

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

Case No. CGRF(NUZ)/018/2011

Applicant : Shri Ansar Ahmed Shaikh Najir,
Numan Kirana Stores
Harpur Nagar,
Umrer Road,
NAGPUR.

Non-applicant : MSEDCL represented by
the Nodal Officer-
Mahal Division,
Nagpur Urban Zone,
Nagpur.

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

2) Adv. Smt. Gouri Chandrayan,
Member,

3) Smt. Kavita K. Gharat
Member Secretary.

ORDER (Passed on 01.06.2011)

It is the grievance application presented by the applicant Shri. Ansar Ahmed Shaikh Najir, resident at Numan Kirana Stores, Harpur Nagar, Umred Road, Nagpur on dated 02.04.2011 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 applicant's case in brief is that, the applicant applied for new electric connection for commercial purpose on 29.10.2008. Till 09.10.2010 the non-applicant issued electricity bills as per residential tariff to the applicant. On 09.10.2010, amount of Rs.14,390/- as per commercial tariff was given to him which was not accepted to the applicant. Therefore the applicant requested to the non-applicant that this bill should be revised and corrected.

As the applicant did not pay the bill amounting to Rs. 14,390/-, his supply was disconnected by MSEDCL. In the same grievance application, applicant also submitted a claim for Interim relief under Regulation 8.3 of the said Regulation. Therefore applicant claim for following relief.

- 1) His bill should be revised and corrected bill should be issued to him.

The non-applicant denied the case of applicant by filing a reply on dated 21.04.2011. It is submitted that applicant has an electric connection with consumer no. 410016851225/3. On 13.10.2010 Junior Engineer Umrer Road distribution centre inspected the meter of the applicant and found that applicant using the electricity for Kirana shop, a commercial purpose. Therefore action under section 126 Electricity Act, 2003 was taken and a bill amounting to Rs.11,005/- for a period of October 2009 to October 2010 was given to the applicant. The applicant objected as per application on dated 12.11.2010 on the ground that he has applied for commercial purposes but non-applicant had given residential tariff bills. The non-applicant had cancelled the bill amount of Rs.11,005/-

under section 126 of Electricity Act 2003. Instead of the said bill, the non-applicant charged the difference between residential tariff and commercial tariff not from the date of electric connection but for a period of one year amounting to Rs.5922-81. Even then applicant did not pay the bills. Since 30.04.2010 applicant did not pay any electric bills and therefore till February 2011 the energy bill arrears of Rs.11760/- was due and outstanding again the non-applicant. Therefore statutory notice dated 07.03.2011 was issued to the applicant and supply was disconnected. The application of the applicant is false and deserves to be dismissed.

Forum heard the arguments from both the side and perused the record.

It is the matter of record that applicant claim Interim relief under Regulation 8.3 of said Regulation and this Forum had given it conditional relief vide interim order of the Forum dated 06.04.2011, without going into the merits of the matter and directed the applicant to make a part payment of Rs.4000/- and on such payment the non-applicant shall re-connect the electricity supply within one hour. However, it is an admitted fact that the applicant did not make part payment of Rs.4000/- and not complied interim order of the Forum. Therefore up till now supply is not reconnected.

Forum perused spot inspection report of consumer's connection, dated 13.10.2010. In this report it is specifically mentioned that nature of the work carried out as "Kirana Shop", commercial use in the name of "Numman Kirana Store"

is found on residential meter. Therefore assessment is accordingly made.

It is an admitted fact that since October 2008, the applicant is using electric supply for commercial purpose. Even then, the non-applicant did not charge commercial tariff difference since date of connection till the spot inspection on dated 13.10.2010. On the contrary the non-applicant has charged a difference of commercial tariff only for a period of one year next preceding 13.10.2010 amounting to Rs. 5922/-. Therefore it is clear that though since October 2008 applicant used electric supply of commercial purpose even then the difference from the date of connection is not recovered by the non-applicant. On the contrary difference is charged only for a period of one year. Further note applicant did not pay any amount since 30.04.2010, though the date of inspection is 13.10.2010. It means without payment of any electric bills applicant was utilizing the supply since 30.04.2010.

The applicant even do not comply interim order of the Forum and not deposit a part payment of Rs.4000/- considering these aspect in the opinion of the Forum, there is no injustice with the applicant. On the contrary he enjoyed residential tariff though electric supply is using for commercial purpose. In such circumstances in the opinion of the Forum, applicant is not entitled for any relief. The non-applicant is hereby directed to take due care for providing consumer services. Due to the negligence on non-applicant's part for charging in correct tariff, this grievance has arisen. Hence, Forum proceed to pass the following order.

ORDER

The grievance application is hereby dismissed.

Sd/- (Smt.K.K.Gharat)	Sd/- (Adv.Smt.GauriChandrayan)	Sd/- (ShriShivajirao S.Patil)
MEMBER SECRETARY	MEMBER	CHAIRMAN

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