

**Consumer Grievance Redressal Forum  
Maharashtra State Electricity Distribution Co. Ltd.  
Bhandup Urban Zone, Bhandup**

Ref. No. Secretary/MSEDCL/CGRF/BNDUZ/

Date :

Case No. 386

Hearing Dt. 16/09/2011  
& 23/09/2011

**In the matter of compensation & refund of theft amount**

Shri Manoj Kanji Hariya - Applicant

Vs.

M.S.E.D.C.L., Bhiwandi - Opponent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri S. D. Madake, Chairman, CGRF Bhandup.
- 2) Shri R.M Chavan, Member Secretary, CGRF, Bhandup.
- 2) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Appellant

- 1) Shri Manoj Kanji Hariya –Consumer

C - On behalf of Respondent

- 1) Shri A. L. Deshpande, Ex. Engr/Nodal Officer, Bhiwandi.

**ORDER**

Shri Chaganlal M. Hariya is a three phase power loom consumer under sr. no. 013010249923 at S. No. 116, Mun-Pro no. 284,

Bhandari.com, nr. Police Chowki, Narpoli 2, Tal. Bhiwandi on 27/09/2005 . The Flying Squad unit of the utility disconnected electric supply under the reason of pilferment of electricity and accordingly the utility file the F.I.R. vide 131/05 under section 135 & 138 of E.A. 2003. The Applicant consumer also paid the civil liability (theft charges) ` 48,615/- and compounded for an offence ` 12,000/-. The case was proceeded in the Court and the Applicant is acquitted for Section 135 & 138 of Electricity Act 2003.

Shri Manoj Kanji Hariya was present to represent on behalf of consumer, he explained as under :

The utility officer without giving notices disconnected the power supply on dtd. 27/09/2005 by the special squad. There is no notice under section 163, 56/1 of Electricity Act 2003. The above consumer was not at the place or any onus employer at that time. When the workers ask for the reason the Polices and Officers started giving threat and extortion and stop the power supply. The entry is like the buglar in above owner premises. This is out of Law as per in I.P.C. and also Electricity Act 2003. The above Applicant put in trouble and compels to pay as per the officer wish. This is out of Law without prejudice Applicant has to pay with hardship and fear of danger. The Officers of MSEDCL should be punish by Forum as per the rule.

The Polices and Officers put all the workers out with force and fear of danger without any reason. Without the wait of the onus employer the FIR was registered by the Officer/Officers. There was no onus witness at that time. The false and fake case is registered under section 135, 138 of Electricity Act 2003 cr.no. 131/05 in Narpoli Police Station of Bhiwandi city. At late time the Applicant brother's named Shri Rajesh Kanji Hariya went to the shed as daily routine. The officers not say any about the incidence and not given the bill and lodged false F.I.R. The case is file in Hon'ble Court of Thane in case 1163/06. The case is registered on 29/08/2006 and above Applicant brother is acquitted on

01/04/2011 and copy of order got on 01/07/2011. The above consumer was compelled to pay the amount of ` 48,615/- and compounding charges of ` 12,000/-. All the evidences are given to the Police and officers but no grievance is solved. This is to give the trouble to the above Applicant as he is a journalist of a local newspaper. The main reason is to stop the publication of news in a local paper.

The reason is totally baseless for a raid, the complaint is already given in the MSEDCL in writing and oral form. The above consumer has already paid the bill for 39 HP, the record is in the MSEDCL, also. The raid is fake, malpractice and fraud. As the above consumer is a local journalist of the local newspaper who always writes about the corruption of the officers of MSEDCL. The raid is in person by the officers at that time. The number of days the business is disturbed. The above consumer is not a technical person. The survey by the officers of all meters should be every 6 months as per the rule of the Board. Then what kind of survey has been done. Why the officers had not increased the 3 HP load in the bill, the complaint is already given in writing and oral form. The survey report from 2005 to 2007 should be submitted by the officers of sub-division no. 4 at the time of hearing. The Forum should note it. This work of survey is of the employee of the Board, not the consumer/consumers.

The Survey report of the Torment Power of load of the above consumer should be submitted in hearing by the officers. The load is quite different. This shows what kind of corruption is going on by the Government.

**Prayer of the Applicant :**

The beg for damage of ` 48,615/- and compound charges of ` 12,000/- with compound interest as deem fit.

Compensation ` 60,615/- of bill pay by the Applicant.

` 60,000/- interest on the paid amount.

` 50,000/- time and money wastage in special Court,

` 5,00,000/- for mental agony and trouble

The total compensation is ` 6,70,615/-.

On behalf of utility Shri A.L. Deshpande, Ex. Engr. present to represent the case, he stated that in the Court order the Applicant consumer is acquitted from Section 135 and 135 of E.A. 2003 and no specific order for any kind of compensation as prayed by the Applicant. The Representative of utility declined for compensation as there is no harassment or mental agony caused to the Applicant. The matter was heard finally on 23/09/2011 both the parties were present, documents on record and arguments during the proceeding reveals that on dtd. 27/09/2005 the Flying Squad unit of utility found the meter of Shri Chaganlal Hariya was tempered and accordingly the F.I.R. was filed by Shri Piraji More vide cr. NO. 131/05. The case was proceeded in Thane Court vide Sp. Case no. 1163/06. Meanwhile consumer had paid theft bill ` 48,615/- vide money receipt no. 1856737 dtd. 03/10/2005.

According to the Hon'ble Thane Court Sp. case no. 1163/06 the order passed on 15/06/2010 is as follows :

- 1) Shri Rajesh Kanji Hariya is acquitted of the offence punishable under section 135 and 138 of Electricity Act 2003.
- 2) His bill bond shall be cancelled.
- 3) He is set Liberty forthwith.

From the above Forum observed that as pleaded by the utility the compensation is not awarded by the Hon'ble Court but the theft bill

assessed towards civil liability should have been cancelled or payment made by the Applicant should have been refunded.

Forum also observed that the utility should credit the interest at the rate of R.B.I. for holding the theft amount ` 48,615/- from Oct-2005 till refund of this amount.

The utility is therefore directed to refund the theft amount alongwith the interest as said above.

The Applicant consumer could not justify the demand for the compensation for harassment and mental agony, hence Forum therefore declined to award the same.

The compliance should be reported within a month of period after receipt of this order.

No order as cost.

Both the parties be informed accordingly.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 23<sup>rd</sup> of November 2011.

Note : 1) If Consumer is not satisfied with the decision, he may go in appeal within 60 days from date of receipt of this order to the Electricity Ombudsman in attached "Form B".

Address of the Ombudsman  
The Electricity Ombudsman,  
Maharashtra Electricity Regulatory Commission,  
606, Keshav Building,  
Bandra - Kurla Complex, Bandra (E),  
Mumbai - 400 051.

2) If utility is not satisfied with order, it may go in appeal before the Hon. High Court within 60 days from receipt of the order.

**DR. ARCHANA SABNIS**  
**MEMBER**  
**CGRF, BHANDUP**

**S. D. Madake**  
**CHAIRMAN**  
**CGRF, BHANDUP**

**R.M. CHAVAN**  
**MEMBER SECRETARY**  
**CGRF, BHANDUP**