

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

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

Date :

Case No. 198

Hearing Dt. 11/07/2008

In the matter of billing dispute arising out of theft allegation

M/s. Premier Synthetic Processors Ltd.

- Appellant

Vs.

MSEDCL, Vashi

- Opponent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri S.L. Kulkarni, Chairman, CGRF, Bhandup.
- 2) Shri S.B. Wahane, Member Secretary, CGRF, Bhandup.
- 3) Mrs. Manik P. Datar, Member, CGRF, Bhandup.

B - On behalf of Appellant

- 1) Shri Ramesh Purohit.
- 2) Shri Peter Lobo.

C - On behalf of Respondent

- 1) Shri Sunil Kathale, Ex. Engr & Nodal Officer, Vashi Circle.
- 2) Shri S.R. Pillai, Dy. Ex. Engr., Vashi Division.

The consumer is running a textile fabric processing Industry and has been granted high tension power connection on 10/12/1971 with 500 kVA as C.D. The Flying Squad of utility visited the premises on 22/01/2004. It was noticed that power ful magnet was found unauthorisedly fixed on backside of the meter box, resulting into less recording of electrical energy by 97.80%. The meter was recording only 2.11% of actual consumption. Considering the quantum of this serious offence, FIR was lodged on 22/01/2004.

The connection was temporarily disconnected on 22/01/2004 and the provisional bill of Rs. 1,65,97,495.73 including 25% surcharge for assessed consumption was demanded.

The applicant subsequently approached various authorities who gave him following bills.

Assessment Order No.	Authority	Amount	Surcharge	%
SE/VC/Tech/Vashi/Theft 622 dtd. 29/01/02	Provisional Assessment by SE Vashi	1,32,77,996.58	33,19,499315	25
SE/VC/Tech/TS/Premier Synthetic/Theft/874 dtd. 12/02/04	Final Assessment by C.E. Bhandup	61,86,344.17	15,46,586.03	25
SE/WC/HTB/W-378/4290 dtd. 15/07/05	Appellate Authority	1,46,15,528.27	36,53,882.07	25
SE/VC/HTB/378/Theft 863 dtd. 06/02/06	Final Assessment by Appellate Authority	34,70,000.62	70,65,649.00	204

It is the contention of the applicant that the last assessed bill given by S.E., Vashi against the decision of the Appellate Authority dtd. 15/07/2005, which had ordered only 25% surcharge on Rs. 34.70 lacs but the S.E., Vashi's order dtd. 06/02/2006 charged him 204% surcharge, which is clearly an error according to the consumer.

The case was heard on 11/07/2008 when both the parties were present. The consumer reiterated that he has been paying huge arrears shown with the installments of lacs of Rs. each. He needs sometime to clear the arrears. However, he reiterates that the surcharge levied by the utility @ 204% is erroneous and should be in accordance with the orders of the Appellate Authority.

The utility strongly contented that the assessment order issued by Supdt. Engineer, Vashi on 06/02/2006 is fully in accordance with the appellate authority order dated 15/07/2005. Further, a theft case has been registered under 31(e) of condition of supply. Now subsequent to the formation of CGRF the theft cases in which the offence and penalties are registered/imposed by the utility are clearly excluded from the jurisdiction of CGRF.

OBSERVATIONS & ORDER :

1) As per MERC (CGRF & Electricity Ombudsman) Regulations 2006 vide regulation 6.8 (b) the CGRF has no jurisdiction to deal with such cases like the present one. The applicant will have to approach the appropriate Court for any financial liability. The case therefore stands dismissed and closed.

2) If utility is not satisfied with this decision, it should go in appeal to High Court.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 16th of July 2008.

Note : 1) If Consumer is not satisfied with the decision, he may go in appeal 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 go in appeal before the Hon. High Court within 60 days from receipt of the order.

MRS. M.P. DATAR
MEMBER
CGRF, BHANDUP

S.L. KULKARNI
CHAIRMAN
CGRF, BHANDUP

S.B. WAHANE
MEMBER SECRETARY
CGRF, BHANDUP