

**Maharashtra State Electricity Distribution Co. Ltd.'s
Consumer Grievance Redressal Forum
Nagpur Urban Zone, Nagpur**

Case No. CGRF(NUZ)/87/2012

Applicant : Shri Dharamdas P. Motghare,
At Plot No. 196, Misal Layout,
Indora,
NAGPUR.

Non-applicant : Nodal Officer,
The Superintending Engineer,
(Distribution Franchisee),
N.U.C., MSEDCL, NAGPUR.

Quorum Present : 1) Shri. Shivajirao S. Patil
Chairman,

2) Adv. Smt. Gouri Chandrayan,
Member,

3) Smt. Kavita K. Gharat
Member Secretary.

ORDER PASSED ON 11.10.2012.

1. The applicant filed present grievance application before this Forum on 16.8.2012 under Regulation 6.5 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as Regulations).

2. In main application, the applicant also claimed interim relief under regulation 8.3 of the said regulations.

3. Applicant's case in brief is that on 7.8.2012, officers of M/s. SPANCO came to the house and demanded an amount of Rs. 400/- or Rs. 500/-, if failed to do so, threatened to disconnect the supply. Applicant did not pay and therefore without any statutory notice u/s 56 of Electricity Act 2003, electricity meter of the applicant is taken off on the pretext of testing it in the laboratory. Therefore the applicant filed the grievance application with a request to restore electricity supply by way of main relief.

4. In the main application, the applicant also claimed interim relief that supply is disconnected without prior notice and therefore interim relief may be granted to restore the supply till the disposal of the main application.

5. Non applicant M/s. SPANCO, Franchisee of Distribution Licensee denied the applicant's case by filing preliminary objection. It is submitted that the applicant had committed offence u/s 135 & 138 of I.E. Act 2003. F.I.R. is lodged against the applicant in the Police Station for theft of electricity. Spot Panchanama, Seizure Panchanama of entire action is prepared. Even C.D. of entire action is prepared. As it is the case u/s 135 & 138 of I.E. Act 2003, according to mandatory provisions laid down under the provisions of 6.2 & 6.8(b) of the said regulations, present grievance application is untenable at law. This Forum has no jurisdiction to entertain this case. The applicant suppressed all these facts in his grievance application. The application may be dismissed.

6. Forum heard arguments of both the sides and perused the record.

7. M/s. SPANCO produced various important documents on record and established that it is a matter u/s 135 & 138 of Indian Electricity Act 2003. M/s. SPANCO produced copy of Spot Inspection report Dt. 7.8.2012, Spot Panchanama Dt. 7.8.2012, Seizure Panchanama Dt. 7.8.2012, bill prepared u/s 135 & 138 of Indian Electricity Act 2003 generated on 8.8.2012 and copy of report to Police Station, M.S.E.D.C.L. Gaddigudam Nagpur on 9.8.2012. It is noteworthy that Seizure Panchanama Dt. 7.8.2012 is duly signed by the applicant Shri Dharamdas P. Motghare, that too, in English. Therefore it is not arbitrary or exparte. Considering all these aspects, in our opinion it is a prima-facie case u/s 135 & 138 of Indian Electricity Act 2003 and hence this Forum has no jurisdiction to entertain the matter.

8. It is rather surprising to note that all these facts regarding offence u/s 135 & 138 of Electricity Act 2003 are suppressed by the applicant in his entire application.

9. Considering the entire record, in our opinion, present application is untenable at law before this Forum and deserves to be dismissed.

10. Resultantly, the Forum proceeds to pass the following order :-

ORDER

- 1) Grievance application is dismissed.

Sd/-	Sd/-	Sd/-
(Smt.K.K.Gharat)	(Adv.Smt.GauriChandrayan)	(ShriShivajirao S.Patil)
MEMBER	MEMBER	CHAIRMAN
SECRETARY		