

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

Case No. CGRF(NUZ)/055/2011

Applicant : Shri Vinod Puranchand Gupta
314, Wardhmannagar,
NAGPUR.

Non-applicant : MSEDCL represented by
the Nodal Officer-
Superintending Engineer,
Nagpur Urban Circle,
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 28.11.2011)

It is the grievance application filed by Shri Vinod P. Gupta resident at 314, Wardhmannagar, Nagpur on dated 28.09.2011 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, MSEDCL team visited the premises of the applicant on 24.03.2011 and

issued a bill for Rs. 307798/- dated 28.03.2011. On 10.06.2008 applicant applied for load extension upto 14 KVA for commercial purpose with 3 phase meter. Applicant deposited Rs.13,161/- on 12.06.2008 as per demand. Applicant is paying electricity bill regularly. Demand of MSEDCL Rs.30,7798/- is not expectable to applicant. Therefore applicant filed present grievance application to revise the bill.

The non-applicant denied the case of applicant by filing reply on dated 08.11.2011. It is submitted that the matter under section 126 of Electricity Act 2003 and therefore according to Regulation 6.8 (a) of the said Regulation. This Forum has no jurisdiction to entertain this grievance application.

It is further submitted that Flying Squad unit of MSEDCL Bhandara inspected the premises of the complainant situated at Ashapura Co-operative Society, C.A. Road on 24.03.2011 and observed that the supply found used by Smt. Fatima Musa Ibrahim (F.M. Enterprises) for commercial purpose (Addidas Factory outlet shop) unauthorizedly, from residential connection, issued in the name of the Vinod P. Gupta since 28.04.1987. Hence Flying Squad unit prepared joint spot inspection report in presence of consumers representative Shri Ankush Kundan Meshram and requested him to sign on the same but he has refused for the same.

Flying Squad unit has prepared assessment under section 126 of the Electricity Act 2003 for the period from February 2008 to March 2011 amounting to Rs. 307798/- for

the difference of the residential and commercial tariff and informed to the consumer vide letter no. 300 dated 25.03.2011. The necessary debit raised to the consumer in the month of March 2011 in change the tariff from residential to commercial.

The consumer has paid last bill of Rs.5950/- on dated 17.03.2011 for the month of February 2011 and thereafter not paid any bill and enjoining electricity supply without payment of electricity bill resulting which the huge amount of Rs. 3,73,016=54 is outstanding towards arrears.

The consumer attached photo copy of A-1 form for load extension without date / acknowledgement of Officers of concerned. Hence it is not clear that the consumer has applied for load extension and made payment thereof for commercial purpose or otherwise. The non-applicant requested that grievance application of the consumer may be rejected and direction given to the consumer to deposit entire amount.

Forum heard argument of both the sides and perused the record.

Forum has perused the report of Flying Squad Bhandara on dated 24.06.2011. In this report, it is specifically mentioned that supply found used by Smt. Fatima Musa Ibrahim (F.M. Enterprises) for commercial purpose for (Addidas Factory Outlet shop) un-authorize from residential connection, issued in the name of applicant since 28.04.1987. Hence Flying Squad Unit prepared joint spot inspection report in presence of consumer representative Shri Ankush Kundan Meshram and requested to sign on the same but he has

refused for the same. Flying Squad prepared assessment under section 126 of Electricity Act 2003 for the period from February 2008 to March 2011 amounting to Rs.307798/- for the difference of residential to commercial tariff.

Therefore, it is clear that it is a case under section 126 of the Electricity Act 2003. According to Regulation 6.8 (a) of said Regulation if the Forum is prima-facie of the view that any grievance referred to it falls within the purview of unauthorized use of electricity as provided under section 126 of the Act, the same shall be excluded from the jurisdiction of the Forum. Record shows that prima-facie, it is a case unauthorized use of electricity under section 126 of the Electricity Act 2003 and therefore according to Regulation 6.8 (a) of the said Regulation. Forum has absolutely no jurisdiction.

The applicant produced photo copy of A-1 form, on record for load extension but there is no date of acknowledgement, so also official sign of concerned office of MSEDCL. Therefore it can not be said that such type of application was really filed by applicant for extension of load to MSEDCL on any date. Nobody can prepare such type of bogus documents fraudulently. It is noteworthy that in the entire application, applicant had not mentioned any were that since 28.04.1987, he had residential connection and latter on he applied for extension of load into commercial. Therefore we find no force in present grievance application.

For these reason Forum come to conclusion that grievance application deserves to be dismissed. Hence Forum proceed to pass the following order.

ORDER

The grievance application deserves to be dismissed.

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|--------------------------|-----------------------------------|----------------------------------|
| 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