

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

---

**Case No. CGRF(NUZ)/037/2011**

Applicant : Shri Santosh D. Shreeniwas,  
Trimurinagar, Bhandara Road,  
NAGPUR.

Non-applicant : MSEDCL represented by  
the Nodal Officer-  
Superintending Engineer  
(Franchisee Area)  
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 15.09.2011)**

It is the grievance application filed by the applicant Shri Santosh D. Shreeniwas Trimurtinagar, Bhandara Road, Nagpur on dated 20.07.2011 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, MSEDCL sent a bill in the month of May 2011. In this bill additional amount

of Rs. 23,680/- is added. Meter of the applicant was changed and inspected by Officer of MSEDCL on 28.03.2011 and reported that there is commercial use of electricity by the applicant. However, there is no commercial use therefore applicant applied for revision of the bill but even then no steps are taken. Therefore applicant filed present grievance application and claim following reliefs namely. . . . .

- 1) To revised excess bill amounting to Rs.23,680/-.
- 2) Residential Tariff should be applied.

The non-applicant denied the case of the applicant by filing reply dated 09.08.2011. It is submitted that complaint falls within the purview of section 126 of the Electricity Act 2003 and therefore under Regulation 6.8 (a) of the said Regulation, this Forum has no jurisdiction to decide this case.

On 28.03.2011, Flying Squad Unit of MSEDCL inspected this spot in presence of the complainant. During the inspection, its observed by Flying Squad ----

- i) The glass of existing meter is having gap at the right side.
- ii) A small piece of hard paper can be inserted and the disc can be stopped through this gap.
- iii) The partial supply is used for Maa Tulsi Housing Agency & Land Developers hence, unauthorized use of electricity as defined u/s 126 of Electricity Act, 2003 amendment 2007 is clearly established.

It is also observed that connected load for office purpose is 240 watts and for residential purpose is 1005 watts. It reveals that said connection though sanctioned for residential purpose is used for office of the commercial purpose and hence falls under the purview of unauthorized use as defined under section 126 of the Electricity Act, 2003. During the inspection, it's observed that though the connection is in the name of Shri. Shankar M. Ingle but the same was used by one Shri. Santosh D. Shreeniwas. Spot inspection report dated 28.03.2011 was prepared in presence of complainant and duly signed by complainant. On the basis of inspection and observation, a provisional assessment under section 126 of the E.A. 2003 amounting to Rs.23,683/- was prepared by the Dy. Executive Engineer, Flying Squad Unit and issued to the consumer accordingly. Debit of the same was fed through B-80 on the account of the consumer. Consumer neither accepted provisional assessment nor deposited the assessed amount with the MSEDCL within 7 days as provided under section 126 (4) of the Act. Consumer also did not file any objections against the provisional assessment before the assessing officer as provided under section 126 (3) of the Act. Hence it reveals that the consumer has not availed the options under section 126 of the Act.

The application of the applicant may be rejected.

Heard both the parties. Perused the record of flying squad it is duly signed by the applicant. It is specifically mentioned in inspection report of Flying Squad that section 126 of the Electricity Act, 2003, amendment 2007 applied.

This report of Flying Squad had proved entire averment and pleading of the non-applicant in their reply dated 09.08.2011 filed before this Forum. Considering the entire material on record, it appears that it is a case regarding unauthorized use electricity as provided under section 126 of the Act and therefore according to Regulation 6.8 (a) of the said Regulation. This Forum has also absolutely no jurisdiction to decide this matter.

Therefore the grievance application deserves to be dismissed.

Hence Forum proceed to pass the following order.

ORDER

The grievance application is dismissed.

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