

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

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**Case No. CGRF(NUZ)/ 032/2007**

Applicant : Shri K.N. Ramkrishna Pillai  
Plot No. 5, Hiwarilayout,  
Bagadganj Road,  
Nagpur.

Non-applicant : The Nodal Officer-  
Executive Engineer,  
Mahal Division, NUZ,  
Nagpur representing the MSEDCL.

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 30.06.2007)**

The present grievance application has been filed on  
11.06.2007 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 alleged false case of theft of electricity lodged against the applicant. He has sought for refund of amount of Rs.36,265/- recovered wrongly from him towards the theft assessment amount and compounding charges.

Before approaching this Forum, the applicant had filed his grievance addressed to the Chief Engineer, NUZ, MSEDCL, Nagpur and other Officers on the same subject-matter. However, since no remedy was provided to his grievance under the said Regulations, the applicant approached this Forum for redressal thereof.

The intimation given to the Chief Engineer and other Officers of the non-applicant Company as stated above is deemed to be the intimation given to the Internal Grievance Redressal Cell (in short, the Cell) under Regulation 6.4 of the said Regulations and hence, the applicant was not required to approach the Cell again for redressal of his grievance under the said Regulations.

The facts, in brief, are as under.:-

The applicant is the recipient of electricity through service connection, being S.C. no. 410088023804, meter no. 9012076680 standing in the name of one Shri Raghoba G. Irkhede. This connection was checked on 14.11.2006 by the Dy. Executive Engineer, Nandanwan Sub-Dn., MSEDCL, Nagpur with accu-check meter. The meter was found to be running slow by 55.85%. For ascertaining reasons for slow running of the meter, the Dy.E.E. opened the meter in the presence of the applicant's representative one Shri Murli Nair. It was found that

the current coil turns were reduced and this was the reason for the slow running of the meter. Accordingly, a joint inspection report dated 14.11.2006 was drawn in the present of the applicant's representative and two independent Panchas and their signatures obtained thereon. Thereupon, the meter was seized and taken away. It was concluded that theft of electricity was committed by the applicant and accordingly, the demand note amounting to Rs.16,265/- towards theft assessment and compounding charges of Rs.20,000/- was issued on 15.11.2006. The charged amount was paid by the applicant on 26.12.2006 and 05.01.2007. The applicant upon paying the aforesaid amounts wrote to the Chief Engineer and other Officers on 04.02.2007 contending that the allegation of theft of electricity or of tampering of meter is false and baseless. He requested them to refund the amount illegally collected from him along with interest. No remedy was provided to the applicant's grievance and hence, the present grievance application.

The matter was heard on 27.06.2007.

The applicant contended that the allegation of theft is false and baseless. He has also stated that proper procedure was not followed for confirming theft of electricity and that no panchnama was prepared about theft of electricity. He contended that the allegations are without any substance or any proof therefor. He requested that the amount recovered from him towards theft assessment and compounding charges may be refunded to him with interest.

The Nodal Officer representing the non-applicant Company has submitted in his parawise report and also in his oral submissions that the applicant is the user of service connection number aforesaid

which is still standing in the name of one Shri R.G. Irkhede. His premises was checked on 14.11.2006 and theft of electricity along with tampering of meter from inside was detected by the Dy. Exe. Engineer. The meter was found to be running slow 55.85%. A joint inspection report was prepared on 14.11.2006 in the presence of the applicant's representative one Shri Murli Nair and this report is also signed by two independent pachas. Thereupon, the applicant was served with a demand note towards theft assessment amount and compounding charges and these amounts are paid by him on 26.12.2006 to 05.01.2007. According to him, the present matter pertains to theft of electricity under Section 135 of the Electricity Act, 2003 and hence, this Forum has no jurisdiction to entertain the grievance.

This Forum has considered submissions made by both the parties. All the relevant papers and record were also perused. It is seen that the present case pertains to theft of electricity under Section 135 of the Electricity Act, 2003. The joint inspection report dated 14.11.2006 prepared by the Dy. Executive Engineer upon detection of theft of electricity clearly makes a mention about the tampering of meter from inside. This report is also seen to have been signed by two independent panchas and also by the representative of the applicant. The applicant's representative has not added any note of dissent on this report. The theft assessment amount as well as the compounding charges are also already paid by the applicant without raising any protest. Hence, this Forum concludes that the present case of theft of electricity is covered by offences and penalties as provided under Sections 135 to 139 of the Electricity Act, 2003, and such a case is excluded from the jurisdiction of the Forum as laid down in Regulation 6.8 of the said Regulations.

In the result, the present grievance application cannot be prima-facie entertained.

It therefore stands disposed off accordingly.

<b>Sd/-</b>	<b>Sd/-</b>	<b>Sd/-</b>
<b>(S.J. Bhargawa)</b>	<b>(Smt. Gauri Chandrayan)</b>	<b>(S.D. Jahagirdar)</b>
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.**