

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

Case No. CGRF(NUZ)/078/2005

- Applicant : Shri Suleman Maidin Bava
At Shabana Bekary,
Chhinwada Road,
Near Chhaoni Masjit,
Nagpur.
- Non-Applicant : The Nodal Officer-
Executive Engineer,
Civil Lines Division, NUZ,
Nagpur representing the MSEDCL.
- Quorum Present : 1) Shri S.D. Jahagirdar, IAS (Retd),
Chairman,
Consumer Grievance Redressal Forum,
Nagpur Urban Zone,
- 2) Smt. Gouri Chandrayan,
Member,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone, Nagpur
Nagpur.

ORDER (Passed on 22.12.2005)

The present grievance application has been filed before this Forum on 03.12.2005 in the prescribed schedule "A" as per Regulation 6.3 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulations, 2003 here-in-after referred-to-as the said Regulations.

The grievance of the applicant is regarding erroneous removal of his I.P. meter, being meter no. 31111503,

consequent upon the Flying Squad's inspection dated 15.10.2005.

The facts of the case, in brief, are as under :

The applicant was having two electricity connections at his premises. One of them was a three phase meter, being meter number 3111503, which was meant for the factory of the applicant. The second connection was a single phase meter, being meter number 1009161, meant for commercial use of the applicant at his premises in his Bakery Shop. Both these connections were there in the same premises. The Flying Squad inspected the premises of the applicant on 15.10.2005 and it was found by the Squad that the applicant's connected load against his single phase commercial meter was 2.76KW as against the sanctioned load of only 0.30KW and that the connected load on his I.P. connection on meter number 3111503 was found to be only 2 H.P. as against its sanctioned load of 10 H.P. It was observed by the Flying Squad that the applicant was using power supply from I.P. connection in his commercial Bakery Products Shop. Since both these meters were installed in the same premises, the Flying Squad recommended that both the energy meters be clubbed together into a single connection of commercial tariff. Thus, the Flying Squad recommended that the applicant's I.P. connection should be withdrawn. Accordingly, the applicant's I.P. connection having meter no. 3111503 was removed by the non-applicant and only one commercial connection on meter no. 1009169 was kept intact.

Being aggrieved by this action of the non-applicant, the applicant approached the Internal Grievance Redressal Unit under the said Regulations. However, this Unit did not provide any remedy to his grievance. Hence, the present grievance application.

After receipt of the present grievance application, the non-applicant was asked to furnish before this Forum his parawise comments on the applicant's application in terms of Regulations 6.7 & 6.8 of the said Regulations. Accordingly, the non-applicant submitted his parawise comments on 19.12.2005. A copy thereof was given to the applicant on 19.12.2005 before the case was taken up for hearing on this day and he was given opportunity to offer his say on this parawise report also.

The matter was heard by us on 19.12.2005 when both the parties were present. The applicant's case was presented before us by his nominated representative one Shri Salim Ali.

The contention of the applicant's representative is that the applicant's Unit is a Small Scale Industrial Unit and that he was having two electricity meters at his premises, one meant for his Factory where the applicant was doing the manufacturing work and the other one meant for his Bakery Shop where he was selling his Bakery products in the same premises.

His say is that the action of the non-applicant in permanently withdrawing his I.P. meter, being meter no. 31111503, was unjust, improper and illegal.

He vehemently stated that the electricity tariff for his I.P. meter was Rs. 2.30/- per unit while a rate of Rs. 6.00/- per unit is charged as a commercial tariff on the other meter meant for his Bakery Shop. Because of clubbing of the two meters into only one meter for commercial use, the applicant is required to pay very high electricity charges which, according to him, is the outcome of improper and unjust action of the non-applicant.

He says that injustice has been caused to the applicant because of the wrongful action of the non-applicant.

He has produced copies of the following documents in support of his contentions.

- 1) A License, being license no. 12620 dated 22.02.1991, issued by the Health Officer, Nagpur Municipal Corporation, Nagpur.
- 2) SSI Registration Certificate dated 24.03.1983 issued to the applicant by the District Industries Centre, Nagpur.
- 3) Permanent No Objection Certificate dated 23.03.1983 issued to the applicant by the Assistant Health Officer of Nagpur Municipal Corporation.
- 4) Applicant's energy bill dated 06.08.2005 for Rs. 2760/- against his I.P. meter, being meter no. 6031111503, for the period from 30.06.2005 to 31.07.2005.
- 5) Spot Inspection reports dated 15.10.2005 of the Dy.E.E. Flying Squad, MSEB, Nagpur in respect of the applicant's two meters.

He lastly prayed that his I.P. meter which has been removed wrongly by the non-applicant should be re-installed at the applicant's premises.

Enumerating in his parawise report all the relevant details of Flying Squad's inspection reports, the non-applicant contended that the applicant's two meters have rightly been clubbed into one meter as recommended by the Flying Squad. According to him, the applicant was mis-using his I.P. meter and in that, he was using it for commercial purpose and hence appropriate action for this mis-use has been taken against the applicant under section 126 of the Electricity Act, 2003.

He added that action taken in this case is quite correct and legal.

He further stated that the applicant's power supply is continued for his purpose and that there is no substance in his grievance application.

We have carefully gone through all the submissions made before us by both the parties and also all documents produced on record by both of them.

The main request of the applicant is that his I.P. meter meant for manufacturing purpose may be re-installed.

Although it is true that the applicant was mis-using his I.P. connection for commercial purpose as evidenced by the Flying Squad's inspection report, action in this respect has already been taken against him by the

non-applicant under section 126 of the Electricity Act, 2003 for un-authorized use of electricity.

Looking to the fact that the applicant's unit is a Small Scale Industrial Unit holding a valid SSI Registration Certificate, we are of the view that it will be an injustice on the applicant if his I.P. connection is permanently withdrawn. The non-applicant's action of permanently removing his I.P. meter is no doubt very harsh.

The Flying Squad has mentioned in its spot inspection report dated 15.10.2005 that the applicant's connected load was found to be 2 HP on his I.P. meter as against the sanctioned load of 10 HP. This indicates that the applicant was no doubt making some use of his I.P. connection for manufacturing purpose. It will, therefore, be in the fitness of things to allow I.P. connection to the applicant with a sanctioned load of 2 HP in place of his earlier I.P. connection which was having sanctioned load of 10 H.P..

The applicant's representative, during the course of hearing, agreed to have a fresh I.P. connection having sanctioned of 2 H.P. The non-applicant, on his part, has also no objection to this proposal.

In view of above position, the applicant's grievance application is accepted by us partially.

The applicant shall now make a fresh application in this respect to the non-applicant who will take necessary action to release a new I.P. connection to the applicant with a sanctioned load of 2 H.P.

Action taken report in this respect should be submitted before this Forum on or before 31.01.2006.

In the result, the grievance application stands disposed off accordingly.

Sd/-
(Smt. Gouri Chandrayan)
Member

Sd/-
(S.D. Jahagirdar)
CHAIRMAN

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

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