

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

Case No. CGRF(NUZ)/014/2009

Applicant : Smt. Suhasini Lalit Lohia
At Mafusil Oil Compound
Model Mill Road, Ganeshpeth,
NAGPUR.

Non-applicant : MSEDCL represented by
the Nodal Officer-
Executive Engineer,
Mahal 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 19.05.2009)

The present grievance application has been filed on 12.02.2009 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 theft of electricity under section 135/1 (e) of the Electricity Act, 2003.

The Dy. E.E. Flying Squad MSEDCL NUZ Nagpur has inspected connection no. 410015080501 on dated 07.10.2008 (which was released on 10.03.1998) under Section 135/1 (e). Accordingly MSEDCL has issued the assessment demands in the name of Smt. Suhasini Lalit Lohia at Nagpur that's why the applicant is approached to this Forum.

The applicant had filed his complaint on 12.02.2009 on the same subject-matter of the present grievance to this Forum. Requesting for squash the assessment of Rs. 2,72,214/- and compounding of Rs. 60,000/- and connection is not reconnected in spite of payment made, and hence, the present grievance application.

The matter was heard on 04.03.2009.

The applicant contended that the Flying Squad Nagpur has inspected the meter in our premises consumer no. 410015080501/6, meter no. 628206 on dated 07.10.2008. It is alleged that the applicant is using supply from these meters for construction purpose. The allegation is totally denied. The applicant that already taken a temporary meter for construction purpose. The consumer no. for temporary meter is 410017008599. The supply from this meter is specifically utilized for construction purpose. There is no supply for construction purpose from any other meter as alleged by Flying Squad. The non-applicant has not given any copy of Panchanama and "Sanyukta Tapasni Ahaval". The non-applicant have carried out assessment and given exorbitant assessment bill of Rs.2,72,214/- and compounding charges of Rs. 60,000/- in the name of Smt. Suhasini Lalit Lohia.

The applicant has paid all the above charges under protest vide letter on dated 10.10.2008 vide cheque no. 645191 and 645192 in

the name of Smt. Suhasini Lohia dated 09.10.2008. The allegation and assessment are not acceptable to us, the applicant has not utilized the supply for construction purpose from any other meter provided for construction purpose. It is requested to withdraw the assessment bill and refund the amount paid by us against exorbitant assessment and compounding charges.

The applicant strongly contended that, the applicant denied allegedly irregularities imposed by non-applicant during the inspection of Flying Squad inspected the above connection on dated 07.10.2008, however with a view to avoid further complications, the applicant has been deposited the demand vide cheques amount of Rs.2,72,214/- and Rs. 60,000/- under protest in favour MSEDCL without prejudiced of the applicant legal right to move before appropriate authority.

The applicant prayed for squash the assessment & compounding charges issued by the non-applicant and after making payment under protest, supply to the applicant's premises is not reconnected till to-day.

The non-applicant in his parawise report dated 03.03.2009 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 07.10.2008 for inspection of meter etc. It is found that the applicant was using electricity from connection no. 410015080501 in the name of Smt. Suhasini Lalita Lohia which is release for Industrial Purpose (I.P. Meter).

The non-applicant is strongly urged that the temporary connection is released for building construction work (Flat Scheme) in the name of Smt. Suhasini Lalit Lohia. (Temporary connection no. 410017008599). However, Smt. Suhasini Lalit Lohia was taking supply from connection no. 410015080501 (I.P. Meter) as illegally use of electricity under section 135 /1 (e) of the Electricity Act, 2003.

While inspection it is found that the seal provided to meter body found Ok. Power consumption as per connected load, service connection is INDUST (LT V) tariff, supply taken for temporary connection purposes for building construction for (Suhasini Realty) building complete illegally, Dishonest use of energy for temporary construction purpose from Industrial connection is as defining under section 135/1(e) of Electricity Act, 2003 newly amendment in 2007 is clearly established.

The non-applicant also contended that the Flying Squad is proposed action as 1) To preserve evidence as it is photograph taken site of construction work of Suhasini Realty, 2) Charge the Tariff LT V to LT VII, 3) Recover difference Industrial to Temporary connection 135/1 (e), 4) Energy meter is sealed & seized from consumer premises. As per Flying Squad report assessment bill compounding demand having amount of Rs. 2,72,214/- & Rs. 60,000/- respectively issued to the applicant under section 135 /1 (e). The applicant has paid assessment amount of Rs. 2,72,214/- vide receipt no. 5607962 on dated 11.10.2008. & compounding charges of Rs. 60,000/- vide receipt no. 5607961 dated 11.10.2008.

Hence, the facts and circumstances of the case shows that this grievance falls within the purview of offenses and

penalties as provided under sections 135 to 139 of the Electricity Act, 2003 and as such, this Forum holds that the grievance in question cannot be entertained in terms of clause (b) 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