

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

Case No. CGRF(NUZ)/056/2009

Applicant : M/s. AFCONS Infrastructure Limited
Kalamna, Dipti Signal,
Chikhali Layout,
Kalmana Market Road,
NAGPUR.

Non-applicant : MSEDCL through
the Nodal Officer-
Executive Engineer,
Gandhibag Division, NUZ,
Nagpur.

Quorum Present : 1) Smt. Meera Khadakkar,
Chairman,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.

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

3) Shri S.F. Lanjewar
Executive Engineer &
Member Secretary,
Consumer Grievance Redressal
Forum, Nagpur Urban Zone,
Nagpur.

ORDER (Passed on 07.12.2009)

This grievance application is filed on 14.10.2009 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 complainant M/s. Afcons Infrastructure Limited has filed the present grievance against the decision of Internal Grievance Redressal Cell. The complainant had approached IGRC on 30.08.2009. The grievance was heard. However, no relief is granted to the complainant.

It is submitted by the complainant that he had approached MSEDCL for power supply on 17.11.2006 and power supply of HT 11KV power supply was sanctioned for batching plant and agreement to that effect was executed by the complainant as well as by the non-applicant. The complainant has complied all the requirement and formalities required for grant of power supply.

The complainant has further submitted that the power supply was given for batching plant & operation only. It was agreed that the same will be used only for batching plant the concrete mixture is produce from the batching plant which is being utilized for the construction at various sites of the consumers. The concrete delivered from the batching plant to various sites.

On 15.03.2008 and 26.06.2008, the non-applicant Engineers is inspected the batching plant site. The Dy. E.E. Flying Squad observed and report that the power supply has been utilized for construction purpose. The said observations are totally incorrect. The

Flying Squad has made incorrect statement that the power supply is on temporary basis and land lease was only for six months.

The complainant is charged huge bill of Rs.95,00,000/- wrongly. The complainant has not use the power for construction activity as observed in the report of the Flying Squad. The power was being used for batching plant only the same was enquired by different agencies. The complainant has prayed to remove back the assessment made by the non-applicant at the tariff for industrial use may be adopted.

The non-applicant has filed his reply on 27.10.2009. The non-applicant has submitted that the bill of Rs.97,18,229.20 was issued to the consumer on the basis of report of Dy. E.E. Flying Squad. There was no provision for HT temporary tariff, the consumer has not filed documentary proof about the extension of lease by the Nagpur Improvement Trust. The consumer has obtained extension after arised of the dispute. The concrete mixture produced by the batching plant is being used at different places. However, the complainant has not submitted documentary evidence about it. The power supply is being used for temporary construction purpose. Hence there is un-authorized use of electricity as defined under Section 126 of the Electricity Act, 2003. The complainant may be rejected on this ground.

Heard both the parties, it is complainant's main grievance that the Dy. E.E. Flying Squad has made false and incorrect observations in his report dated 12.05.2009. According to the said document, the complaint was given HT temporary connection where as the sanction letter filed at Annexure -V clearly show that new power supply at 11KV was sanctioned for batching plant. The report of the

Flying Squad has further stated that the purpose of power supply was construction of bridge and the concrete is being utilized for other construction site.

The learned Member Secretary of this Forum has noted his descending view that the consumer is charged bill as per the report of Flying Squad dated 12.05.2009. The respondent has charged the bill for HT temporary connection tariff. Therefore the amount charged to the consumer is correct.

The consumer has filed on record letter of sanction of new supply vide his application dated 31.07.2006 which clearly show that the new power supply at 11KV was sanctioned for batching plant. Nowhere in the said sanctioned letter, the word temporary connection is mentioned. Therefore the observation of the Flying Squad that the consumer is given HT temporary connection for construction of bridge is apparently incorrect.

The complainant has filed various documents on record he has filed several copies of concrete delivering notes which are being maintain by the consumer, during the course of its business. The complainant has admitted that the concrete mixture produced in the batching plant is being use at different sites of the company. It is a matter of common knowledge that the concrete mixture produced at one place and is used at different sites by the company.

The non-applicant has not submitted documentary evidence to show that electric power supply was being used for construction of the bridge.

In reply to the non-applicant's objection, the consumer has submitted letter issued by the N.I.T. dated 17.11.2009 for extension of

lease till 31.12.2009. The consumer has also filed documentary evidence about utilization of the concrete mixture produce in the batching plant at different sites.

It is the majority view and we are satisfied that the observations made in the report of the Flying Squad dated 12.05.2009 are totally incorrect and contrary to the factual position. In such situation the non-applicant cannot charge exorbitant tariff to the consumer on the basis of incorrect report of the Flying Squad. The non-applicant's act of charging the consumer for construction is incorrect. The consumer should be charged the bills as per the tariffs for industrial use.

In view of the above the grievance application is allowed.

The non-applicant is directed to cancel the assessment of bills of Rs. 98 Laks and further to charge the tariff for industrial use for the electricity consumed by the consumer.

The non-applicant shall carryout this order & report compliance on or before 15.01.2010.

Sd/-	Sd/-	Sd/-
(S.F.Lanjewar)	(Smt.Gauri Chandrayan)	(Smt. Khadakkar)
Member-Secretary	MEMBER	CHAIRMAN
CONSUMER GRIEVANCE REDRESSAL FORUM		
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO LTD's		
NAGPUR URBAN ZONE, NAGPUR.		