



Consumer Grievance Redressal Forum, Kalyan Zone  
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No. K/E/785/944 of 2013-14

Date of Grievance : 24/3/2014  
Date of Order : 28/04/2014  
Period Taken : 36 days.

**IN THE MATTER OF GRIEVANCE NO. K/E/785/944 OF 2012-13 IN RESPECT OF J.R.TARE (NAMDEO TARE),SHIVAJIPADA, BADLAPURGAON, BADLAPUR (W), 421 504 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING THEFT CASE U/S. 135 OF ELECTRICITY ACT.**

J.R.Tare (Namdeo Tare),  
Shivajipada, Badlapurgaon  
Badlapur (W)-421 504  
**(Consumer No.021530001021)** .... (Hereafter referred as Consumer)  
Versus  
Maharashtra State Electricity Distribution  
Company Limited through its  
Nodal Officer, Kalyan Circle-II, .... (Hereinafter referred as Licencee)

Appearance : For consumer : In person and Representative Ganesh Bhoir  
For Licencee : Shri Panpatil-Nodal Officer/Exe.Engineer  
Shri Umesh Lele –Asst.Engineer-Badlapur  
(W),Sub-Divn.

(Per Mrs.S.A.Jamdar-Member)

1] Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003.(36/2003). Hereinafter for the sake of brevity referred as 'MERC'. This Consumer Grievance Redressal Forum has been established as per the notification issued by MERC i.e. "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is referred as 'Regulation'. Hereinafter it is referred as 'Regulation'. Further the regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory

Commission (Electricity Supply Code and other conditions of supply) Regulations 2005'. Hereinafter referred as 'Supply Code' for the sake of brevity. Even, regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005.' Hereinafter referred 'SOP' for the sake of convenience.

2] The applicant Namdeo Tare is residing at Badlapurgaon, is having supply bearing consumer No.021530001021. He complained that the Licencee has replaced the meter on 8/10/2013, on the ground that it is a faulty meter. However, this new meter was removed by the Licencee on 17/1/2014 without giving any reason. The said connection originally stood in the name of Mr. Jairam Ramchdnra Tare, who was in possession of the said premises and passed away in 17/6/1984.

3] The contention of the applicant is that he has paid the amount of two months bill after the replacement of the old meter and has made an application for new connection on 15/1/2014 in the name of Kishore Namdeo Tare.

4] The applicant further states that after removal of the meter he wrote a letters to the Licencee, but Licencee did not respond. The applicant therefore, approached the Senior Officials of the Licencee and requested for reconnecting the supply of the premises but the Licencee not given any heed to his request and informed the applicant that there is a complaint of theft registered against him.

5] It is submitted by the applicant that on 18/2/2014, he again approached the Licencee and requested to get the details of the complaint registered, against him. As per the request of applicant, Licencee handed over a handwritten copy of bill, amounting to Rs.28,810/- dated 14/10/2013 along with Xerox copy of FIR. According to the applicant, the unpalatable episode caused harassment to the applicant. Therefore, applicant approached the Licencee, requesting it to reconnect his electricity. However, Licencee did not consider his request, applicant, therefore on 21/3/2014 approached CGRF , with the grievance that:-

- i] a false complaint has been lodged against him by Licencee under section 135 of Electricity Act, 2003,
- ii] An illegal bill of Rs.28,810/-has been issued to him.
- iii] His electricity supply has been disconnected since two months and requested to reconnect his electricity supply,
- iv] Notice was issued to the Licencee vide this Forum Letter No.EE/CGRF/129 dated 24/3/2014, in response to it, Licencee appeared before this Forum and submitted reply dated 3/4/2014.

The Licencee states that :-

- a] The competent authority (Mr. Tathod) has filed F.I.R at Kalyan Police Station on 17/1/2014 u/s. 135 of Electricity Act.
- b] An assessed bill was issued as per Sec. 135 of E A to applicant.
- c] The applicant did not pay the said bill.
- d] The supply to the premises of the applicant is disconnected.

Based on the document such as site panchnama and site inspection report case has been filed at Kalyan Police Station.

4] According to the Licencee, this matter pertains to theft of electricity under Sec.135 of the EA 2003 and therefore, CGRF has no jurisdiction to entertain this matter as per Regulation 6.8 (b) and requested to dismiss the grievance application.

We have gone through the complaint, written statement and other documents kept on record. We have also gone through the provisions of Sec. 6.8 (b) of Regulations 2005 which reads as under:-

‘6.8, if the Forum is prima facie of the view that any grievance referred to it, falls within the per view of any of the following provision of the Act. the same shall be excluded from the jurisdiction of Forum;

a]-----

b] Offences and penalties as provided under sections 135 to 139 of the Act---‘

A bare reading of the above statutory provisions of MERC Regulation and Act authority to determine the acts and mode of dealing the charge u/s. 135 of E A is with a special Court which alone is a competent even to decide the civil liability.

The allegations are made by the applicant regarding the incorrect contentions in FIR, Licencee’s in-action to file FIR within time, we find no any Court

or authority can take cognizance of it as per section 151 of Electricity Act. Only Spl. Court is to deal it. As per MERC Regulation 6.8 (b) jurisdiction of CGRF to entertain the matters covered u/s. 135 of the E.A 2003 is also barred. We find when there is FIR filed u/s. 135 on the basis of panchnama drawn, inspection conducted and complaint lodged, this Forum cannot entertain this grievance.

Hence the order.

**ORDER**

1] Grievance of applicant is hereby disposed off as it cannot be entertained for want of jurisdiction.

Kalyan.

Dated:28/4/2014

I agree

I agree

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

(Chandrashekhar U.Patil)  
Member Secretary  
CGRF,Kalyan

(Sadashiv S.Deshmukh)  
Chairperson  
CGRF, Kalyan

**Note**

- a) The consumer if not satisfied, may file representation against this order before the Hon. Ombudsman within 60 days from the date of this order at the following address.  
*“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”.*
- b) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” at the following address:-  
*“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”*
- c) It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.

