



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
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**IN THE MATTER OF GRIEVANCE NO. K/E/357/401 OF 2010-2011 OF SHRI VALOOMAL TILLOMAL ULHASNAGAR - 2 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT EXCESSIVE ENERGY BILL.**

Shri Valoomal Tillomal  
Shop No. 835, Shiru Chowk  
Ulhasnagar – 2

(Here in after  
referred to  
as Consumer)

**Versus**

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

(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 conferred 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 28/06/2010 regarding the Excessive Energy Bill. The details are as follows: -  
Name of the consumer : Shri Valoomal Tillomal  
Address: - As above  
Consumer No : 021510101275  
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/294, dt. 28/06/2010 to the Nodal Officer of the Licensee, and the Licensee through Dy. Executive Engineer MSEDCL Ulhasnagar Sub/Dn – II/ filed reply vide letter No. DYEE/SDN-II/Ulh-3/1058, dt. 17/07/2010.
- 4) The Members of the forum heard both the parties at length on 28/07/2010 @ 16.00 Hrs. in the meeting hall of the Forum's office. Shri Ram Mewlani Consumer and Shri B. R. Mantri Consumer Representative, Shri V. D. Kale Nodal Officer, Shri R. N. Gawande. 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 Valoomal Tillomal has given the shop premises on rent in which the electric meter installed. According to him his average monthly consumption is around 140 units, however, in the month of April 2010 he received bill raised to the tune of Rs. 1,77,465=89 for consumption of units 16116 which is improper and incorrect. It is contended meter said

to be inspected by the officials of the Inspection Wing on 09/04/10 and that meter was then found running slow 80%. According to Complainant when meter was found slow 80% regular consumption is around 140 units per month, recovery of charges for 700 to 800 units per month is impossible when the connected load as per the inspection report was 0.6 KW. It is contended by the Complainant that provisional assessment bill under Section 135 raised by the licensee as above in view of the Regulations and the provisions of I.E. Act 2003 needs to be revised. By application dt. 26/04/10 Complainant requested to that effect to the Dy. Ex. Engr. Ulhasnagar but in vain, therefore he lodged this grievance with a prayer to direct the licensee to revise the bills as per rules.

- 6) Licensee opposed the contentions raised above. It is contended that meter installed in the shop premises owned by Valoomal Tillomal was inspected by the Inspection Wing headed by Shri Bhagwat Patil Jr. Engineer Ulhasnagar Sub/Dn. on 09/04/10 and was found running 80% slow, therefore meter was removed and brought to the Testing Unit and when opened for checking on 10/04/10 copper wire 1/18 was found inserted in the meter as to interfere with the proper or accurate metering of electricity tampering it made slow 80% committed theft of electricity. Panchanama to that effect was prepared in presence of Panchas and the officials of licensee on 10/04/10. Bill was raised on 13/04/10 for Rs. 01,77,465/- as per actual consumption of electricity under Section 135 of the I.E. Act 2003 but the consumer did not pay the amount therefore F.I.R. has been lodged bearing No. 1972 dt. 11/05/10. It is contended that the consumer tampering the meter inserting copper wire interfered in accurate metering committed theft of electricity, therefore case against

him as above under Section 135 of the Act has been lodged and the same is pending for trial.

- 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 take cognizance of the grievance ?	NO
b)What Order ?	As per Order below

### **Reasons**

- 8) According to the complainant as seen from his application dt. 28/06/10 Inspection Wing visited the premises on 09/04/10 found the meter running slow 80%. Further as per the report of the Dy. Ex. Engr. dt. 17/06/10 tampering the meter theft of electricity was committed. On this premise learned representative for the licensee submitted that F.I.R. has been lodged bearing No. 1972 for commission of theft of electricity under Section 135 of the I.E. Act and the same is pending for trial before the Hon. Court and therefore this Forum has no jurisdiction to decide this grievance.
- 9) We have gone through the record. Panchanama placed on record dt. 10/04/10 mentions meter installed in the premises was removed as it was found running slow and when it was opened, copper wire 1/18 was found inserted in the meter as to interfere with the proper or accurate metering of electricity. Letter dt. 17/06/10 issued by Dy. Ex. Engr. clearly point out

F.I.R. bearing No. 1972 has been lodged against the consumer on 11/05/10 for theft of commission of electricity and the same is pending before the Hon. Court. This prima facie shows grievance under reference falls within the purview of Section 135 of Electricity Act which excludes the jurisdiction of this Forum vide Clause 6.8 (b) of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006. Since this Forum has no jurisdiction to entertain the grievance, it will have to be disposed of. Point is answered accordingly and hence the order :

**ORDER**

- 1) Grievance application stands dismissed for want of jurisdiction.
- 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 : 06/08/2010

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

(R.V.Shivdas)  
Member Secretary  
CGRF Kalyan

(S.N. Saundankar)  
Chairperson  
CGRF Kalyan