

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

Case No. CGRF(NUZ)/38/2013

Applicant : Smt. Reshma Shailesh Rangari,
Samadhan Nagar,
NAGPUR.

Non-applicant : Nodal Officer,
The Superintending Engineer,
(Distribution Franchisee),
MSEDCL,
NAGPUR.

Quorum Present : 1) Shri. Shivajirao S. Patil
Chairman,

2) Adv. Subhash Jichkar,
Member,

3) Smt. Kavita K. Gharat
Member Secretary.

ORDER PASSED ON 29.4.2013.

1. The applicant filed present grievance application before this Forum on 15.3.2013 under Regulation 6.5 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as Regulations).

2. The applicant's case in brief is that on 16.2.2013 officers of SPANCO has disconnected her electricity supply and took out the electricity meter. Applicant did not interfere

with the meter nor committed theft. One Mr. Panda, Recovery Officer of M/s. SPANCO was demanding amount of Rs. 40000/- to the applicant and therefore applicant lodged report in police station. Since 16.2.2013 there is no electricity supply at the house of the applicant. She had not committed theft of electricity but SPANCO is demanding Rs. 40000/- to Rs. 60000/-. Disconnection is illegal and therefore electricity supply should be restored.

3. Non applicant denied the case of the applicant by filing reply Dt. 20.3.2013. It is submitted that it is a matter of theft of electrical energy under section 135 of Electricity Act 2003 and for these reasons electricity supply is disconnected. On 16.2.2013, Flying Squad of M/s. SNDL inspected meter of the applicant and found that there is theft of electricity energy u/s 135 and 138 of Electricity Act 2003. All documents were prepared on spot. Assessment bill of Rs. 46024/- was issued to the applicant. There was photography of entire action. Non applicant is producing photos on record. According to Regulation 6.8(2) of the said regulations, Forum has no jurisdiction to entertain the matter. Unless and until applicant pays Rs. 46024/- electricity supply can not be restored.

4. Forum heard the arguments of both the sides and perused the record.

5. Non applicant produced many important documents on record namely

a) Spot Panchanama Dt. 16.2.2013 which is duly signed by the applicant and 2 panchas.

b) Seizure Panchanama Dt. 16.2.2013 duly signed by the applicant and 2 panchas.

c) Spot Inspection report Dt. 16.2.2013 duly signed by the applicant and her husband.

d) Assessment of theft of electricity amounting to Rs. 46024/-.

6. It is noteworthy that on Spot Inspection report applicant and her husband have made a specific note in writing that “documents are prepared in their presence”. Non applicant had also produced photos of entire action. Considering this documentary evidence on record, in our opinion, there is a case of Section 135 of Electricity Act 2003. Therefore according to regulation 6.8 (b) of the said regulations, prima facie this Forum has no jurisdiction to entertain the grievance application, and it is not justified to grant interim relief at this stage.

7. During the course of arguments, the applicant argued that after incidence Dt. 16.2.2013, one day Shri Suresh Panda Recovery Officer came to his house to demand amount of Rs. 40000/- and applicant beat said officer of SPANCO and therefore report of this incidence under section 353 of IPC was lodged against the applicant by Shri Suresh Panda but later

on Shri Suresh Panda compromised the matter for the offence punishable under section 353 of IPC and that paper is on record. However, we are least concerned about incidence of Section 353 of IPC regarding allegation of beating by the applicant to Recovery Officer Shri Suresh Panda on subsequent dates after 16.2.2013 and therefore this document is not relevant in this case.

8. We have already rejected Interim application of the applicant as per order Dated 20.3.2013. Now we are deciding this main grievance application on merits. Record shows that it is a matter u/s 135 of Electricity Act 2003 and therefore this Forum has no jurisdiction to decide the grievance application and it is untenable at law. Therefore no relief can be granted to the applicant. Hence Forum proceeds to pass the following order:-

ORDER

- 1) Grievance application is dismissed.

Sd/-
(Smt.K.K.Gharat)
MEMBER
SECRETARY

Sd/-
(Adv.Subhash Jichkar)
MEMBER

Sd/-
(ShriShivajirao S.Patil)
CHAIRMAN