

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

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**IN THE MATTER OF GRIEVANCE NO. K/E/327/366 OF 2009-2010 OF**  
**SHRI PRAKASH VAMAN GAWLE, ( USER SHRI RAMZAN WAHID KHAN )**  
**ULHASNAGAR, REGISTERED WITH CONSUMER GRIEVANCE**  
**REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT ASSESSMENT**  
**UNDER SECTION 126.**

Shri Prakash Vaman Gawle  
C/o. Ramzan Ali,  
Veer Tanaji Nagar,  
Ulhasnagar : 421 005

} (Here in after  
referred to  
as Consumer)

**Versus**

Maharashtra State Electricity Distribution  
Company Limited through its Dy. Executive  
Engineer, Ulhasnagar Sub/Dn No. V

} (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

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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 residential tariff. The consumer registered grievance with the Forum on 03/03/2010 regarding wrongly charged assessment under section 126. The details are as follows: -  
Name of the consumer : Shri Prakash Vaman Gawle  
Address: - As above  
Consumer No : 021514326263  
Reason for Dispute : - Regarding assessment under section 126.
- 3). The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/0099, dt. 03/03/2010 to the Nodal Officer of the Licensee, and the Licensee through Nodal Officer, vide letter No. SE/KC-II/Tech/1309 dt.22.03.2010.
- 4) The Members of the forum heard both the parties at length on 23/03/2010 @ 15.00 Hrs. in the meeting hall of the Forum's office. Shri Ramzan Wahidkhan Consumer, Shri B. R. Mantri Consumer Representative, Shri V. D. Kale Asstt. Engr., Shri M. P. Lohar Dy. Ex. Engr. Representatives 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. Complainant is the domestic consumer. Meter No. No.0006748140 was installed in the premises of consumer. According to consumer this meter was checked and found in O.K. condition. It is contented that lead seal of the meter was not proper therefore the officials of the licensee opened the meter, however, no material was found inside. The load was found taken 1000 watts instead of sanctioned load of 200 watts, therefore the licensee, assessed the consumer and charged under section 126 of Electricity Act. In the Month of Oct 2009 assessment bill was issued which he had objected. It is contented as the consumer did not pay assessed amount showing it as arrears, the officials of the licensee, disconnected the supply in the month of Nov.09 without giving any notice. According to consumer his son was then studying in xth standard, therefore, he deposited the amount of Rs.10,180/- on 10.2.10 under protest and the supply was restored. It is contented that when the meter was O.K.question of assessment under Section 126 of the Act and disconnection of supply does not arise. Consumer challenged the same before the IGRC but in vain. Consumer therefore lodged this grievance with a prayer to direct the licensee to refund the amount of assessment and to pay compensation for illegal disconnection of supply.

6. Distribution licensee strongly opposed the above said contentions. It is contented that during the theft drive carried out in the month of June 09, meter of the consumer was checked. Meter's lead seals was found tampered. Meter was opened but no visible proof was found inside. It is contented that during the inspection load of the consumer was found 1000 Watts (1 kw) while his sanctioned load was 200 Watt(0.20 kw). As the consumer unauthorizedly used electricity tampering the meter,

assessment was made under Section 126 of the Act and bill raised, however, consumer inspite giving reminders, did not pay the bill amount. As the consumer was in arrears of bill amount as above, his electricity supply was temporarily disconnected, but he got it reconnected illegally. It is contented that in the month of Feb.10 consumer paid the current bill alongwith assessed bill amount of Rs.10180/- and reconnection charges of Rs.25/-. According to licensee, consumer illegally used the electricity, therefore, he was assessed under Section 126 of the Act and on this count his grievance deserves to be dismissed.

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 the assessment bill under Section 126 Electricity Act issued to the consumer is correct and proper ?	Yes
b)What Order ?	As per Order below

### Reasons

- 8) On perusal the record it is apparent that the meter No. No.0006748140 was installed in the premises of consumer. According to licensee this meter was checked during theft drive on 24.06.09, meter seal was tampered, however, no material found inside. During inspection it was also found that connected load of the consumer was 1000 watt i.e. (1 kw) though sanctioned load was 200 watt i.e.(0.20 kw), therefore the consumer was assessed under 126 of I.E.Act and bill given on 29.08.09. It is the

contention of the consumer that when the meter was opened no material found inside and the meter was O.K. assessment under 126 of the Act is uncalled for. Section 126 states if on an inspection of equipment, machines, devices found connected or used, indicative of indulging in “unauthorized use of electricity”. Seal of the meter was found broken squarely falls in authorized use. Apart from this, consumer’s sanctioned load was 200 watts, however he was found using electricity 1000 watts i.e. five times more than the sanctioned load. Needless to say by breaking or tampering of seal, meter reading counter can be reversed and meter disc can be stopped, thereby meter can be made slow/stopped resulting in displaying less consumption. The fact that during inspection consumer found using electricity 1000 watts i.e. 5 times more than the sanctioned load, clearly point out he used more electricity without permission of the licensee, is the clear cut act of indulging in unauthorized use of electricity attracting section 126 of the Act.

9. On perusal the record it is seen based on the meter inspection report the Dy.EE prepared demand note for the amount of Rs.8,780/- and issued to the consumer on 29.7.09, thereafter proposal for revised bill was prepared and the amount was deposited on 10.02.10. It is to be noted that according to the licensee noticing the act of indulging in unauthorized use of electricity by consumer, temporarily disconnected his supply, however, the consumer illegally got it reconnected from neighbor without the knowledge of licensee. If the consumer found using electricity unauthorisedly, under the provisions of the Act, the licensee can disconnect the supply immediately without notice. On the premise there is no substance in the contention of consumer that his supply was illegally

disconnected. As stated above, according to licensee, consumer got the supply reconnected illegally from neighbour clearly point out his animus to misuse of electricity. When the consumer misused electricity question of giving him compensation as claimed, does not stand to reason.

10. Demand note dated 29.07.09 issued to the consumer, mentions to pay the assessment amount. Consumer received this order but not filed objection under clause 3 of Section 126 of the Act, the assessing officer reached to the conclusion that unauthorized use of electricity has taken place, therefore by the bill, assessed the amount mentioned therein. As per Electricity (Amendment) Act 2007 Section 11 (iii) sub Section-(5) states if the assessing officer reach to the conclusion that the unauthorized electricity has taken place, it shall be presumed that such unauthorized use of electricity was continuing for a period of three months immediately preceding the date of inspection in case of domestic and agricultural services unless the onus is rebutted by the person, occupier or possessor of such a premises or place. In the case in hand, there was sufficient material on record to presume that the consumer unauthorizedly used electricity and this presumption has not been rebutted. Therefore looking to the matter from any point of view, we find no force in the submission of consumer that assessment under section 126 of the Act is improper and incorrect.

11. On going through the record as a whole and the material factors discussed supra, we unanimously find that the bill of assessment under section 126 of the Act is squarely correct and proper, therefore the

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grievance application being devoid of substance apt to be dismissed.  
Points are answered accordingly and hence the order:

**ORDER**

- 1) Grievance application stands dismissed.
- 2) 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 : 31.03.2010

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

(R.V.Shivdas)  
Member Secretary  
CGRF Kalyan

(S.N. Saundankar)  
Chairperson  
CGRF Kalyan