

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

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**Case No. CGRF(NUZ)/36/2012**

Applicant : Smt.Panchsheela Balak Ramteke,  
At 1588, Vidyanagar,  
New Indora, Nagpur.

Non-applicant : Nodal Officer,  
The Superintending Engineer,  
(Distribution Franchisee)  
Nagpur Urban Circle,  
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 22.03.2012.**

The applicant filed present grievance application before this Forum on 21.3.2012 under Regulation 6.5 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as Regulations). In the said main Grievance application the applicant also claimed Interim relief under Regulation 8.3 of the said regulations.

1. The applicant's case in brief is that the applicant took electrical connection in residential house recently in February 2012. She received first bill in March 2012 amounting to Rs. 4620.00. She deposited this bill on 20.3.2012. Even after payment of electricity bill, her electrical supply was disconnected from the pole. No amount is due against her.

2. Notice was duly served on Non-applicant. Non-applicant appeared before the Forum and resisted the Grievance application. Forum heard arguments from both the sides and perused the entire record carefully.

3. During the course of arguments, the applicant argued that the last date for payment of electric bill was 2.4.2012. However, she deposited Rs. 4620.00 on 20.3.2012. Even then, her supply is disconnected and therefore it is necessary to restore her electric supply.

4. On the contrary, on behalf of the Non-applicant, it is argued that connection of the applicant is given for house No. 1588, Vidyanagar, New Indora, Nagpur. Previously, in same house, there was electrical connection of one Shri Ramdas Ramteke. Criminal case U/s 135/138 of Electricity Act 2003 was filed against the said Ramdas Ramteke, regarding connection in same house No. 1588 for theft of electricity amounting to Rs. 1,14,970/-. While taking the New Service Connection, the applicant had mentioned the same

house number. Not only this, the applicant had executed a written undertaking on Stamp Paper of Rs. 100/-. In this written undertaking, the applicant undertake on Affidavit that if there is any amount of arrears regarding the electricity bill of previous meter in this house, in such circumstances, it is her responsibility to pay the previous arrears. In case it is found that anything is illegal, M.S.E.D.C.L. shall be authorized to disconnect her electric supply and in that case, she will not object by any means. Previous arrears of Rs. 1,14,970/- are the arrears on the same house property and theft case U/s 135 / 138 of Electricity Act 2003 is filed regarding the same house and therefore the application may be rejected.

4. Forum heard arguments of both the sides and perused the record carefully. Non-applicant had produced all the relevant documents in support of their contention. Record shows that previously, criminal case U/s 135 / 138 of Electricity Act 2003 was filed against Shri Ramdas S. Ramteke, House No. 1588, Vidyanagar, New Indora, Nagpur for theft of electricity amounting to Rs. 1,14,970/- as per bill dated 10.12.2011. According to the applicant, she is residing in this house since last 4/5 months. Theft case was filed in December 2011. Therefore, it is clear that all these facts are within the knowledge of the applicant. Considering the documentary evidence on record, it is clear that present case is nothing but continuance of the dispute U/s 135/138 of Electricity Act 2003 and therefore according to Regulation 6.8(b) of the said regulations, this Consumer Forum has

absolutely no jurisdiction to entertain and decide present Grievance Application.

5. It is true that notice U/s 56 of Electricity Act 2003 is not issued by M.S.E.D.C.L. and supply is disconnected. However, as we have already pointed out that it is a matter U/s 135 / 138 of Electricity Act 2003, this Forum has no jurisdiction. Furthermore, the non applicant produced copy of undertaking executed by the applicant in favour of Non-applicant on Stamp Paper of Rs. 100/- dated 12.1.2012. In this undertaking, in Para 3 and Para 4, the applicant had given in writing as under :-

#### प्रतिज्ञापत्र

३) सदर जागेवर मी राहतो व त्या जागेवर कोणत्याही व्यक्तिका सदर ठिकाणी वरील पत्यावर माझ्या नावाने किंवा जुन्या घरमालकाच्या नावाने विजेचे मिटर अथवा थकबाकी आढळल्यास ते भरण्याची संपूर्ण जबाबदारी माझी राहिल.

४) अर्जासोबत दाखल केलेले दस्तावेज चौकशीत खोटे किंवा बेकायदेशिर आढळल्यास किंवा दिलेली माहिती माझ्याशी संबंधित नसल्यास परवानगीशिवाय मला दिलेली नविन विजेचे मिटर काढून नेण्याचे खंडीत करण्याचे अधिकार राहिल व त्यात मी कुठल्याही प्रकारचा विरोध करणार नाही अशी मी खालील शपथेवर हमीपत्र लिहून देतो.

6. At the bottom of this undertaking, there is verification given by the applicant on oath to the effect that all the contents of this undertaking are correct and if it is found that contents are false or fabricated, action U/s 199 (b) and 200 of Indian Penal Code can be taken against her and she will be guilty. Below this verification, there is signature of the applicant, so also, Signature of one Shri A.T. Gajbhiye, Advocate, Nagpur, regarding identification of the applicant. During the course of hearing also, the applicant admitted that this undertaking bears her signature. Therefore, by executing such type of undertaking by the applicant in favour of Non-applicant, she has authorized the Non-applicant to disconnect the electric supply at any time in case it is found that there is something illegal, suppression of material facts and documents are false. Therefore, by this undertaking, the applicant has waived the notice U/s 56 of Electricity Act 2003. When such type of blanket authority is given by the applicant to Non-applicant on Stamp Paper not only to disconnect her electrical supply but admitted the facts that she will be guilty U/s 199(b) and Sec 200 of I.P.C. Therefore, disconnection of electric supply of the applicant is perfectly legal and valid. Arrears of Rs. 1,14,970/- are the arrears on the premises and the applicant has to pay those arrears.

7. Under such circumstances, we find no force in the claim of Interim Relief so also on merits of the matter. Forum is of considered opinion that there is no substance and no merits in present grievance application and it deserves to be

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

ORDER

1. The Grievance Application is dismissed.

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