

**BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM  
AURANGABAD ZONE, AURANGABAD.**

**Case No. CGRF/AZ/AUC/774/2019/59  
Registration No. 2019100062**

Date of Admission : 22.10.2019

Date of Decision : 13.11.2019

Smt. Kalpana Hilalsing Daud, : COMPLAINANT  
Plot No. 834,  
N-5, CIDCO  
Aurangabad  
(Consumer No. 490013422181)

**VERSUS**

Maharashtra State Electricity Dist. Co. Ltd.,: RESPONDENT  
through it's Nodal Officer, EE(Admn),  
Urban Circle, Aurangabad.  
The Addl. Executive Engineer,  
CIDCO Sub Division, Aurangabad

For Consumer : Shri Akhtar Ali  
For Licensee : Shri. Karale  
Addl. EE, CIDCO Sub-Dn.

**CORAM**

Smt. Shobha B. Varma, Chairperson  
Shri Makarand P Kulkarni, Tech. Member/Secretary  
Shri Vilaschandra S. Kabra Member.

**CONSUMER GRIEVANCE REDRESSAL DECISION**

- 1) The applicant Smt. Kalpana Hilalsing Daud, Plot No. 834, N-5, CIDCO, Aurangabad, is having Consumer No. 490013422181. The applicant has filed a complaint against the respondent through the Executive Engineer i.e. Nodal Officer, MSEDCL Urban Circle, Aurangabad under Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulation 2006 in Annexure (A) on 22.10.2019.

**The brief facts of the dispute are as under:-**

- 2) That, the electricity connection is released to the petitioner in Oct-2016 under Residential category. In June 2019, MSEDCL issued bill of Rs 78500 under commercial category. The petitioner has challenged the said bill and requested that the disputed bill for the month of June 2019 is wrong and the same be revised as per MSEDCL circular no. 243 dtd 03.07.2015.
- 3) It is therefore prayed by the petitioner that:-
- a) The June 2019 bill, if issued in accordance with circular no. 243 dtd. 03.07.2015, the petitioner is ready to pay the revised bill
  - b) It be directed to revise the disputed bill

**The Respondent in their say (Pg. No. 11) has submitted as follows:**

- 4) That on 03.06.2019, spot inspection was carried out by Flying Squad and observed that the residential electric connection is being used for commercial purpose by the petitioner & hence a provisional bill under section 126 of Indian Electricity Act, 2003 was issued to the petitioner on 04.06.2019.
- 5) That the petitioner was given an opportunity to appear on 10.06.2019. After the petitioner was heard, final bill was issued to him on 17.06.2019.

- 6) That the matter is beyond the jurisdiction of the Forum and hence the petition of the petitioner be dismissed.
- 7) We have perused the pleading & documents submitted by both the parties on record. Heard the Consumer Representative Shri. Akhtar Ali & Nodal Officer Shri. Karale, Addl.EE, CIDCO for MSEDCL
- 8) Following preliminary point of jurisdiction arose for our determination & we have recorded its findings for the reasons to follow:-

Sr.No.	PRELIMINARY POINTS	ANSWER
1	Whether this Forum has jurisdiction to try the dispute?	No
2	What order?	As per final order

**REASONS:**

- 9) **Point No.1:-** The order of Provisional Assessment u/s 126 (2) of EA 2003 is issued vide letter no. Addl.EE/FS/A'bad/U/207 dtd 04.06.2019. It is mentioned in the said order that inspection of the premises was carried out by the inspection team of the office of Flying Squad (Urban) on 03.06.2019 and a Spot Inspection Report was prepared. It is also mentioned that the consumer/representative has refused to accept the Spot Inspection Report.
- 10) In the said Provisional Assessment Order, it is mentioned that there was unauthorized use of electricity for commercial purpose since Nov. 2016 and therefore provisional assessment u/s 126 of EA 2003 for Rs 1,73,486 for unauthorized utilization of 12126 units for the period of Nov. 16 to May 19 is being issued.
- 11) It appears that on receipt of notice, of personal hearing dt. 04.06.2019 the petitioner has appeared through her representative namely Shri.

Aktar Ali & on hearing submissions made by him final assessment order was passed on 19.06.2019. The petitioner has not disputed this particular fact.

- 12) The order of Final Assessment u/s 126 (2) of EA 2003 is issued vide letter no. Addl.EE/FS/A'bad/U/239 dtd 19.06.2019.
- 13) In the Final Assessment Order, it is also mentioned that considering the request of the consumer and written consent submitted by the consumer on 10.06.2019 at 15.00 Hrs bearing signature of Consumer Representative, the Final Assessment Order for Rs 78,500 is being issued and the same shall be paid on or before 18.07.2019.
- 14) It is seen that the consumer approached before IGRC on 14.07.2019 (Pg. No. 8) praying for the revision of the said bill of Rs 78,500 as per MSEDCL circular no. 243 dtd 03.07.2015.
- 15) The IGRC has issued its order no. 265 dtd. 26.09.2019 (Pg. No.2). It is seen that the consumer has not appeared before the IGRC and IGRC has dismissed the grievance of the consumer observing that since the action is taken on the consumer u/s 126 of EA 2003, IGRC has no jurisdiction in the said dispute.
- 16) Considering the fact, that procedure under section 126 of Indian Electricity Act, 2003 was followed & on hearing the petitioner, the final assessment order passed. Hence, this forum has no jurisdiction to try the dispute. The petitioner is at liberty to appear before Electrical Inspector under section 127 of Indian Electricity Act with these findings; we answer point No.1 in the negative & proceed to pass following order in reply to point No.2.

**ORDER**

- 1) Jurisdiction of this forum is excluded to try the dispute.
- 2) Parties to bear their own costs.

Sd/-  
Shobha B. Varma  
Chairperson

Sd/-  
Makarand P. Kulkarni  
Member / Secretary

Sd/-  
Vilaschandra S.Kabra  
Member