

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

Case No. CGRF(NUZ)/015/2009

Applicant : Shri Popatlal H. Lakhani
At Mafussil 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 13.02.2009 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. 410010256830/1 on dated 07.10.2008 under Section 135/1 (e). Accordingly MSEDCL has issued the assessment demands in the name of Shri Popatlal H. Lakhani at Nagpur that's why the applicant is approached to this Forum.

The applicant had filed his complaint on 13.02.2009 on the same subject-matter of the present grievance to this Forum. Requesting for squash the assessment of Rs. 22,988/- and compounding of Rs. 10,000/- 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. 410010256830/1 meter no. 4481360 on dated 07.10.2008. It is alleged that the applicant is using supply from the above said meter for the construction purpose. The allegation is totally denied. The applicant is already taken a connection for commercial purpose only. Supply for construction work is specially utilized from temporary connection no. 410017008599. There is no supply for construction purpose from any other meter is 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 compounding and issued assessment bill of Rs.22,988/- and compounding charges of Rs.10,000/- in the name of Shri Popatlal H. Lakhani.

The applicant has paid all the above charges under protest vide letter on dated 10.10.2008 vide cheque no. 645189 and 645190

respectively, in the name of Shri Popatlal H. Lakhani on dated 09.10.2008. The allegation and assessment are not acceptable to the applicant and 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 the applicant 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 demands vide cheques amount of Rs.22,988/- and Rs.10,000/- 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. 410010256830/1 in the name of Shri Popatlal H. Lakhani which is released for commercial purpose (CL. Meter).

While inspection it is found that the seal provided to meter body found Ok, Power consumption as per connected load, service connection is CL meter, service connection is in commercial tariff, supply taken for Suhasini Realty building construction work completely illegally, dishonest use of electricity for construction work from commercial connection is defined 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-II to LT-VII.
- 3) Recover difference Commercial to temporary connection under Section 135/1 (e),
- 4) Energy meter is sealed & seized from consumer premises. As per Flying Squad report assessment bill and compounding demand having amount of Rs. 22,988/- & Rs. 10,000/- respectively issued to the applicant under section 135/1 (e). The applicant has paid assessment amount of Rs. 22,988/- vide receipt no. 5607959 on dated 11.10.2008. & Rs. 10,000/- vide receipt no. 5607960 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 off 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