

**Before Maharashtra State Electricity Distribution Co. Limited  
Consumer Grievances Redressal Forum, Pune Zone,  
925, Kasabapeth Building, IInd flr. Pune-11**

**Case No.11/2013**

**Date: 10/09/2013**

**In the matter of  
Shri. N.R.Sarade,  
Parvati Pune**

**- Complainant**

**V/S**

**M.S.E.D.C.L. Padmavati Division**

**- Opponent**

**Quorum**

Chair Person	Shri.S.D.Madake
Member/Secretary,	Shri.N.S.Prasad
Member	Shri.Suryakant Pathak

- 1) Nilesh Rajaram Sarde has taken two electricity connections one for Industrial purpose and other for commercial purpose in 1995 vide Con.No.170017206268 & Con.No.170017206276 respectively. The industrial connection was taken for production of bakery items and commercial connection for sale of the products. On 22/02/2010 MSEDCL permanently disconnected the commercial connection. Consumer was paying amount as per the bills issued by MSEDCL as per Industrial tariff since 2010.
- 2) According to consumer MSEDCL has claimed more amount in violation of maharashtra Electricity Regularity Commission guidelines and the Electricity Act-2003. It is contended that the

exorbitant bills are charged without valid reasons. It is alleged that illegally charged fine amount, be recovered from the responsible staff of MSEDCL.

- 3) MSEDCL filed say on 05/08/2013 and denied the allegation made by consumer. It is admitted the supply was given to consumer in 1995 by two separate connections as stated above. It is admitted that as per the circulars issued by MSEDCL the meter of commercial Con.No.170017206276 was permanently disconnected on 22/02/2010. The supply of electricity continued only through Industrial meter.
- 4) MSEDCL alleged that consumer let on rent the premises to M/s. Salt and peppers family Chinese fast food wherein commercial activities are carried out. It is further alleged that consumer never informed about the change of activities from Industrial to exclusively commercial to any office, though business was commenced in 2006. Therefore the action taken under section 126 of Electricity Act-2003 is legal and valid. The present complaint is not maintainable as per Para 6.8 (i) of Maharashtra Electricity Regulatory commission (Consumer Grievance Redressal forum and electricity Ombudsman) Regulations 2006.
- 5) The complainant made a representation that, after the decision of I.G.R.C. 02/04/2013, MSEDCL issued bill of three years on the basis of difference of Industrial and commercial consumption. The bill was of Rs.30,680.00 (Rupees thirty thousand six hundred and eighty). The grievance was made before I.G.R.C. in respect of the bill but no cognizance was taken by I.G.R.C.

- 6) According to consumer, opponent was aware that, the use was for commercial purpose, still industrial meter was retained and commercial meter was permanently disconnected on 12/02/2010. He submitted that the use of electricity is for commercial purpose since 2006 and produced on record shop act license. He submitted that he can not pay the bill and there is no mistake on his part.
- 7) On the basis of the allegations made in the complaint and say by MSEDCL we have considered the submission made by both sides. The record shows that initially bill was issued under section 126 of Electricity Act-2003 to the amount of Rs.30417/- (Thirty thousand four hundred seventeen only) The matter was taken before I.G.R.C. and the same was disposed of on 02/04/2013 being not maintainable as per law.
- 8) The MSEDCL has taken recourse to section 126 of the Electricity Act-2003 and issued bill of Rs.30417/- on 21/02/2013, we are of the view that once the action is taken by recourse to law laid down under section 126 of the Electricity Act-2003 , it was not proper and legal to issue a separate bill in April-2013 by Assistant accountant for three year period, to the amount of Rs.30,680/- (Thirty thousand six hundred eighty only) As per law MSEDCL is under an obligation to take recourse as per provisions of Electricity Act. It appears that MSEDCL as per the electricity act claimed amount for a period legally permissible by law. Therefore subsequent action taken by Assistant Accountant for issuing the bill of three years is not justifiable.

- 9) The admitted position is that consumer is taking the benefit of commercial meter since 2006. It is admitted he paid the bills based on Industrial meter during 2006 to Feb-2013. It is very unfortunate that MSEDCL staff failed to take steps for recovery of electricity bill as per consumption with appropriate tariff. This definitely resulted into the loss of public money. It is necessary to take steps to avoid such loss in future. MSEDCL can take appropriate steps, as per law. However, the alleged bill issued by Assistant Accountant is null and void, as amount already claimed as per section 126 of the Electricity Act-2003.

In the result we pass the following order.

### **ORDER**

- i) MSEDCL is directed not to Act on the assessment of bill of April-2013 issued by Assistant Accountant.
- ii) MSEDCL is entitled to recover appropriate bill as per rules.
- iii) No order as to cost.

N.S.Prasad ,  
Member/Secretary

Suryakant Pathak  
Member

S.D.Madake  
Chair Person

Date: 10/09/2013

