

(A Govt. of Maharashtra Undertaking)  
CIN : U40109MH2005SGC153645

PHONE NO. : 25664314/25664316  
FAX NO. 26470953  
Email: [cgrfbhandupz@mahadiscom.in](mailto:cgrfbhandupz@mahadiscom.in)  
Website: [www.mahadiscom.in](http://www.mahadiscom.in)

Consumer Grievance Redressal Forum  
"Vidyut Bhavan", Gr. Floor,  
L.B.S.Marg, Bhandup (W),  
Mumbai – 400078.

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REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/

Date

Case No.58

Hearing Dt.21.06.2016

**In the matter of giving direction to respondent utility M/s. TPL for settlement of adjustment bill in theft case of electricity**

**Mr. Shaikh Wasim Ahmed Tauheed - Applicant**

**Vs.**

**M.S.E.D.C.Ltd., Bhiwandi, TPL - Respondent**

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri. Anil P. Bhavthankar, Chairperson, CGRF, Bhandup.
- 2) Shri.Ravindra S. Avhad, Member Secretary, CGRF, Bhandup.
- 3) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Appellant

Mr. Shaikh Wasim Ahmed Tauheed - Consumer

C - On behalf of Respondent No. 1

- 1) Mrs. Hemangi Mayekar, Assistant Manager, TPL

### **ORDER**

Consumer No. 13013648195

1. Above name consumer filed this complaint against respondent utility alleging that on 13.02.2015 he received assessment notice of Torrent Power supply Ltd., for informing after spot inspection section of verification of premises. It is reviewed that there was vigilance due instance of theft of electricity, have committed and the consumer is booked for offence under section 135 E.A. 2003 consumer was directed to pay amount Rs. 12761.6/- towards

assessment bill and directed to remain present before assessment officer is given time schedule. After receiving the said notice consumer approach to respondent utility M/s. TPL and requested that the assessment notice is not accepted and there was no incident of theft and he is unnecessary harassed. He comes to know about the theft only. After receiving notice he received to pay the assessment bill the said contention is under the jurisdiction of M/s. TPL as theft case is already registered. Before this Forum in Schedule 'A' form consumer filed this complaint and pray for giving direction to the respondent utility to accept arrears of bill issued by respondent utility and restore the supply.

2. After filing the said complaint on 02.06.2016 notice was issued to the respondent utility. Respondent utility there after appeared and filed reply and spot inspection report and assessment details of the bill against this consumer. Respondent utility submitted that theft case is already filed against the consumer and therefore in theft case the Forum exclude the jurisdiction to entertain the complaint in view Regulation 6.2 which speaks in its last para as *"Provided also that the intimation given to officials (who are not part the IGR Cell) to whom consumers approach due to lack of general awareness of the IGR Cell established by the Distribution Licensee or the procedure for approaching it, shall be deemed to be the intimation for the purposes these Regulations unless such officials forthwith direct the consumer the IGR Cell"* respondent utility also submitted that consumer not approach IGRC and raised the dispute against the bill and therefore non following proper processor by consumer the complaint is liable to dismiss with cost.

3. After hearing the parties and perusing all relevant documents before us, following points arose for our consideration

1. Whether complaint is maintainable.

2. Whether consumer is entitled for any relief

### **Reasoning**

4. I have given opportunity to the consumer and his representative who appeared before the Forum so 21.06.2016. I have perused document filed by consumer and the Case No. 493 decided by this Forum on 04.05.2013 and also another case no 111/2012 decided by Hon'ble MERC on dated 26.12.2012. After going through the dispute it is reviewed by Forum that this consumer already received assessment notice informing on 09.02.2012. There was inspection of premises of the hearing the service was disconnected due to non-payment of bill on 22.04.2016 the inspection report No.71672 on dated 09.02.2015 which was duly communicated to consumer informing vigilance case under section 135 of E.A. in view of regulation No. 6.8 of Regulatory Commission Consumer Redressed Forum and Electricity Ombudsman 2006 offence for unauthorized use of electricity under 135 is executed and inform to the consumer instated of following due procedure and direction under theft case by consumer neither he approach to IGRC and directly filed this complaint before the Forum. In view of the Regulation No. 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;*

*(2)(b) offences and penalties as provided under sections 135 to 139 of the Act;*

*(c) accident in the distribution, supply or use of electricity as provided under section 161 of the Act; and*

*(d) recovery of arrears where the bill amount is not disputed*

and non compliance of proper procedure the said complaint cannot be entertain by this Forum. After giving reasonable and proper opportunity to the consumer he fail to satisfied this Forum how the complaint is maintainable the satiation which is filed by the consumer and mentioning the judgement. After decision of theft case and there was acquittal the assessment bill and the notice was held illegal on deposited amount as directed required to be return to the consumer. But in this case no decision in theft case and procedure of settlement of assessment notice due are settled by the respondent utility authority and the supply was already disconnection for non-payment of bill in this circumstances this forum excluded to entertain the such dispute ware the theft case 135 under electricity Act 2003 section is already filed and inform to the consumer therefore the complaint is liable to be dismiss.

### **ORDER**

The complaint No. 58/2016 is liable to be dismissed with cost.

Both the parties should be informed accordingly.

proceeding close.

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

Note:

- 1) If Consumer is not satisfied with the decision, he may file representation within 60 days from the 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 file representation before the Hon. High Court within 60 days from receipt of the order.

**(I Agree/Disagree)**

**(I Agree/Disagree)**

**DR. ARCHANA SABNIS  
MEMBER  
CGRF, BHANDUP**

**SHRI. ANIL P. BHATHANKAR  
CHAIRPERSON  
CGRF, BHANDUP**

**SHRI. RAVINDRA S. AVHAD  
MEMBER SECRETARY  
CGRF, BHANDUP**