts in view of the un-authorized use of electricity made by the applicant. The non-applicant lastly stated that there is no force in the contentions raised by the applicant.

We have carefully gone through the entire record of the case, all the documents produced by both the parties as also all submissions made before us by both of them.

The originally sanctioned connected load of the applicant is 10 HP. The Flying Squad checked the premises of the applicant and found that the applicant's connected load was 17 HP and, therefore, penalty for the excess connected load of 7 HP was charged to the applicant for 42 months @ of Rs. 70/- per HP per month in the bill issued in September, 1998. The period of 42 months was reckoned from March 1995 to September 1998.

It is pertinent to note that no dispute was raised by the applicant against levying of penalty charges till 29.03.2004 when he filed for the first time his application dated 29.03.2004 to the non-applicant. From the contents of

this application, a copy of which is produced by the applicant, it is seen that the applicant has for the first time shown in this application his annoyance in respect of penalty amounts charged to him on the basis of excess connected load of 7 HP. In fact, in this application itself, the applicant requested the non-applicant to sanction to him additional connected load of 7 HP over and above his sanctioned connected load of 10 HP. No documents are produced by the applicant to show that he disputed the penalty charges etc. charged to him from the month of March 1995 earlier to March-2004. The applicant, it seems, kept mum from March 1995 till 29.03.2004 when he filed his application addressed to the non-applicant for the first time. The non-applicant has stated in his parawise report that the installation of the applicant came to be inspected again by the Flying Squad in March 2004 and it was found that the connected load was 25 HP as against sanctioned connected load of 10 HP. It is the contention of the applicant that he never used any additional electrical power over and above his original sanctioned connected load of 10 HP. He has, however, admitted that there were some machineries lying idle in his premises but they were not connected. However, no proof is produced by him to support the later part of this contention.

The instant case is a clear-cut case of un-authorized use of electricity made by the applicant in view of the fact that the excess connected load was detected by the Flying Squad on two occasions. The subject matter of

un-authorized use of electricity by any consumer does not fall within the jurisdiction of this Forum for the purpose of adjudication. This is clear from the provisions contained in Regulation number 6.4 of the said Regulations. The applicant's sanctioned connected load in the present case was 10 HP and the non-applicant has made out a case of excess connected load over and above 10 HP assessment of which the applicant is disputing after lapse of several years. It is hence clear to us that the present case is a case of un-authorized use of electricity made by the applicant which is not prima-facie maintainable before this Forum. The applicant ought to have approached appropriate authority in the past to dispute the assessment made by the non-applicant.

In the light of above, we pass the following order.

The grievance application submitted by the applicant cannot be accepted by this Forum, it being prime-facie not tenable before this Forum as per Regulation number 6.4 of the said Regulations.

(Smt. Gauri Chandrayan)
MEMBER

(S.D. Jahagirdar)
CHAIRMAN

**M.S.E.B.'S CONSUMER GRIEVANCE REDRESSAL
FORUM, NAGPUR URBAN ZONE, NAGPUR.**