

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

---

**Case No. CGRF(NUZ)/051/2011**

Applicant : M/s. Provincial Automobiles Pvt. Ltd.,  
Chhindwara Road,  
Near Octroi Naka,  
NAGPUR.

Non-applicant : MSEDCL represented by  
the Nodal Officer-  
Superintending Engineer,  
(Dist. & Franchise 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 17.11.2011)**

It is the grievance application filed by M/s. Provincial Auto Mobiles Pvt. Ltd., Nagpur on dated 22.09.2011 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 is a consumer of MSEDCL. On 16.03.2011 Flying Squad

unit visited the premises of the applicant and inspected the spot. Bill of February 2011 was paid by the applicant. No bill is issued for the month of March 2011. The applicant received a bill for consumption for the period 31.03.2011 to 03.04.2011 for Rs.1,71,360=10 which were include the arrears of Rs.1,34,101=87. Complainant sought details of arrears to MSEDCL but no details were provided. Spanco (Distribution Franchise of MSEDCL) issued a letter dated 04.07.2011 for payment of bill Rs.1,72,120=33. The applicant demanded the details of the bill but not provided. In bill dated 09.08.2011 amount of Rs.2,25,797=96 is shown as recoverable and Rs.1,34,101=87 is shown as arrears. Tariff charged by MSEDCL is not acceptable to the complainant. Applicant filed application to IGRC (Spanco) and IGRC (Spanco) rejected the application of the applicant. Therefore applicant filed original application under Regulation 6.4 of the said Regulation and claim following reliefs namely. . . . .

- 1) It be declared that commercial tariff is not applicable to the unit of the applicant.
- 2) Quashed and set aside of arrears show in the bill on the basis of commercial tariff.

The non-applicant denied the case of the applicant by filing reply. It is submitted that Flying Squad unit inspected premises of the complainant on 13.06.2008 and

observed that MD recorded on meter is exceeded than the sanctioned load of 23 HP and connected load 29 HP. This means by 6.13 HP, the applicant exceeded utilization HP of energy for showroom office and service station. Both offices are existing in the premises. Flying Squad unit proposed remedial action to recover different in tariff IP to CL under section 126 of the Electricity Act, 2003. The said inspection was signed by the consumer/representative. The non-applicant submitted that the present matter comes under section 126 of Electricity Act 2003 and therefore this Forum has no jurisdiction to entertain the grievance as per Regulation 6.8 (a) of the said Regulation.

Flying Squad has prepared assessment under section 126 for 12 months for 10152 unit for utilization of 8.640 KW load for showroom amounting to Rs.1,15,031/-. The necessary debit was raised in the month of January 2009 and the complainant paid the assessment on 27.02.2010.

It is further submitted that Deputy Director (V&S) Nagpur vide letter dated 02.04.2011 asked the details of aforesaid inspection. In response to this letter, the difference of tariff from industrial to commercial for the period of June 2008 to December 2008 of Rs.18,339=81 was debited in the month of April 2011 and difference of tariff of January 2009 to February 2011 for Rs.1,17,646=19 was debited in the month of March 2011. The tariff from industrial to Commercial was changed in the month of March 2011 and complainant was charged according to commercial tariff onwards. Complainant has made last payment on 30.03.2011 for the month of February

2011 and thereafter fails to pay regular bills. Complainant paid an amount of Rs. 1,09,200/- on 12.08.2011 excluding arrears up to the month of March 2011 of Rs.1,34,101=87. The complainant is in arrears of Rs.1,53,296=76 up to August 2011. The complainant has paid assessment amount of Rs.1,15,031=00 on 27-02-2010 and Rs.1,09,200/- on 12.08.2011. Therefore complainant is estopped by law from making further grievance for the same issue which was admitted by him earlier.

It is further submitted that no disconnection notice under section 56 of Electricity Act, 2003 is issued to the complainant by the non-applicant no. 2. In fact non-applicant no. 2 Executive Engineer Civil Line Division Nagpur is not in existence since 01.05.2011 due to handing over of the Distribution Franchisee to M/s. Spanco Limited. The applicant did not produce any disconnection notice on record. It appears that the applicant is treating request letter from Spanco limited dated 04.07.2011 as disconnection notices but bare perusal of request letter shows that the said letter is not a disconnection notice. Therefore entire application deserves to be dismissed.

Forum heard argument of applicant so also argument of Shri Waghmare, Executive Engineer, Nodal Office and Shri Gundalwar, Divisional Accountant for the non-applicant. Forum perused the entire record.

There is nothing on record to show that the non-applicant issued any disconnection notice as alleged by the applicant. Letter dated 04.07.2011 issued by the Spanco

Limited is merely request letter to pay the amount and it is not a disconnection notice. Further to note that this request letter is of date 04.07.2011 but since then there is no disconnection. Present grievance application is filed on 22.09.2011. Therefore apprehension of the applicant about disconnection is baseless.

Record shows that there was inspection of Flying Squad on dated 13.06.2008. Report of spot inspection by Flying Squad dated 13.06.2008 is produced on record. In this inspection report section 126 of Electricity Act, 2003 is specifically applied. Therefore documentary evidence and record shows section 126 of the Electricity Act 2003 is applied in this case. Present case is nothing but continuation of the action under section 126 of the Electricity Act 2003. Therefore according to Regulation 6.8 (a) of Electricity Act 2003. This Forum has absolutely no jurisdiction to entertain present grievance application.

According to the applicant, there was inspection of Flying Squad on 16.03.2011, however according to the non-applicant there was no inspection of Flying Squad on 16.03.2011. Applicant did not produce a single paper to show the Flying Squad inspection was on 16.03.2011. Therefore Forum hold that there was no such inspection of Flying Squad on 16.03.2011 as alleged by the applicant. On this grounds also application deserves to be dismissed.

Applicant produced order of IGRC on dated 21.09.2011. The IGRC also holds that section 126 of Electricity

Act 2003 is applied and therefore grievance cannot be entertained by that Cell and further suggested the applicant may approach appellate authority prescribed under section 127 of Electricity Act, 2003.

Considering the evidence of record it appears that view taken by IGRC is perfectly correct and proper and legal. Therefore there is no need to interfere in the order passed by IGRC. As this Forum has no jurisdiction the present grievance application deserves to be dismissed.

Hence Forum proceed to pass the following order.

**ORDER**

The grievance application is dismissed.

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

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