

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

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**Case No.2/2016**

Applicant : Late Shri Pannalal D.Lilhare  
Through:user Shri Mitaram P.Lilhare  
Dist.Gondia.

Non-applicant : Nodal Officer,  
The Executive Engineer,  
O&M Division,MSEDCL,  
Gondia.

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Applicant'Representative :- Shri Parihar,

Respondent by:- 1) Shri Pramod Saste, E.E.Gondia Dn.

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

2) Shri N.V.Bansod,  
I/C.Member

3) Shri D.H.Agrawal,  
Member/Secretary

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**ORDER PASSED ON 18.08.2016.**

1. Applicant Deceased Shri Pannalal D.Lilhare through his son and user of the connection Shri Mitaram Lilhare presented present grievance application on 21-06-2016 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as said Regulations).

2. Applicant's case in brief is that he filed the application for release the Residential electricity connection on 16-12-2015. On MSEDCL rejected it on the ground that theft of electricity was committed by the applicant and offence under section 135 of The Electricity Act 2003 is registered against the applicant. Applicant approached to IGRC Gondia. IGRC Gondia rejected grievance application on 18-05-2016. Therefore applicant approached to this forum.

3. Non applicant, denied applicant's case by filing reply dated 03.08.2016. It is submitted that the house in which the applicant is claiming residential connection in the same house and on the same place there is electricity connection in the name of deceased father of the applicant Shri Pannalal Lilhare vide consumer No.430010197796 and applicant is user of this connection. Supply was going on in the same house till 04-07-2014. On 04-07-2014 officers of MSEDCL visited the house and found that applicant i.e. user of connection had committed theft of electricity. Spot panchanama was prepared & report is lodged in Police Station. Offence under section 135 of The Electricity Act 2003 is registered against applicant in MSEDCL Police Station Nagpur vide F.I.R No.5511 dated 11-12-2014. Assessment of electricity bill Rs.131160/- is due against the applicant. Grievance application deserves to be dismissed.

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

5. It is admitted fact that deceased applicant Shri Pannalal died before many years. Applicant is user of electricity connection. Record shows that there is very big building of the deceased Shri Pannalal Lilhare having different electricity connections. Record shows that the house in which now applicant claim new electricity connection in the same house, there is already electricity connection vide

consumer No.430010197796 and it was in existence in the name of deceased Shri Pannalal and applicant was user of this connection. Record shows that on 04-07-2014 Officers of MSEDCL inspected said premises and found that applicant has committed the theft of electricity energy. Therefore detail spot panchanama was prepared. Report was lodged in MSEDCL Police Station, Gaddigodown, Sadar, Nagpur offence under section 135 of The Electricity Act 2003 vide F.I.R.No.5511/2014 is registered against applicant and seized the meter and amount of assessment of theft of Rs.131160/- is due against the applicant.

6. We have carefully perused copy of report lodged in Police Station vide F.I.R.No.5511/2014 of The Electricity Act 2003. Name of the applicant is shown accused in that crime. We have also perused spot panchanama prepared on the spot. It was found that applicant had tapped one black wire to the out going service wire and tampered wiring and systematically committed theft of electricity energy. It is noteworthy that spot panchanama is signed by officers of MSEDCL & 2 panchs name Shri Subhash Deodhari and Shri Vikramsingh Kshatria and representative of the applicant also signed on this panchanama and mentioned Mobile No. below the signature. Considering spot panchanama dated 04-05-2014, report of complainant in the police station and printed F.I.R.No.551/2014 in our opinion there is prima facie case for the offence under section 135 of the Electricity Act 2003.

7. There was theft assessment for Rs.131160/-. It is pertaining to note that applicant deceased Shri Pannalal Lihare sent one application address to the Additional Executive Engineer, Gondia dated 13-07-2015. Copy of the application of the applicant is on record. In this application, applicant informed to MSEDCL that Shri Rewatkar who conducted the spot panchanama & filed F.I.R. No.5511/2014 in

MSEDCL Police Station Nagpur and there is theft assessment for Rs.129583.59 p.s. Therefore applicant requested to reinvestigate and verify the actual load for assessment of theft of energy to a reasonable and factual limit and applicant is thinking seriously to consider for payment of the theft charges and compounding. Therefore this application of the applicant dated 13-07-2015 addressed to Additional Executive Engineer, Gondia shows that applicant was ready to pay reasonable theft charges and compounding charges. We hold that there is prima facie case for the offence under section 135 of the Electricity Act 2003. For other details of the criminal case, its jurisdiction is with special court under section 154 of the Electricity Act 2003.

8. Other aspect whether charge sheet is filed within limitation or not and whether there was delay in F.I.R. and no video recording etc these are the point to be decided by Criminal Court and this forum is no jurisdiction. **According to Regulation 6.8(b) of the said Regulation, If the forum prima facie of the view that any grievance referred to it falls within the purview of offence punishable under section 135 to 139 of Electricity Act 2003, the same aspect shall be excluded from the jurisdiction of the forum.** Therefore this forum is no jurisdiction to decide this matter.

9. Record shows that theft of electricity was detected in the same premises and meter was removed. Theft assessment of Rs.131160/- is due and outstanding. With intent to give go by to this payment, applicant is crying to mislead MSEDCL authority and this forum that now he want new connection in that premises. Applicant thought that if he succeeds in getting another connection then there is no necessity to pay assessment of theft. For that purpose applicant has prepared

imaginary story. Now applicant is falsely saying that theft was detected in another house No.24/2 but now applicant required connection in house No.560. Officer of MSEDCL argued that it is one and the same building having several rooms. Electricity theft was committed in the same house in which applicant claim another connection. Therefore it appears that applicant had manipulated Municipal authorities to shows that same rooms of the building is House No.24/2 and same rooms are House No.560. Municipal Taxes receipt of current year 2014-15 is produced. Therefore it is clear that applicant manipulated Gondia Municipal Corporation to show separate rooms with the malafied intention to get electricity connection. Evidence on record shows that in the same house applicant was committed theft of electricity. Two connections can not be given in the same premises.

10. Officer of MSEDCL again argued that applicant is user of electricity connection so also legal heir of deceased Shri Pannalal Lihare. According to proviso of 10.5 Regulation of MERC ( Electricity supply code & other condition of supply) Regulation 2005, Being the heir of property and legal representative applicant is responsible to pay all charges. There are 5 legal heirs to deceased Shri Pannalal. Officer of MSEDCL argued that at the most amount of assessment can be divided into 5 legal heirs and applicant had even shown his willingness to pay one share of theft assessment amount but later on somebody advised him not to pay amount therefore applicant approached to this forum. We find much force in the argument of officer of MSEDCL but as this forum has no jurisdiction, we can not issue any direction for part payment of 1/5 share by the applicant out of assessment of theft but party are at liberty to settled the matter out of forum if possible.

11. For these reasons we hold that there is prima facie case under section 135 of Electricity Act 2003 therefore this forum has no jurisdiction. Grievance application deserves to be dismissed.

12. Hence we proceed to pass the following order.

ORDER

Grievance application is dismissed.

Sd/-  
(N.V.Bansod)  
I/C. MEMBER

sd/-  
(D.H.Agrawal)  
MEMBER/SECRETARY

sd/-  
(Shivajirao S. Patil),  
I/C.CHAIRMAN