

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

Case No. CGRF(NZ)181/2016

Applicant : Shri Sukhadeo V.Walde
671, Anand Nagar, Binakhi Layout
Nagpur-17.

Non-applicant : Nodal Officer,
The Superintending Engineer,
(D/F.) NUC,MSEDCL,
NAGPUR.

Applicant :- In person.

Respondent by 1) Shri Vairagade, EE, Nodal Office
2) Shri Tekam, Nodal Office.
3) Shri Purohit, SNDL, Nagpur
4) Shri Dahasahastra, SNDL Nagpur.

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

2) Shri N.V.Bansod
Member

3) Mrs. V.N.Parihar,
Member, Secretary

ORDER PASSED ON 20.12.2016.

1. The applicant filed present grievance application before this Forum on 17.11.2016 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as said Regulations).
2. Applicant's case in brief is that officers of SNDL inspected his premises

on 13-12-2014, they took his signature on blank paper and convert residential meter into commercial meter. Therefore section 126 of Electricity Act 2003 is not applicable. Commercial bills issued on December-2014 are wrong. It is incorrect to say that there were 3 commercial shops in his house. Therefore commercial meter may be converted into residential and to revise the bill in residential tariff w.e.f. December-2014.

3. Non applicant, denied applicant's case by filing reply dated 01.12.2016. It is submitted that on 13-12-2014 flying squad inspected the premises of meter No.76/10178161 and found that on the residential meter there were 3 shops. (1) Photo Studio, (2) Bharat steel Shop, (3) Xerox Machine Shop. Therefore commercial tariff was applied and bill of Rs.47886.65 p.s. was issued. There was un-authorized use of electricity. Therefore section 126 of Electricity Act 2003 was applied. Provisional bill was given to the applicant but he did not pay. Therefore notice U/s.56 of Electricity Act 2003 was issued. SNDL has taken photograph and spot inspection prepared and C.D. spot panchnama etc. were prepared. All things are produced on record. IGRC rejected grievance application. Grievance application deserves to be dismissed.

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

5. Initially we have to consider whether there is prima facie case U/s. 126 of Electricity Act 2003. We have carefully perused hand written spot panchnama dated 13-12-2014. In this spot panchnama it is specifically mentioned that there was residential connection and from this connection supply was given to Photo Studio, Bharat Steel Shop & Xerox Machine Shop. It is also specifically written in spot panchnama that section 126 of Electricity Act 2003 is applicable. It is pertinent to note that the spot panchnama is duly signed by applicant so also by Punch witnesses.

6. We have also perused printed seizer panchnama about seizer of meter. In column No.7 of the seizer panchnama, it is specifically mentioned that for unauthorized use of electricity section 126 of Electricity Act 2003 is applied. We have carefully perused spot inspection report in English. Seizer panchnama and spot inspection report in English are also duly signed by applicant in English.

7. We have perused assessment bill dated 06-01-2015 which is issued U/s. 126 of Electricity Act 2003. We have perused disconnection in this dated 06-05-2015.

8. SNDL also produced certificate of registration of Shop Ravi Photo Studio under Shops and Establishment Act. In this important document, it is specifically mentioned in the address column that Photo Studio is situated **in the house of Shri Sukhdeo V. Walde.**

9. We have also perused supplementary bill dated 15-12-2014 and final bill dated 24-12-2014. In this final bill also section 126 of Electricity Act 2003 was applied.

10. Non-applicant produced C.D. of Flying Squad inspection so also some important photographs. In these photographs, prima facie it appears that there were various photographs which were available in the Photo Studio. One Photo in Studio is available on record showing that applicant personally signed the spot panchnama. SNDL also produced receipt of payment of photographer.

11. Considering valuable documentary evidence on record, in our opinion there is prima facie for the offence section 126 of Electricity Act 2003.

12. Needless to say that, so far as the matter U/s.126 of Electricity Act 2003 are concerned this Forum has no right to evaluate the evidence on merit and about legality of the documents this Forum can not make a scrutiny of the evidence on record on merits but this Forum has simply to decide whether there is a prima facie case

Electricity Act 2003. Considering evidence on record in our opinion there is prima facie case U/s. 126 of Electricity Act 2003 and hence as per Regulation 6.8 (a) of the said Regulation this Forum has absolutely no jurisdiction to decide this matter. Only remedy available to applicant is appeal U/s. 127 of Electricity Act 2003 to the appropriate authority where everything can be decide on merit.

13. For these reasons we hold that there is prima facie case U/s. 126 of Electricity Act 2003. This forum has no jurisdiction to decide the matter and grievance application deserves to be dismissed.

14. Hence we proceed to pass the following order.

ORDER

Grievance application is dismissed.

Sd/-
(N.V.Bansod)
MEMBER

sd/-
(Mrs.V.N.Parihar)
MEMBER/SECRETARY

sd/-
(Shivajirao S. Patil),
CHAIRMAN