

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

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

Date :

Case No. 406

Hearing Dt. 15/11/2011

Shri Sanjay R. Shukla - Appellant

Vs.

MSEDCL Bhandup Division - Respondent

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 Sanjay R. Shukla, Consumer

C] - On behalf of Respondent

- 1) Shri P.H. Shirke, Dy. Ex. Engr. Pannalal S/Divn., Bhandup.

Consumer Shri Sanjay Radheshyam Shukla filed the complaint against MSEDCL before this Forum as per the provision of the Electricity Act 2003. As per the record consumer is having sanctioned load of 21 HP against which the connected load was of 34.5 HP. The 3 phase

electric connection was in the name of M/s. Sai Engineering Works, at Md. Umar Compound, Bhandup (W).

The utility officers inspected the premises on 16/06/2006 and concluded that consumer has committed theft and accordingly the police case was filed under section 135 and 138 of Electricity Act 2003. The utility served the provisional bill of ` 2,43,520/- which, the consumer paid it. The case was proceeded in the special court where consumer is acquitted the accused section 135 & 138 of E.A. 2003 but the utility has not refunded the paid amount against the theft of electricity aggrieved of this consumer filed his grievance to the Internal Grievance Cell. The IGRC ordered for crediting the theft amount but no order as regards to the interest on this amount for holding for long time.

The consumer Applicant therefore preferred an Appeal in the Forum where the case was registered vide case no. 406 and hearing was fixed on 15/11/2011.

Shri Sanjay Shukla, the consumer (herein after will referred as to the Appellant) was present to represent the case and on the behalf of utility Shri P.H. Shirke, the Dy. Ex. Engr., Panalal s/divn. (hereinafter will referred as to the Respondent) put up his argument during the proceedings.

The substance of the allegations made in the complaint may be stated as under :

Appellant is consumer of MSEDCL vide consumer no. 100000412401. The meter no. is 60000193521. According to Appellant case was filed against him under Section 135/138 of Indian Electricity Act 2003 vide C-R-no. 538/2006. The charge sheet was filed against him. The case was heard finally and accused i.e consumer was acquitted, he prayed for refund of the amount charges for theft of electricity. The

Respondent considered the application and an amount of ` 2,43,520/- which was assessed on the ground of theft of electricity was refunded to him as per the Law.

Now, Appellant is claiming interest on the said bill. The Respondent submitted that the special court in electricity special case no. 39/2006 has not ordered for refund of the amount. It is necessary in the interest of justice that, if the consumer is acquitted he is entitle for an interest on the theft assessment bill. It is necessary that consumer also has to pay electricity bills regularly. Therefore, Forum feels that following order would meet the end of the justice.

ORDER

- 1) The MSEDCL is directed to pay interest at the prevailing rate of RBI on the amount of theft assessment bill from the date of deposit of the bill. The said amount of interest should be adjusted in the electricity bill to be issued to the Appellant.
- 2) No order as to the 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 13th of December 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