



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph: – 2210707 & 2328283 Ext: - 122

IN THE MATTER OF GRIEVANCE NO. K/E/323/360 OF 2009-2010 OF M/S.
R. R. BUILDERS, NALLASOPARA (EAST) REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN
ABOUT EXCESSIVE ENERGY BILL.

M/s. R. R. Builders
Shop No. 7, Om Shruti Building,
Sainath Nagar, Tudinj Road,
Nallasopara (East) : 401 209

} (Here in after
referred to
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its Dy. Executive
Engineer, Nallasopara East Sub/Division

} (Here in after
referred to
as Licensee)

- 1) Consumer Grievance Redressal Forum has been established under regulation of "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers. This regulation has been made by the Maharashtra Electricity Regulatory Commission (MERC) vide powers

conformed on it by section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, 2003. (36 of 2003).

- 2) The consumer is a single phase LT consumer of the Licensee. The Consumer is billed as per commercial tariff. The consumer registered grievance with the Forum on 20/02/2010 regarding the Excessive Energy Bill. The details are as follows: -

Name of the consumer : M/s. R. R. Builders

Address: - As above

Consumer No : 001900490816

Reason for Dispute : - Regarding Excessive Energy Bill

- 3). The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/0075, dt. 20/02/2010 to the Nodal Officer of the Licensee, and the Licensee through their Dy. Ex. Engr. Nallasopara East Sub/Dn. filed reply vide letter No. DYEE/ Nallasopara Sub.Dn/East/693, dt. 11/03/2010.

- 4) The Members of the forum heard both the parties at length on 11/03/2010 @ 15.00 Hrs. in the meeting hall of the Forum's office. Shri Rajubhai Kothari Consumer and Shri Harilal & Shri Girish Patel Consumer Representatives, Shri Nitin Pewekar Dy. Ex. Engr., Representative of the licensee, attended hearing. Minutes of the hearing including the submissions made by the parties are recorded and the same are kept in the record. Submissions made by the parties in respect of grievance since already recorded will be referred to avoid repetition.

- 5). Licensee have installed meter in the Shop No. 7 referred to above to which consumer No. 001900490816 is given. One Rajubhai Kothari is the consumer. According to consumer since 1993 to 2001 officials of the licensee issued him incorrect bills and based on that recovered

excessive bill amount from him. He deposited the bill amount under protest. His electricity was discontinued for no fault on his part. He had complained to that effect to the officials of the licensee and later to the IGRC but in vain. It is contended that due to payment of incorrect bills consumer suffered physical and mental trouble, therefore he has claimed compensation to the tune of Rs. two lacs. According to consumer he has been falsely charged for the offence of theft of electricity. He therefore prayed to direct the licensee to pay him compensation and make the connection regular.

- 6) Distribution Licensee controverted the above allegations contending that in the year 2001 the consumer was in arrears of electricity bill amount, therefore the meter was permanently disconnected. During the spot inspection on 03/12/2008 consumer was found using electricity in the shop illegally. Panchanama to that effect was prepared and on the complaint of Junior Engineer Mr. Ali Khan, crime No. II 75/08 has been registered against the consumer of the offence under Section 135 of Electricity Act. It is contended that since the consumer committed theft of electricity and consequently he is charged under Section 135 of the Act, excludes the jurisdiction of this Forum, therefore the reference be disposed off.
- 7) On perusal of the record and hearing both the parties following points arise for the consideration of Forum and findings thereon for the reasons recorded below :

| Points | Findings |
|---|--------------------|
| a)Whether this Forum has jurisdiction to decide this grievance vide Clause 6.8 of “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations 2006” ? | NO |
| b)What Order ? | As per Order below |

Reasons

- 8) On perusing the voluminous documents on record prima facie shows that the person holding the shop found committing theft of electricity supplied by licensee and the electricity bills have been issued under theft assessment i.e. unauthorized use of electricity. Complaint of Junior Engineer Mr. Ali Khan dt. 22/12/08 mentions family member of Rathod Mrs. Daksha Rajesh Rathod found in the said shop on 03/12/2008 the day officials of the licensee inspected the shop. Panchanama dt. 03/12/08 indicates using black and red colour wiring electricity was taken in the shop. Electricity was found consumed about 1750 units worth Rs. 20,700/- and the same alleged to have been used illegally. On this background Police Nallasopara registered FIR vide CR No. II 75/08 on 22/12/2008 of the offence under Section 135 of Electricity Act. The officials of the licensee in view of the position issued bills under theft assessment. Clause 6.8 of “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations 2006” excludes the jurisdiction of this Forum. Since the consumer alleged to have committed offence of theft under Section 135 of the Act, we are prima facie of the view that the grievance does not fall within the purview of this Forum.

- 9) It is the grievance of consumer that incorrect bills were issued to him and based on incorrect bills his electricity was discontinued. Giving electricity supply and later on disconnection links with the alleged theft of electricity. Whether consumer committed the offence of theft under Section 135 of Electricity Act or not will be proved before the Hon. Court. Since the grievance falls within the purview of Section 135 of the Electricity Act, this Forum has no jurisdiction to entertain the same, therefore the grievance deserves to be disposed off for want of jurisdiction. Point is answered accordingly and hence the order :

ORDER

- 1) Grievance application is disposed off for want of jurisdiction.
- 2) Stay Order issued by this Forum vide No. EE/CGRF/Kalyan/124, dt. 17/03/2010 is hereby vacated.
- 3) The Consumer can file representation against this decision with the Ombudsman at the following address.

“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”

Representation can be filed within 60 days from the date of this order.

Date : 12/04/2010

(Mrs. S.A. Jamdar)
Member
CGRF Kalyan

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan