

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

Case No. CGRF(NUZ)/067/2008

Applicant : Shri Rani Satiji Agro Industries
At Kapsi Khurd,
Bhandara Road,
Nagpur
through nominated
Representative Shri D.D.Dave.

Non-applicant : MSEDCL represented by
the Executive Engineer,
Division No. I, NUZ,
Nagpur.

Quorum Present : 1) Shri S.F. Lanjewar
Executive Engineer &
Member Secretary,
Consumer Grievance Redressal
Forum, Nagpur Urban Zone,
Nagpur.

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

ORDER (Passed on 15.02.2009)

The grievance application has been filed on 22.12.2008 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 grievance of the applicant is in respect of allegedly, arbitrary and unlawful assessment bill of Rs.2,26,869/- towards unauthorized use of electricity and in respect of inapplicability of provision of section 126 of the Electricity Act, 2003 in this case. His grievance is also in respect of notice of disconnection of electricity supply issued by the non-applicant on 01.01.2008 under Section 56 (1) of the Act.

The applicant has requested to quash the assessment bill of Rs. 2,26,869/-.

Before approaching this Forum, the applicant had filed his grievance on the same subject-matter before the Internal Grievance Redressal Cell (in short, the Cell) under the said Regulations.

The matter was heard on 15.01.2009 when both the parties were present.

The applicant's case was presented by his nominated representative one Shri D.D. Dave while the Assistant Engineer Mouda MSEDCL Nagpur Division No.I represented the non-applicant Company.

It is the contention of the applicant's representative that the charge in use of electricity from which the connection was given to consumer for Dal Mill purpose does not change even though the consumer used for fabrication of Jallies for Dal Mill machinery. He was fabricating the Iron Jallies for his machinery purpose and not for fabrication of Jallies for the business purposes.

He also contended that on the day of inspection by Flying Squad, the recorded M.D. was 73.60 KVA. It is very much interesting this recorded M.D. on dated 26.09.2008 is still being charged to the

consumer till date through the factory is totally sick and the energy Units are Zero.

Further he also said that the consumer's Unit i.e. Dall Mill was running sick and to meet the overhead expenses. Welding Transformer and Drill machine is used to fabricate the mat Jallies which are used in his Agro based industries only in the same premises and there is no any difference of any tariff being industrial use only.

With this supporting arguments, according to him, the observation of the Flying Squad which inspected the applicant's premises on dated 24.01.2009.

It is the contention of the applicant's said that the applicant was paying the energy bill regularly.

The Flying Squad had inspected the spot on 26.09.2008 and they found that the meter was issued for Dal Mill. But the Dal Mill was not in use for (not working) the supply was not using for Dal Mill. But it was using for another purpose. It was used for fabrication of Iron Jallies, Fabrication, Plastic Industries. The Private meters were also installed to measure the consumption for the above illegal use of workshop of Jallies, Fabrication & Plastic Industries). All there workshop were running at that time of inspection. Due to above use the consumer was dishonestly using of electric supply.

As per letter submitted by Executive Engineer Division No. I, said that Shri Rani Satiji Agro Industry shed is found illegally extended to other shed have manufacturing of plastics and to other open space where manufacturing of big iron pipes which involves welding works.

The applicant's strongly appeal through his letter no. Nil dated 16.10.2008 that there was no element of unauthorized use of electricity involved in this case & therefore the assessment raised by MSEDCL is totally wrong and baseless. The power which is sanctioned to his unit is being utilized in his unit M/s. Shri Rani Satiji Agro Industries.

A small scale unit enterprises and the entire premises is being used only for the same purpose.

The consumer has submitted the (Sr.No.1 & 2) documents.

- 1) Letter dated 16.10.2008.
- 2) Letter dated 03.10.2008.
- 3) Letter No. EENI/MGP/Tech/CGRF/162 dated 07.01.2009 submitted by Executive Engineer Division No. I,
- 4) Site visit on dated 24.01.2009 at Shri Rani Satiji Agro Industries as per request letter dated 15.01.2009. The representative of consumer & MSEDCL Assistant Engineer & Junior Engineer were present on the spot of Shri Rani Satiji Agro Industries.

The adjoining go-down of Dal Mill building was closed and they did not opened the same premises, saying that there is a lock. Due to which all the above fabrication work which were inspected by Flying Squad could not be seen and there was not any clear cut idea which will support the applicant's say, that he was not using the illegal supply. He cannot prove the prime-facie Flying Squad charges were lodged that was wrong.

We have carefully gone through the available records of the case, all documents produced on record submissions, (written & oral) made by all of them before this Forum.

It is seen that the matter falls within the purview of section 126 of Electricity Act, 2003 and hence this Forum has no jurisdiction to take cognizance of the applicant's grievance.

It is also added that the Flying Squad in its inspection report dated 26.09.2008 has rightly observed that the applicant has indulged himself in unauthorized use of electricity. As the consumer was not using the supply for Dal Mill, but he was using for fabrication of Iron Jallies, fabrication of workshop & Plastic Industries.

The bill which is raised by non-applicant of Rs.2,26,869/- should pay within 15 days as per rule 56 (1).

In the above circumstance the case will not stand.

In the result that the grievance application cannot be entertained by this Forum. Question of going into the merits or demerits of the case, does not arise.

The applicant's application stands disposed of accordingly.

Sd/-
(S.F.Lanjewar)
Member-Secretary

Sd/-
(Smt. Gauri Chandrayan)
MEMBER

**CONSUMER GRIEVANCE REDRESSAL FORUM
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO LTD's
NAGPUR URBAN ZONE, NAGPUR.**