

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

Case No. CGRF(NUZ)/062/2010

Applicant : M/s. Star Key Point Resort Pvt. Ltd.,
Bazargaon,
Dist. Nagpur.

Non-applicant : MSEDCL represented by
the Nodal Officer-
Executive Engineer,
Division-II,
Nagpur.

Quorum Present: 1) Smt. K.K. Gharat
Member Secretary,
Consumer Grievance Redressal
Forum, Nagpur Urban Zone,
Nagpur.

2) Smt. Gouri Chandrayan,
Member,
Consumer Grievance Redressal
Forum, Nagpur Urban Zone,
Nagpur.

Interim ORDER (Passed on 23.08.2010)

The present grievance application has been filed on dated 18.08.2010 under Regulation 6.5 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 here-in-after referred-to-as the said Regulations.

1. The applicant, M/s. Star Key Point Resort Pvt. Ltd., Bazargaon, Nagpur, the consumer of O & M Sub Division-I, MSEDCL, under the authority of the Executive Engineer, Div-II, the non-applicant, have Connected Load as 63.80 kW, Sanctioned Load as 43.20 kW and connected at LT supply with consumer number 410016129287.

As per the grievance application in the month of May 2010 an inspection was carried out by the Flying Squad of MSEDCL which reported that the consumption of applicant is as per Connected Load of 63.82 kW and not as per Sanctioned Load. Hence the non-applicant has issued a bill of Rs. 4,90,207/- by applying tariff for more than 50 kW. Prior to this the energy bills received by the applicant were with tariff LT-II B i.e. for 20 KW – 50 KW. The applicant has requested to the non-applicant vide letter dated 17.06.2010 to provide detailed assessment calculations along with data retrieved from the meter, but the same was not provided by the non-applicant.

2. The applicant has further stated that the non-applicant has added the amount of Rs.4,90,207/- in energy bill for June 2010. Therefore the applicant has raised objection on this bill vide letter dated 16.07.2010 and again requested to the non-applicant for energy bill details along with data retrieved from the meter and also denied the payment of

June 2010 bill till all the information would be provided by the non-applicant.

3. After this the non-applicant has issued a 15 days disconnection notice on dated 29.07.2010. Hence the applicant has registered its grievance before the Forum on dated 18.08.2010 with the following prayers:

a) To issue an Interim order for grant of stay on disconnection for non-payment of the disputed amount by the applicant till final decision in this matter.

b) To direct the MSEDCL for withdrawal of the illegal energy bill amounting to Rs.4,90,207/-.

4. The matter was heard on dated 21.08.2010 in the Forum. Shri R.B. Goenka has argued for the applicant. Shri V.B. Tiwari, Assistant Engineer, S/Dn-I was present on behalf of the non-applicant.

Shri Goenka briefly narrated the facts of the case. He said that applicant has sanctioned load of 43.2 kW, therefore the MSEDCL may charge penalty as per Commission order if contract demand increases beyond the sanctioned demand, but cannot make an assessment bill for 12 months. He further added that reading kVA MD cannot indicate the connected load in kW until multiplied by the power factor and the assessment bill has no such calculations. Further he added that as the data retrieval from the meter was not provided by the MSEDCL, hence actual value of power factor would not be confirmed. Therefore energy bill which was charged by MSEDCL

after the inspection of Flying Squad by converting MD recorded by meter into kW seems to be baseless and hence illegal. He has further requested to the Forum to issue an Interim Order for staying the disconnection notice.

5. The non-applicant was not able to justify the points raised by Shri R.B. Geonka. But he said that the electricity bill which was charged after the inspection of Flying Squad was correct and hence the electricity supply would be disconnected if the applicant would not be able to pay the said amount.

6. Documents on record reveals that the disconnection notice was issued on dated 26.07.2010 by the non-applicant, but it is received by the applicant on dated 29.07.2010. Although 15 days of notice has been expired no disconnection has been done by the non-applicant. Further the grievance is for the amount of Rs.4,90,207/- which was charged by the non-applicant after the inspection of Flying Squad which is based on the inspection report stating that the applicant has exceeded its maximum demand of energy against sanctioned load of

43.2 kW. Also the non-applicant was not able to put up it stand for correctness of the disputed energy bill.

7. The applicant is also registered a grievance with Internal Grievance Redressal Cell, Nagpur Rural Circle, MSEDCL, Nagpur on dated 07.08.2010 and the matter is yet to be heard at Internal Grievance Redressal Cell. Hence question of going into the merit of the case does not arise at this stage.
8. In the light of the circumstances of the case it would be prudent to maintain status-quo in respect of the said bill. The electricity connection in the applicant's premises. As no harm would be caused to the non-applicant if the disconnection is deferred but there would be loss to the applicant in case of disconnection as per the notice. Balance of convenience therefore lies in favor of the applicant. But the applicant cannot deny his duty for payment of electricity charges except the disputed amount.

INTERIM ORDER

The applicant's prayer for Interim order deserves to be allowed.

- 1) The non-applicant is directed not to disconnect the supply and maintain status-quo.

- 2) The non-applicant is directed to get the matter decided by the Internal Grievance Redressal Cell in terms of said Regulations and he can take further action depending upon the decision of Internal Grievance Redressal Cell.
- 3) The applicant is directed to pay the electricity bill except the disputed amount of Rs. 4,90,207/-. The applicant shall also be at liberty to come before this Forum in the event of Internal Grievance Redressal Cell's decision going against him.

Sd/-
(Smt.K.K. Gharat)
Member-Secretary

Sd/-
(Smt.Gauri Chandrayan)
MEMBER