

**Before Maharashtra State Electricity Distribution Co. Ltd.'s  
Consumer Grievance Redressal Forum  
Nagpur Urban Zone, Nagpur**

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**Case No. CGRF(NUZ)/099/2006**

Applicant : Smt. Sarita Prabhakar Navkhare,  
At Bhisim Apartment Plot No. 6 B-1,  
Chakradhar Nagar, Chhota Tajbag,  
Nagpur-440 024.

Non-Applicant : The Nodal Officer-  
Executive Engineer,  
Mahal Division,  
Nagpur representing the MSEDCL.

Quorum Present : 1) Shri S.D. Jahagirdar,  
Chairman,  
Consumer Grievance Redressal  
Forum,  
Nagpur Urban Zone,  
Nagpur.

2) Smt. Gouri Chandrayan,  
Member,  
Consumer Grievance Redressal  
Forum,  
Nagpur Urban Zone,  
Nagpur.

3) Shri M.S. Shrisat  
Exe. Engr. & Member Secretary,  
Consumer Grievance Redressal Forum,  
NUZ, MSEDCL, Nagpur

**ORDER (Passed on 22.02.2006)**

The present grievance application is filed before this Forum on 04.02.2006 under Regulation 6.3 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulations, 2003

here-in-after referred-to-as the said Regulations.

The grievance of the applicant is in respect of non-release of fresh electricity connection to her premises and about wrong charge of commission of theft by her and also about illegal and erroneous theft assessment of Rs.9511/- levied against her on 27.12.2005.

Before filing the present grievance application, the applicant had approached the Superintending Engineer, Nagpur Urban Circle, MSEDCL, Nagpur by filing her complaint on 05.01.2006 raising therein the present grievance. The Superintending Engineer replied the applicant by his letter, being letter number 461 dated 19.01.2006, that upon the inspection done by the concerned Jr. Engineer, it was found that the applicant committed theft of electricity from the date on which her meter was permanently disconnected and that a bill of Rs.9511/- dated 27.12.2005 towards theft assessment was correctly issued and further that her request for new connection would be considered only upon payment of this amount of Rs.9511/-.

The matter was heard by us on 21.02.2006.

The applicant's case was presented before us by her husband Shri Prabhakar N. Nawkhare.

Documents produced on record by both the parties were perused & examined by us.

A copy of the non-applicant's parawise report dated 16.02.2006 submitted by the non-applicant as per Regulations 6.7 & 6.8 of the said Regulations before this Forum was given to the applicant's representative on

21.02.2006 before the case was taken up for hearing and he was given opportunity to offer his say on this parawise report also.

The applicant's representative stated before us that the P.D. arrear amount of Rs. 12,260/- shown as recoverable from the applicant by the non-applicant was duly paid on 15.12.2005 and a request was made for releasing a new electricity connection. However the applicant's request has not yet been granted by the non-applicant and that consequently a wrong theft assessment bill of Rs. 9511/- came to be served upon the applicant on 27.12.2005.

The applicant's representative has strongly contended that this theft assessment bill of Rs. 9511/- is improper and illegal since the applicant did not commit any theft of electricity as reported by the non-applicant.

It is his contention that no documents, whatsoever, were served upon the applicant before charging the applicant for theft of electricity. He added that a copy of inspection report of the concerned Jr. Engineer relating to detection of the alleged theft of electricity was not given to the applicant. A copy of Panchnama said to have been drawn by the non-applicant's officers in respect of the alleged theft of electricity was also not given to the applicant. His submission is that the entire proceedings of inspection were carried out behind the back of the applicant.

He also stated that although the alleged theft is reported to have taken place on 10.12.2005, the applicant was not apprised thereof upto 27.12.2005 when the applicant, to

her shock & surprise received the theft assessment bill of Rs.9511/-.

He also drew attention of this Forum to the fact that the applicant paid the P.D. arrear amount of Rs. 12,260/- on 15.12.2005 against the non-applicant's bill dated 13.12.2005. Even on this date viz. 15.12.2005 no idea, whatsoever, was given to the applicant about commission of alleged theft by her.

The applicant's representative has strongly contended that the entire action of the non-applicant is full of malafies. He, therefore, pleaded that there is no theft of electricity committed by the applicant.

He lastly prayed that the new connection sought for may be ordered to be released forth-with without compelling the applicant to pay the alleged theft assessment amount of Rs.9511/-.

He has produced copies of the following documents, in particular to support his contentions.

- 1) The applicant's application dated 22.12.2005 addressed to the Superintending Engineer, NUC, MSEDCL, Nagpur on the subject of restoration of the applicant's power supply in view of payment by her of P.D. arrear amount of Rs.12,260/- on 15.12.2005.
- 2) Applicant's application dated 02.01.2006 addressed to the Chief Engineer, NUZ, MSEDCL, Nagpur complaining against non-release of electricity connection to the applicant and about denial of commission of alleged theft of electricity by her.

- 3) The non-applicant's provisional bill dated 27.12.2005 for Rs.9511/- towards theft assessment.
- 4) The non-applicant duplicate / provisional bill dated 13.12.2005 for Rs.12,260/- towards P.D. arrear.
- 5) Payment receipt dated 15.12.2005 for Rs.12,260/-.

He lastly prayed that his grievance in question may be removed.

The non-applicant has stated in his parawise report that the applicant's residential connection, being connection number 410013878106, was permanently disconnected in July,2004. The final bill of P.D. amounting to Rs.12,256.82 was sent to the applicant which she paid in the month of January,2006. However, it was detected by the O.I.C., New Subhedar D/C that the applicant was taking supply of electricity illegally from the busbar of the Flat scheme directly since the date of permanent disconnection of her meter. Hence, a theft assessment bill of Rs.9511/- was issued to her on 27.12.2005 against theft of energy which the applicant has still not paid. In view of this position, new electricity connection has not yet been released in favour of the applicant.

He further contended that grievance pertaining to theft of electricity does not fall within the purview of this Forum and hence the present grievance application may not be entertained.

In the instant case, the applicant has strongly denied commission of theft of electricity while the non-applicant submits that theft of electricity did occur.

The record shows that a Panchnama was drawn by the Jr. Engineer of the non-applicant on 10.12.2005 mentioning therein all the relevant details in respect of commission of theft of electricity by the applicant. This Panchnama reveals that the applicant did take supply of electricity illegally from the busbar of the Flat scheme. The wire through which this theft was committed was also seized. It is pertinent to note that this Panchnama is signed by as many as ten Panchas. The contents of the Panchnama go to show that theft of electricity was committed by the applicant.

A point was raised by the applicant's representative that the Panchnama was drawn behind the back of the applicant. However, only because the Panchnama was not drawn in the presence of the applicant or her representative does not mean that there was no commission of theft. Although it true that a copy of Panchnama as also a copy of the Jr. Engineers report dated 10.12.2005 addressed to the Assistant Engineer, Nandanwan S/Dn. were not given to the applicant, this action will not outrightly invalidate contents of the Panchnama.

Non registration of F.I.R. in the Police Station so far can not also adversely mean that no theft was committed.

The applicant has argued that the non-applicant's action is full of malafides. However, no cogent and corroborative proof is submitted by the applicant's

representative to fully substantiate his say. Whatever may be the applicant's representative's contentions the fact remains that the present grievance pertains to theft of electricity.

As laid down in Regulation 6.4 of the said Regulations, this Forum does not have the jurisdiction to entertain grievances pertaining to offences and penalties as provided under sections 135 to 139 of the Electricity Act, 2003. Hence, the present case can not be entertained by us.

In the result, we do not think it proper to interfere with the non-applicant's action of charging the applicant for theft assessment amounting of Rs. 9511/-.

In the result, the applicant stands disposed off as not tenable prima-facie.

Sd/-	Sd/-	Sd/-
(M.S. Shrisat)	(Smt. Gouri Chandrayan)	(S.D. Jahagirdar)
Member-Secretary	Member	CHAIRMAN

**CONSUMER GRIEVANCE REDRESSAL FORUM  
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO LTD's  
NAGPUR URBAN ZONE, NAGPUR.**