

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

Case No. CGRF(NUZ)/86/2010

Applicant : M/s. Khare Tarkunde Infrastructure
Pvt. Limited
At Parwana Bhavan
Kingsway,
NAGPUR.

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

Quorum Present : 1) Shri Shivajirao S. Patil
Chairman,
Consumer Grievance Redressal
Forum, Nagpur Urban Zone,
Nagpur.

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

3) Smt. K.K. Gharat
Member Secretary,
Consumer Grievance Redressal
Forum, Nagpur Urban Zone,
Nagpur.

Interim ORDER (Passed on 11.11.2010)

It is the grievance application for redressal of grievance filed by the applicant under Regulation 8.3 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 has prayed in terms of Regulation 8.3 of the said Regulation for staying execution of non-applicant's notice dated 10.11.2010 thereby threatening by non-applicant to disconnect his power supply within 15 days from the receipt of the notice, in case arrears of the bill amount of Rs.1,77,085/- is not deposited by the applicant.

According to the applicant new meter bearing meter no. 5309381996 was installed on site in place of old meter no. 82007238670 this was done after their application for extension of period.

- 1) All previous bills were regularly paid.
- 2) Existing tariff is LT-II-Comm. 3 Ph. 20 KW as sanctioned load is 10 KW.
- 3) This tariff is single part tariff and not two part tariff or MD based tariff.
- 4) Bill issued are normal bills and not TOD bills. MD is not reflected on 27.09.2010 and MSEDCL issued bill of Rs. 1,77,085/- on 25.10.2010.
- 5) It is requested to give relief to them from excessive assessment demand and till such time, requested for passing interim order directing the non-applicant not to disconnect the supply on the applicant.

The applicant filed application before Internal Grievance Redressal Cell and it is pending.

Up till now no say / written statement is filed by non-applicant.

During the course of hearing Mr. Gandhewar, Executive Engineer, Civil Lines Division, MSEDCL, Nagpur was personally present. Shri Ranjit Pakhide was present on behalf of applicant. Argument of both the side is heard at length. Forum also perused entire documents produced on record.

Admittedly applicant's application is pending before IGRC and said Cell will decide said application on merits.

The applicant has approached this Forum for direction not to disconnect his power supply.

Mr. Gandhewar, Executive Engineer, Civil Line Division, Nagpur vehemently argued that existing sanctioned load of the applicant is 10 KW. However, during the course of inspection, it is found that MD exceeded against sanctioned load of 10 KW only and applicant is drawing power more than 20 KW, therefore assessment was done for less bill for past period.

Needless to say that at this movement, it is not necessary for this Forum to go into entire matter but has to take into consideration simply whether there is prima facie case and balance of convenience in favour of which particular party.

After hearing the arguments from both the side and perusal of the record, the Forum is of considered opinion that it is necessary in the interest of the justice to issue conditional interim order till disposal off application of the applicant pending before Internal Grievance Redressal Cell.

We therefore directed that the non-applicant shall not disconnect the applicant's power supply, till decision of the matter by IGRC on application of applicant, on depositing 50%

of amount of Rs. 1,77,085/- under protest by the applicant (without prejudiced to the right of both the parties) on or before 15.11.2010.

This order is issued as per Regulation 8.3 of the said Regulation.

Contents of this order are noted by both the parties.

In view of above, Forum directs the applicant to get the matter decided by IGRC in terms of the said Regulation.

The non-applicant may take further action after decision of IGRC, if so desire and if circumstances permit. The matter shall now decide on merits of the order of IGRC.

The applicant is at liberty to come before this Forum in the event of IGRC's decision going against him.

Question of going into the merits of the case does not arise at this case.

The grievance application stands disposed off accordingly.

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

Sd/-
(Smt.Gauri Chandrayan)
MEMBER

Sd/-
(Shri S.S. Patil)
CHAIRMAN