

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

Case No. CGRF(NUZ)/011/2007

- Applicant : Shri Rajkumar Barkuji Datir
Plot No. 2, Awdhoot Nagar,
Chikhali Road, Shewale Layout,
NAGPUR.
- Non-applicant : MSEDCL represented by
the Nodal Officer-
Executive Engineer,
Mahal Division, NUZ,
Nagpur.
- Quorum Present : 1) Shri S.D. Jahagirdar,
Chairman,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.
- 2) Smt. Gouri Chandrayan,
Member,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.
- 3) Shri S.J. Bhargawa
Executive Engineer &
Member Secretary,
Consumer Grievance Redressal
Forum, Nagpur Urban Zone,
Nagpur.

ORDER (Passed on 15.03.2007)

The present grievance application has been filed on 12.02.2007 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 here-in-after referred-to-as the said Regulations.

The grievance of the applicant is in respect of non-release of new domestic electricity connection for the applicant's premises and also in respect of lodging of a false theft case against him.

Before approaching this Forum, the applicant had filed his complaint on the same subject-matter on 18.12.2006 under the said Regulations before the Internal Grievance Redressal Cell (in short the Cell) NUC, MSEDCL, Nagpur. The Cell, upon enquiry, informed the applicant that new electricity connection to the applicant as prayed for by him could not be sanctioned since the applicant's address mentioned in the application was wrong and it could not be traced and also because the pole no. mentioned in the application was wrong. The Cell also informed the applicant that theft of electricity was detected on 24.11.2006 by the Dy. Executive Engineer upon checking the premises. Accordingly, a joint inspection report was drawn. A seizure panchnama was also drawn on 24.11.2006 in the presence of two pancha's. There after, F.I.R. was also lodged with the Police on 02.12.2006 and the F.I.R. no. is 3058 for the offence of theft of electricity under Sections 135 & 138 of the Electricity Act, 2003. Theft assessment amounting to Rs.3,920/- and compounding charges of Rs. 4,000/- were intimated to the applicant on 22.01.2007 by the Cell. It is against this decision of the Cell that the applicant has filed the present grievance application.

The applicant's case was presented before this Forum by his nominated representative one Smt. Asha Rajkumar Datir.

She contended that the applicant had applied for release of new electricity connection for domestic purpose for the premises in question. This application was duly received by the non-applicant on 13.01.2004. However, the new connection is not yet released. She added that no demand note of any kind was issued to the applicant since past more than two years. When enquired with the concerned officials, the applicant was informed that the applicant's file was missing. She added that correct address was mentioned in the application dated 13.01.2004. However, the applicant's application was kept pending without any decision on flimsy grounds. The pole no. mentioned in the application was pertaining to the near by pole that was available in January 2004 and that the entire fault for not releasing the electricity connection lies with the non-applicant. She requested for immediate release of new connection.

On the point of theft case lodged against the applicant, she strongly contended that the applicant was never residing in the premises in question and that he was falsely implicated in the theft case. At the time of construction of house on the plot in question, a room in the house was given to one Shri Shatrughan Ghutke who was employed for doing & supervising the centering work of the house under construction. She added that it was Shatrughan Ghutke who might have committed theft of electricity from the near-by pole. The applicant is in, no way, concerned with the offence of theft. She also complained that the applicant was arrested by the Police for no fault of his. She contended that the applicant was falsely implicated in the

offence of theft. She requested that accusation of theft may be withdrawn.

The non-applicant has submitted in his parawise report that due to wrong address and due to making a mention of a wrong pole number in the prescribed form for new connection, the staff of Sutgirni D/C could not trace the applicant's premises and, therefore, the required demand note could not be issued. The applicant was also informed accordingly on 20.10.2005. He denied the contention of the applicant that his application for a new connection was kept pending deliberately without any sufficient reasons. On the point of theft case, the non-applicant has stated that, on 24.1.2006, the Dy. Executive Engineer concerned visited the premises of the applicant near to pole no. DAW/3C and found illegal copper wire connection from LT line to the applicant's premises. The tenant Shri Shatrughan Pandurang Ghutke was present during the inspection. Spot panchnama was also carried out in the presence of Panchas. Consequently, F.I.R., being F.I.R. no. 3058, was lodged with the Police on 02.12.2006 against the applicant and Shri Ghutke. He added that the theft assessment was also worked out properly. He added that the new service connection can be given to the applicant after he makes payment of the theft assessment bill and after he submits a new application.

The prescribed application dated 13.01.2004 for new service connection submitted by the applicant makes a mention of pole no. DB7EX and address as Plot no. 2, Awadhootnagar, Nagpur. The pole no. shown in the application was evidently wrong in as much as the correct pole number is BAW / 3C near to the applicant's plot and not DB7EX. This is evident from the text of seizure Panchnama drawn by

the Dy. Executive Engineer on 24.11.2006 after he detected theft of electricity. Obviously, the address shown in the applicant was not foolproof. The record also shows that an intimation dated 20.10.2005 was issued by the Jr. Engineer concerned informing the applicant that the pole no. and the address mentioned in the application was wrong and that the applicant's premises could not be located. No supporting evidence of any kind has been produced on record by the applicant to support his contentions. An allegation is made by the applicant that the applicant's file was lost by the non-applicant's official and he was asked to prepare a new file. However, mere statement of the applicant will not serve any purpose. The explanation given by the non-applicant in his parawise report and also the one given during the course of hearing is sufficient to believe that the applicant's original application dated 13.01.2004 was not disclosing all the detailed and correct information. We do not see any reason to disbelieve the say of the non-applicant. The first grievance of the applicant cannot, therefore, be accepted. The same stands rejected.

As regards the second grievance about falsely implicating the applicant in a theft case, the record produced by the non-applicant clearly shows that theft of electricity was detected at the applicant's premises and accordingly, F.I.R., being F.I.R. no. 3058, came to be lodged with the Police on 02.12.2006.

We have perused the F.I.R. dated 02.12.2006, the joint inspection report dated 24.11.2006 and the seizure panchnama report dated 24.11.2006 drawn by the concerned Dy. Executive Engineer on 24.11.2006. The documents produced on record can not be disbelieved.

As laid down in Regulation 6.8 of the said Regulations if the Forum is *prima facie* of the view that any Grievance referred to it falls within the purview of offences and penalties as provided under Sections 135 to 139 of the Electricity Act,2003, the same shall be excluded from the jurisdiction of the Forum:

In view of the above, the second grievance of the applicant cannot be entertained by us.

In the result, the grievance application stands rejected.

Sd/-	Sd/-	Sd/-
(S.J. Bhargawa)	(Smt. Gauri Chandrayan)	(S.D. Jahagirdar)
Member-Secretary	MEMBER	CHAIRMAN

CONSUMER GRIEVANCE REDRESSAL FORUM
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO LTD's
NAGPUR URBAN ZONE, NAGPUR.

Member-Secretary
Consumer Grievance Redressal Forum,
Maharashtra State Electricity Distribution Co.Ltd.,
Nagpur Urban Zone, NAGPUR.