

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

Case No. 05 of 2010

Date: 05/04/2010

In the matter of Mr. L.M. Chordiya

- Complainant

V/S

M.S.E.D.C.L. Rastapeth Division

- Opponent

Quorum

Chair Person

Mr. A.V.Bhalerao

Member/Secretary,

Mr. L.G.Sagajkar

Member

Mr.Suryakant Pathak

- 1) Shri. L.M.Chordiya (Complainant for short) obtained the supply of electricity for residential purpose to his premises from Maharashtra State Electricity Distribution Co. Ltd. (Opponent for short), He received a bill for Rs. 5806.9 for unauthorized use and he therefore made a grievance to this forum contending that he uses the premises for residential use. His main office is at Katraj however as it is inconvenient for his customers to attend the office which is at Katraj he uses the front room of his house for receiving the cheques from his customers.

2) The opponent filed its say contending that on 17/11/09 the representative of the opponent visited the complainant's premises and found that the complainant was using the electricity for the purpose of residential as well as commercial by using the front room as office to collect the cheques from the customers. It further contended that as the complainant was found using the electricity for the purpose other than for which the usage of electricity was authorized an assessment was made as provided under Sect. 126 of the Elect. Act-2003 (Act) and the bill for the amount of Rs. 5806.09 was claimed from the complainant. On the date of the arguments the complainant Mr. L.M.Chordiya contended that the user of the front room is not commercial however he admitted that he works as octroi clearing agent and his main office is at Shindewadi octroi Naka which is far away from the city and therefore inconvenient for his customer. He further admitted that for the convenience of his customer he uses the front room as office in the evening. The verification report shows that on inspection the nature of work carried out in the part of the premises was as office. The opponent therefore made assessment for the unauthorized use of electricity under Sect. 126 of the Act. If the complainant wants to challenge the said assessment on the ground that the user of the part premises the way in which he is using does not amount to

commercial his remedy is to prefer an appeal to an appellate authority under 127 (1) of the Act . The jurisdiction of the forum to deal with such dispute of unauthorized use of the electricity as provided under 126 of the Act is excluded from the jurisdiction of the forum under Reg. 6.8 of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations,2005 (MERC CGRF Reg. 2006)

ORDER

The complaint stands dismissed.

Sign:

Mr. L.G.Sagajkar,
Member/Secretary

Mr.Suryakant Pathak
Member

Mr.A.V. Bhalerao
Chair Person

Date: 05/04/2010