



Consumer Grievance Redressal Forum, Kalyan Zone

Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301

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**No. K/DOS/59/1528 of 2017-18**

Date of registration : 15/02/2018

Date of order : 21/03/2018

Total days : 34

**IN THE MATTER OF GRIEVANCE NO. K/DOS/59/1528 OF 2017-18 OF SHRI. KULDIP SAXENA, SAI AGRO FARM, VILLAGE-BORANDE, TAL. WADA, DIST.PALGHAR, PIN CODE - 421 303 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING DISCONNECTION OF SUPPLY.**

Shri. Kuldip Saxena,  
Sai Agro Farm, Village-Borande,  
Tal. Wada, Dist.Palghar,  
Pin Code - 421 303.

(Consumer no : 010740000239)

... (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution  
Company Limited,  
Through it's Nodal Officer,  
Vasai Circle, Vasai

... (Hereinafter referred as Licensee)

**Appearance** : For Licensee - Shri.L.A.Chavan, A.A., Wada S/Dn.

For Consumer - Shri.B.R.Mantri (C.R.)

[Coram- Shri A.M.Garde-Chairperson, Shri A.P. Deshmukh-Member Secretary  
Mrs.S.A.Jamdar- Member (CPO)].

1) Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003 (36/2003). Hereinafter for the sake of brevity referred as 'MERC'. This Consumer Grievance Redressed Forum has been established as per the notification issued by MERC i.e. "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is referred as 'Regulation'. Further the regulation has been made by MERC i.e. Maharashtra Electricity Regulatory Commission. [Electricity Supply Code and other conditions of supply 2005] Hereinafter referred as 'Supply Code' for the sake of brevity. Even, regulation has been made by

MERC i.e. 'Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply & Determination of Compensation) Regulations, 2014.' Hereinafter referred 'SOP' for the sake of convenience.

2) Consumer herein is Mr. Kuldip Saxena, Sai Agro Farm, Palghar having Consumer Number 010740000239 LT/AG/3 phase. Grievance is that wrong bill has been raised and prayer is made to quash the same and reconnect supply which has been disconnected for Non-payment.

3) Distribution Licensee in reply contends that the Consumer had a sanctioned load of 5 HP for agricultural purpose since 1 April 2000 at post Boranda, Tal-Wada. On 30/08/2016 Junior Engineer, Khanivali Section Office under Wada sub-division detected unauthorized extension of load of 10 HP and thereby using total load of 15 HP instead of sanctioned 5 HP. Consumer meter was found burnt as per spot inspection report of Junior Engineer on 30/08/2016. Therefore the bill of unauthorized extension of load was issued, for an amount of Rs.1, 11,750.00 on 30/08/2018. Consumer has not paid the issued bill, hence on March-2017 this amount of Rs.1,11,750.00 debited to bill in respect of consumer no. 010740000239/PC-7/BU-4158 of Mr. Kuldip Saxena.

4) We have heard both sides.

From the reply submitted by Dy.Ex.Engineer on date 21/02/2018 he has produced following documents.

- i. Spot inspection report by Junior Engineer, Khanivali Section on date 30/08/2016.
- ii. Assessment sheet prepared by Assistant Accountant, Wada S/dn.
- iii. Bill prepared in name of Mr. Kuldip Saxena having Consumer No. 010740000239/7.
- iv. Bill revision report of Mr. Kuldip Saxena on 03/05/2017.
- v. Letter given by Mr. K. K. Saxena to Dy.Executive Engineer, Wada S/dn on 14/11/2017.
- vi. Letter written to Mr. Kuldip Saxena by Dy. Executive Engineer, Wada S/dn. on date 20/11/2017

5) From the above spot inspection it is clear that there was unauthorized load extension from 5 HP & section is 126 applied. From Assessment sheet it is clear that assessment is done under section 126. The bill on the record shows that bill is prepared as per section 126 & it is mentioned in it. In bill revision report reason code for B-80 clearly shows that bill revision is done for section 126. A letter was given to Dy.Executive Engineer, Wada S/dn by Mr.Saxena on dt.14/11/2017 in which he himself mentions that he was been penalized under section 126. Letter from Dy.Executive Engineer, Wada S/dn to Mr. Saxena also repeat the same that, his bill is charged under section 126 & he may contact office of Electrical Inspector for further Appeal.

6) It is clear that in substance prima facie case under section 126 is disclosed. There are several points raised as to technicalities like whether any formal assessment order has been

passed. Whether proper hearing was given etc. These are all procedural aspects. Fact remains that action taken by Distribution Licensee is under section 126. Whether it is legal & proper has to be considered by the competent authority under section 127.

7) Mr.Mantri, Consumer Representative relied on certain judgments of CGRF and Ombudsman. We have no quarrel about the proposition that, if there is no case seen prima facie under section 126, this forum will have jurisdiction over the matter. We have already observed that case under section 126 is prima facie disclosed.

8) In the above view of the matter, is very difficult to transgress in to the Jurisdiction of the competent authority under section 127. It is to be borne mind that the question is of revenue loss on account of unauthorized extraction of electricity and for such matter competent authority is provided under the provisions and there are some requirement like deposit of part of the amount before calling in question such order. Consumer can not by pass all that by taking resource to CGRF.

9) Grievance Fails.

Hence the order.

**ORDER**

**Grievance is dismissed.**

Date: 21/03/2018

(Mrs.S.A.Jamdar)  
Member  
CGRF, Kalyan

(A.P.Deshmukh)  
MemberSecretary  
CGRF, Kalyan.

(A.M.Garde)  
Chairperson  
CGRF, Kalyan.

**NOTE**

- a) *The consumer if not satisfied, may file representation against this order before the Hon. Ombudsman within 60 days from the date of this order at the following address.*  
*“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”.*
- b) *Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or*
- c) *delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” at the following address:-*  
*“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”*
- d) *It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.*

