

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

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

Date :

Case No. 242

Hearing Dt. 02/12/2008

In the matter of extra Recovery charged

Shri Ravji B. Ghadigaonkoar

- Applicant

Vs.

MSEDCL, Mulund

- Opponent

Present during the hearing

A - On behalf of CGRF, Bhandup

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

B - On behalf of Applicant

- 1) Shri Ravji B. Ghadigaonkoar, consumer
- 2) Shri Suryakant Shantaram Sapale, Representative

C - On behalf of Opponent

- 1) Shri G.V. Chavan-Patil, Dy. Ex. Engr., Mulund Division.

Shri Ravji B. Ghadigaonkar (Hereinafter referred to as the Applicant) has filed this representation on 15/11/2008, which is registered at serial No. 242 of 2008. The representation arises out of recovery charged for Rs. 7720/- and penalty of Rs. 4000/- towards compounding of offence.

Applicant say :

The applicant has stated, his case as under :

- 1) The Applicant is a residential consumer of electricity surprised by the Respondent for sanctioned load of 2.8 kw. Meter No. 9000182379 was installed in the year 19/08/1989. From the date of connection applicant is paying bills regularly without delay.
- 2) The meter No. 9000182379 was checked in the applicant premises in his presence and it was alleged to have been tampered. Assessment bill Rs. 7720/- was issued under the allegation of theft of electricity. The applicant filed a complaint to the various authority of utility, Thane but no remedy was provided. The applicant approaches to this Forum and prayed for refund of wrongly recovered amounts and setting aside the allegation of theft of electricity.

Utility's say :

The Executive Engineer, Mulund Division has filed its written statement of defense on dtd. 8th Dec.-2008. It states that on dtd. 13/02/2008 during the inspection by Accu-check meter the applicant meter was found working slow by 36.34% and meter seals were found tampered.

In order to found the modus operandi of the meter was opened in the premises of consumer and found that the CT coil turns were less which had result in slowness of meter this is a case of pilferangement of electricity and an offence under Electricity Act 2003 under section 135. Moreover, after replacement of old meter the consumption pattern clearly shows that with the

same Gazette, earlier meter was recording less consumption and hence proves that applicant was indulge in theft of electricity.

The respondent also states that when it was clear that meter was tampered, the recovery for less recording from last 2 years has been charged.

OBSERVATIONS :

The matter was heard on 02/12/2008 the applicant was personally present and was assisted by his representative Shri Suryakant Shantaram Sapale and from Respondent side Shri G.V. Chavan-Patil, Dy. Ex. Engr., was present.

The applicant briefly narrated facts that his old meter was working properly. He told that respondent officials have checked meter. He agreed that meter was checked in his presence. However, he does not understand technical particulars and hence signed the meter checking report as asked by the respondent. Applicant stated that he has never touched to meter and hence he prayed for setting aside the allegation. Upon query, he agreed that offence and penalties as provided under section 135 to 139 of the Electricity Act 2003 are excluded from the purview of the Forum and the Electricity Ombudsman.

Documents on record was proceedings during the hearing reveal that the respondent, upon inspection on dtd. 13/02/2008 found that the meter no. 9000182379 was running slow by 36.34%. The meter was replaced and old meter was opened in presence of applicant for detail investigation. It was observed that current coil turns were less, which was the reason for recording less consumption same was shown to the applicant, with this joint inspection respondent concluded that the meter was tampered. A report was accordingly prepared and consumer's representative signed the report copy of the same is on record.

The respondent raised a bill dtd. 14/02/2008 amounting Rs. 7720/- towards assessment of theft and also supply the bill for compounding of offence Rs. 4000/-. The applicant paid the charges on 25/02/2008 copy of the bill is on record. The Forum observed from the record available that the consumption recorded after replacement of meter is around 196 to 200/ month. However, the old meter recorded only 80 to 90 units per month and that too for more than 2 years.

In the light of the facts of the case as narrated above, it will be worthwhile to refer to the Maharashtra Electricity Regulatory Commission (CGRF & Electricity Ombudsman) Regulation 2006. Regulation 6.8 reads:

“6.8. If the Forum is prima facie of the view that any Grievance referred to it falls within the purview of any of the following provisions of the Act. The same shall be excluded from the Jurisdiction of the Forum:”

- a. Unauthorized use of Electricity as provided under section 126 of the Act.*
- b. Offences and penal ion as provided under section 135 to 139 of the Act.*

It is clear from the above that offences and penalties as provided under section 135 to 139 Act are excluded four Jurisdiction of the Forum.

ORDER

The applicant failed to produce any thing to counter the above position documents on record, however, show that the Forum is prima facie of the view that it is a case relating to offences and penalties as provided under section 135

of the Act. In the result, it ousts the Forums jurisdiction in terms of regulation 6.8 above. Despite the Applicant argument that he has never done anything wrong with meter; but the slowness of old meter and recording of consumption of newly provided meter and against applicant's pleading. The representation is therefore liable to be and is hereby rejected.

The representation is disposed of in terms of the order.

No order as to cost.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 12th of December 2008.

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**

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