

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

Case No. CGRF(NUZ)/012/2007

Applicant : M/s. Polymers Coating & Adhesives
At 58, Kohle Layout
Khadgaon Road,
Wadi,
NAGPUR.

Non-applicant : MSEDCL represented by
the Nodal Officer-
Executive Engineer,
Division No. II, NUZ,
Nagpur.

Quorum Present : 1) Shri S.D. Jahagirdar,
Chairman,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.

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

3) Shri S.J. Bhargawa
Executive Engineer &
Member Secretary,
Consumer Grievance Redressal
Forum, Nagpur Urban Zone,
Nagpur.

ORDER (Passed on 16.03.2007)

The present grievance application has been filed on 14.02.2007 under Regulation 6.4 of 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 commercial 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 16.10.2006 on the same subject-mater of the present grievance to the Assistant Engineer, Dharampeth, MSEDCL, NRC, Nagpur requesting for withdrawing from recovery of assessment amount of Rs.18,823/- charged for unauthorized use of electricity from I.P. to C.L. He had also addressed a similar complaint to the Superintending Engineer, NRC, MSEDCL, Nagpur on 07.10.2006. However, no remedy, whatsoever, was provided to his grievance and hence, the present grievance application.

The intimation given to the Assistant Engineer on 16.10.2006 and the one given to the Superintending Engineer on 07.10.2006 are deemed to be the intimation given to the Internal Grievance Redressal Cell (in short, the Cell) in terms of the said Regulations. The applicant was therefore not required to approach the cell under the said Regulations.

The matter was heard on 09.03.2007.

The applicant submitted that he is the non-applicant's consumer of electricity having I.P. service connection no. 410013170839. Sanctioned load of his factory is 19HP. The Flying

Squad, MSEB, NRC inspected the applicant's service connection and meter on 15.01.2005. On the basis of the Flying Squad's report, an amount of Rs.18,923/- has been charged to him as assessment under section 126 of the Act for unauthorized use of electricity i.e. for commercial purpose on industrial connection. This bill was paid by him on 18.11.2006. The applicant protested recovery of this amount by filing his application dated 16.10.2006 to the Assistant Engineer concerned on the ground that there are no commercial activities in his factory and as such recovery of assessed amount was unjust, improper and illegal.

He has also disputed Flying Squad's report dated 15.01.2005 stating that the observations with reference to commercial usage and applicability of section 126 of the Act are not correct and proper.

He has prayed that the assessed amount recovered may be refunded to him along with interest.

The non-applicant in his parawise report dated 08.03.2007 filed on 09.03.2007 has stated that the complaint filed by the applicant is false and illegal as against the facts on record.

He added that a surprise visit was paid by the Flying Squad on 15.01.2005 to the applicant's factory and, during its inspection, it was found that the applicant was using the I.P. service connection for commercial purpose. Hence, the Flying Squad issued letter dated 28.02.2005 to the office of the Executive Engineer concerned recommending recovery of the assessment amount of Rs.18,923/- towards un-authorized use of electricity in terms of section 126 of the Act. He further submitted that inspection report was prepared on the spot by the concerned Dy. Executive Engineer of the

Flying Squad in the presence of applicant's representative and further that this report also bears signature of the applicant's representative. At relevant time, no dispute in respect of the findings of the Flying Squad was raised by the applicant or by his representative. The assessment bill amount of Rs.18,923/- has also been paid by the applicant un-conditionally.

He prayed that the grievance application may be dismissed.

The only short point that needs to be decided in this case is whether the applicant has indulged into un-authorized use of electricity in terms of Section 126 of the Act. The Flying Squad's report dated 15.01.2005 makes a mention of lighting load for CL & DL and this load was found to be 2.5 HP. The Flying Squad has also remarked that section 126 of the Electricity Act is applicable. The sanctioned load of the applicant is 19 HP and the quantum of 2.5 HP load towards lighting load for CL & DL clearly demonstrates that the applicant was using I.P. service connection for commercial usage. The applicant's contention that there no commercial activities are undertaken by him in his factory can not be accepted by us in as much as the actual lighting load for CL & DL detected during the inspection deserved to be charged in terms of Section 126 of the Act.

It is also seen that the inspection was carried out in the applicant's representative's presence and that he has also signed the report without any note of dissent.

It is also pertinent to note that there was a remedy available to the applicant for filing an appeal before the appropriate authority under Section 137 of the Act against the assessment bill issued by the non-applicant towards un-authorized use of

electricity. However, it seems, that no such remedy has been availed of by him.

This Forum observes that since the applicant had used his I.P. connection for partly using it for commercial purpose, Section 126 of the Act becomes applicable to such usage.

Regulation 6.8 of the said Regulations provides that if the Forum is *prima facie* of the view that any Grievance referred to it falls within the purview of un-authorized use of electricity as provided under Section 126 of the Act, the same shall be excluded from the jurisdiction of the Forum:

In view of above, this Forum cannot entertain the applicant's grievance for want of jurisdiction.

The same, therefore, stands disposed off accordingly.

Sd/-	Sd/-	Sd/-
(S.J. Bhargawa)	(Smt. Gauri Chandrayan)	(S.D. Jahagirdar)
Member-Secretary	MEMBER	CHAIRMAN
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