

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

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

Date :

Case No. 152

Hearing Dt. 12/02/2008

**M/s. Magtech Mobile Spares Pvt. Ltd.** - Applicant (Consumer)

Vs.

**MSEDCL, Vashi** - Opponent (Utility)

**Present during the hearing**

**A - On behalf of CGRF, Bhandup**

- 1) Shri S.L. Kulkarni, Chairman, CGRF, Bhandup.
- 2) Shri S.B. Wahane, Member Secretary, CGRF, Bhandup.
- 3) Mrs. Manik P. Datar, Member, CGRF, Bhandup.

**B - On behalf of Applicant**

- 1) Shri P.S. Shahane, Consumer (Director).

**C - On behalf of Respondent**

- 1) Shri K.D. Humane, Dy. Ex. Engr.
- 2) Shri H.L. Kirpan, D.A.
- 3) Shri R.P. Chavan, Asstt. Accttn.

.

**PREAMBLE :**

The Director, Shri P.A. Shahane of M/s. Magtech Mobile Spares Pvt. Ltd. registered his grievance with this Forum on 17<sup>th</sup> Jan 2008 vide case No. 152. The hearing date was fixed on 12/02/2008 at 12.00 hrs. All the concerned were intimated to attend the hearing.

**CONSUMER'S SAY :**

Mr. P.S. Shahane is having an industry in the name of M/s. Magtech Mobile Spares Pvt. Ltd. at R-657, T.T.C. Industrial area, MIDC, Rabale, Navi Mumbai with consumer no. 00011142301616.

Utility sent a letter to him on 10/01/2001 alongwith provisional bill of 03/01/2001 for theft of energy detected on 30/12/2000 for Rs. 12,18,986/- for the period from Jan-98 to Dec-2000.

Consumer paid Rs. 2,45,000/- under protest as 20% of theft amount for non disconnection of his electric supply.

Consumer states that in the month of June-1999, he got a bill with faulty status. He wrote a letter on 21/08/1999 to utility asking them to remove faulty meter and revised the bill. Utility checked his meter on 29/09/1999. It was found to be OK and without any fault still he was getting the bills on average basis.

On 30/12/2000, he was caught under theft and F.I.R. was lodged with Vashi Police station and finally criminal case was lodged in the Court of Judicial Magistrate, Vashi, Navi Mumbai under case No. 118 of 2001.

Consumer got a judgement and order on 09/05/2005 stating that there was no evidence of any kind of alleged theft of energy proved by the complainant. Two officers of MSEDCL had failed to prove the theft of electricity, so the Court acquitted the consumer from criminal offence.

There after consumer wrote a letter to utility demanding the refund of money of Rs. 2,45,000/-, which was paid by the consumer on 03/01/2001 for non disconnection of his electric supply. But consumer received a letter from utility on 16/11/2005 stating that the consumer should pay the arrears of Rs. 9,73,985/-

The provisional bill for assessment of theft of energy, which is received by the consumer on 03/01/2001, was amounting to Rs. 12,18,986/-, which was erroneous and baseless. Utility checked and inspected his meter on 29/09/1999 and it was found OK. After that utility sent to the consumer the bills on average basis from June 1999 to Nov-2000.

After receiving a letter for arrears of Rs. 9,73,985/- from the utility the consumer filed a complaint to District Consumer Forum, Thane against complaint No. 23 of 2006. It was dismissed by the Forum on grounds that the consumer is using electric supply for commercial purpose.

Then consumer approached ICGRU of Vashi Circle. Hearing dates were postponed three times and no judgement was given within prescribed time limit of two months. Hence the consumer approached this Forum. While the theft case was pending in the Court of Law, the utility officials sanctioned and installed high-tension connection to this consumer as per request.

**Prayer of the consumer :**

- a) It be held and declared that the provisional bill dated 03/01/2001 and letter dated 16/11/2005 issued by the opponent is null and void and the complainant is not bound to pay the said amount.
- b) Till hearing and disposal of this complaint the opponent company be restrained by an order of injunction from disconnecting the electric supply to the complainant company.
- c) Ex-parte, ad interim relief in terms of prayer clause (b) be granted.

**UTILITY'S SAY :**

- 1) The utility has after detecting of power theft case sent a provisional bill of Rs. 12,18,986/-. The said cost had been worked out as per utility's guidelines for the period of theft between Jan-98 to Dec-2000.
- 2) The power supply was disconnected with forthwith but was restored after the consumer paid 20% of provisional bill amount i.e. Rs. 2,45,000/-.
- 3) A criminal case was filed with Vashi Civil Court vide case No. 118/2001.
- 4) The consumer was acquitted from theft case that is criminal liabilities are totally different.
- 5) The meter of the consumer was found 83.61% slow on accucheck and hence the amount to be recovered by the consumer is calculated. The consumer had been unauthorisedly enhanced the connected load to 161.71 HP against sanctioned load of 66.34 HP.

6) The CGRF is not empowered to deal with the cases under section 135 (theft).

**OBSERVATIONS:**

1) The appellant consumer has been acquitted from the judicial court on 09/02/2005 by Judicial Magistrate Vashi.

2) The consumer is demanding the refund of an amount, which the utility alleges is towards stolen units of electricity. The dispute now falls within the preview of Civil liability against theft, therefore consumer should approach appropriate Court. Further as per MERC (CGRF & Electricity Ombudsman) Regulations 2005 order section 67 (d), which states as theft matter does not fall within the competence of CGRF.

**ORDER**

The case is dismissed with advise to the consumer to approach appropriate Court.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on .

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.

**MRS. M.P. DATAR**  
**MEMBER**  
**CGRF, BHANDUP**

**S.L. KULKARNI**  
**CHAIRMAN**  
**CGRF, BHANDUP**

**S.B. WAHANE**  
**MEMBER SECRETARY**  
**CGRF, BHANDUP**

