

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

Case No. CGRF(NUZ)/270/2014

Applicant : Shri Sanjay G. Bombate,
Rakesh Housing Society,
Near Hanuman Mandir,
Beltarodi Road,
Nagpur.

Non-applicant : Nodal Officer,
The Executive Engineer,
M.I.D.C. Dn. (Butibori),
MSEDCL, N.U.C.,
NAGPUR.

Quorum Present : 1) Shri Shivajirao S. Patil,
Chairman.

2) Adv. Subhash Jichkar
Member.

3) Shri Anil Shrivastava,
Member / Secretary.

ORDER PASSED ON 11.12.2014.

1. The applicant filed present grievance application before this Forum on 27.10.2014 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as Regulations).

2. The applicant's case in brief is that on 8.5.2013, Flying Squad team Nagpur has visited residential consumer premises of the applicant for routine check up and assessment bill of Rs. 9620/- is issued u/s 126 of Electricity Act 2003 for commercial tariff. On enquiry by the applicant it

was told that electricity supply was given to neighbor's premises for construction purpose and therefore section 126 of E.A. 2003 is applied. Applicant has no knowledge who has inserted this wiring from his connection. His electricity supply is disconnected. Therefore applicant approached to this Forum for revision of the bill.

3. Non applicant denied applicant's case by filing reply Dt. 15.11.2014. It is submitted that on 8.5.2013 Flying Squad team Nagpur Urban has visited residential premises of the applicant. During the inspection, it was found that there was un-authorized use of electricity for construction purpose. Therefore commercial tariff (LT-II) is applicable as per section 126 of the Electricity Act 2003. Assessment was made for Rs. 9620/-. As per consumers request, Dy. Executive Engineer Flying Squad Nagpur Urban visited this spot and confirmed that inspection made on 8.5.2013 is absolutely O.K. and assessment made is also correct. Therefore it is clear that consumer was using electricity un-authorizedly and grievance application deserves to be dismissed.

4. Forum heard arguments of both the sides and perused the record.

5. We have carefully perused spot inspection report of Flying Squad Nagpur. In para No. 16 of the said spot inspection report, it is specifically mentioned that 1) Electricity is authorised for residential purpose and billed as per L.T. = I residential tariff, 2) Electricity is unauthorisedly used for construction purpose which is commercial activity and be billed as per L.T.-II commercial tariff, 3) Such unauthorized use of electricity other than authorised purpose clearly establishes section 126 of E.A. 2003. In Column No. 18 of the spot inspection report it is specifically mentioned that 1) Charge tariff from LT-I to LT-II, 2) Recover past period

assessment u/s 126 of E.A. 2003. It is pertinent to note that in Column No. 22 of this spot inspection report, it is specifically mentioned in remark column, **“Above mentioned details & irregularities pointed out have been checked in my presence and I agree with the same”**.

Below this line there is signature of the consumer in English.

6. It is note worthy that Additional Executive Engineer (Flying Squad) Nagpur Urban also produced certain documents during the course of hearing on 26.11.2014, namely Report lodged by Dy. E.E. (FS) Nagpur Urban, in Police Station M.S.E.D.C.L. Prakashbhavan, Nagpur, Panchanama in Marathi Dt. 24.6.2014 signed by Panchas, spot inspection report.

7. Considering this entire material, in our opinion there is prima facie case u/s 126 of E.A. 2003. According to regulation 6.8 (a) of the said regulations, if the Forum is prima-facie of the view that any grievance referred to it falls within the purview of unauthorised use of electricity, as provided u/s 126 of the Act, same shall be excluded from the jurisdiction of the Forum. On the basis of facts and circumstances of the case and important documentary evidence, in our opinion prima facie case is made out by Distribution Licensee u/s 126 of E.A. 2003 and therefore according to regulation 6.8 (a) of the said regulations, this Forum has no jurisdiction to entertain this grievance application. Proper remedy is available to the applicant consumer is to seek relief u/s 127 of E.A. 2003 to the Appellate Authority.

8. During the course of arguments, concerned Engineer of Flying Squad argued before this Forum that adjacent to the residential premises of the applicant construction of Smt. Sandhya S. Khambalkar was going on and electricity supply was given by the applicant to said Smt. Sandhya

S. Khambalkar by charging certain amount. During the inspection of Flying Squad this illegality was pointed out and therefore this unauthorised use of electricity to the construction work of Smt. Sanchya S. Khambalkar was stopped. It is further argued by the Flying Squad Officer that as the unauthorised use of electricity from residential connection of the applicant was prevented, subsequently Smt. Sanchya S. Khambalkar affixed hook directly on live wire of electricity and committed theft of electricity. Consequently, she is also prosecuted u/s 135 of E.A. 2003 and said criminal case is going on against the said lady.

9. Considering these aspects, this Forum has absolutely no jurisdiction to entertain this application and it deserves to be dismissed. Hence following order :-

ORDER

- 1) Grievance application is dismissed.

Sd/-
(Anil Shrivastava)
MEMBER
SECRETARY

Sd/-
(Adv. Subhash Jichkar)
MEMBER

Sd/-
(Shivajirao S. Patil),
CHAIRMAN