

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

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

Date :

Case No. 493

Hearing Dt. 04/05/2013

In the matter of Authority of franchise to take action against consumer involved in theft of energy.

Shri Manoj kanji Hariya. - Complainant

Vs.

M.S.E.D.C.L and T.P.L. Bhiwandi - Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri S.K. Choudhary, Chairman, CGRF, Bhandup.
- 2) Shri R.M Chavan, Member Secretary, CGRF, Bhandup.
- 3) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Applicant

- 1) Shri Manojkanji Hariya.–Consumer Representative

C - On behalf of Respondent

- 1) Shri A.L. Deshpande, E.E. & Nodal Officer, Bhiwandi.
- 2) Shri.Vijay V. Nene. Manager Legal, T.P.L.

ORDER

Shri Manoj Kanji Hariya is a Representative of Consumer Mr.Chaganlal M.Hariya having three phase of electric connection under service No.130101249923 and one lighting meter of single phase vide sr. No.13010249907 at AliRaza Building, ground floor, shop no. 10, Samad Nagar, Kaneri, Bhiwandi.

The grievance of the consumer is that the franchisee M/s. Torrent Power Ltd. appointed by the Distribution License, MSEDCL, has no rights to file the FIR against the consumer involved in pilferage or theft of electricity. As per his Statement there is no proper notification to take the lawful action by the M/s. Torrent power company Ltd. against the consumer involved in the offence of theft of energy in the Bhiwandi Circle jurisdiction; As per section 135/1, they can only disconnect the electric supply or seize the documents u/s 135/2. There is no provision to file the FIR in Police Station as per Section 151 of Electricity Act 2003.

He further added that with this illegal activity and weapon of 135 Section the Torrent Power Ltd. is exploiting the consumers and recovering huge amount.

With this grievance the Representative has also approached to the Internal Grievance Redressal cell, Bhiwandi on dt.19/02/2013 and matter was heard on 16/03/2013 but got no relief on the ground that Shri Manoj K. Hariya is not a Consumer as per MERC Regulation 6.2 of {CGRF and Electrical Ombudsman} Regulation 2006. Hence aggrieved of this order consumer approached this Forum. The grievance was registered on dt. 04/04/2013 vide case no.493 and hearing was fixed on 22/04/2013 which was subsequently postponed on 04/05/2013.

The matter was heard on 4th May 2013 both the parties were present Documents on record and arguments during the hearing reveal that, the grievance placed before forum is not of individual nature and could not be labelled a grievance of this consumer. According to the MERC (CGRF and E.O) Regulations 2006, section 2 (c) the Grievance means.

2. (c) Definitions :

"Grievance" means and fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which has been undertaken to be performed by a Distribution Licensee in pursuance of a license, contract, agreement or under the Electricity Supply Code or in relation to standards of performance of Distribution Licensees as specified by the Commission and includes inter alia (a)

safety of distribution system having potential of endangering of life or property, (b) grievance in respect of non-compliance of any order of the Commission or any action to be taken in pursuance thereof which are within the jurisdiction of the Forum or Ombudsman, as the case may be."

According to above definition this Forum found neither any deficiency in performing the duties while supplying the power as put up by the consumer representative nor any threat to the safety of life or property of the consumer.

Moreover, as consumer raised an objection over the action taken by the Distribution franchisee against the offence of theft of energy as per Section 135 of E.A. 2003 this will not amount as the grievance of this consumer.

As per the notification of Govt. of Maharashtra Department of "INDUSTRIES ENERGY AND LABOUR" dt.25th Jan. 2007 drawn by Hon'ble Principle Secretary to Government (Energy); it has authorized and assigned the assessing officers M/s. Torrent Power Ltd. franchisees for Bhiwandi Circle and empowered under section 2 of section 135 of the Act.

Hence as claimed by the complaint that M/s. TPL is acting unlawfully has no ground and hence the grievance filed is without any sufficient cause and found to be with vexatious & malafied intention.

The Forum there fore as per 6.9 of a MERC (CGRF & EO) Regulation 2006 has no hesitation to reject the prayer to restrain the Distribution Franchisee to act against the consumer involved in the offence of theft of energy.

ORDER

As elaborated above, this Forum found no ground to consider the grievance as individual one and rejected the same as per section 6.9 of MERC (CGRF & EO) Regulation 2006 and there by dismiss the case.

No order as to cost.

Both the parties be inform accordingly.

The order is issued under the seal of Consumer Grievance Redressed Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, and Bhandup on 21st of May 2013.

Note:

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

DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP

S. K. CHOUDHARY
CHAIRMAN
CGRF, BHANDUP

R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP