

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

Case No. CGRF(NUZ)/040/2009

Applicant : Shri Pratap Jaykisan Kanjwani
At, 116, Chikhali,
Kalmana Market,
NAGPUR – 440 008.

Non-applicant : MSEDCL represented by
the Nodal Officer-
Executive Engineer,
Gandhibag Division, NUZ,
Nagpur.

Quorum Present :1) Shri S.F. Lanjewar
Executive Engineer &
Member Secretary,
Consumer Grievance Redressal
Forum, Nagpur Urban Zone,
Nagpur.

2) Smt. Gouri Chandrayan,
Member,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.

(ORDER Passed on 27.08.2009)

The present grievance application has been filed on dated 29.06.2009 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 Electricity connection newly installed in this premises of Shri P.J. Kanjwani

Before approaching this Forum, the applicant had filed his complaint, to the Internal Grievance Redressal Cell, NUC MSEDCL, Nagpur on dated 18.03.2009. However, the Cell decision is not agree to the applicant, hence the present grievance application.

The applicant is that the grievance of Hon'ble Court is acquittal hence his connection should be reconnected.

The applicant had submitted the following documents along with the application.

- 1) Copy of Energy bill.
- 2) Letter on dated 11.02.2009.
- 3) Letter on dated 11.03.2009
- 4) Copy of Court order decided on dated 20.10.2008
- 5) Copy of IGRC order on dated 25.06.2009.

The non-applicant had submitted the written Documents as.

- 1) Letter No. 966 of Dy. E.E. dated 14.07.2009.
- 2) Letter of Legal Advisor 1570 dated 21.03.2009
- 3) Letter from bill payment 776 dated 08.07.2008.
- 4) Bill of Rs. 80,955/-

The case was heard on dated 15.07.2009. The applicant Shri Pratap Jaykisan Kanjwani was represented the case while the non-applicant Shri Nichale, Executive Engineer Gandhibag Division represented the non-applicant Company.

The applicant had argued that he was acquitted by Hon'ble Court hence he is not guilty. Hence his connection should be reconnected immediately.

The non-applicant had explained that the applicant thought he had been acquitted by Hon'ble Court even-though he should pay the charges of loss of energy. They are ready to withdraw the penalty of theft charges which were charged before Court case. They also submitted the opinion of legal advisor in which, he said that the Civil Liability is to be covered as per the circular no. 17 dated 18.10.2005 read the circular no. 31 dated 09.02.2006.

The non-applicant have asked the applicant to pay the payment of Rs. 80,955/-

As per National Consumer Disputes Redressal Commission New Delhi in revision petition Hon'ble Justice M.B. Shah president & other two members had given their judgment in the following cases.

The only question which requires consideration in these Revision petitions is whether under the Electricity Act 2003, the officers of the electric company are empowered to arbitrarily direct the consumers to deposit the amount according to their whims with a threat that failure to deposit the said amount would result in disconnection of electricity power or they would be prosecuted.

In our view the Electricity Act, 2003 (hereinafter reference to as the Act for brief) nowhere empowers the officers concerned to adopt such an arbitrary procedure. Under the Act, in the case of alleged unauthorized use of electricity procedure prescribed under see 126 of the Act is required to be followed. In that procedure is not followed, it is to be highlighted that the Act nowhere empowers the officers of the

electricity company to act according to their whims and harass the consumers at large. They have quoted the examples of number of case.

Revision Petition No. 3133 of 2007.

- 1) Dakshin Haryana Bijli Vitran Nigam, Ltd & others
..... Petitions V/s MeghRaj Respondent
- 2) Revision Petition No. 3244 of 2007
Uttari Haryana Bijli Vitran Nigam Ltd., & others.
..... Petitioner V/s Suresh Kumar Jain Respondent
- 3) Revision Petition No. 3277 of 2007
Uttari Haryana Bijli Vitran Nigam Ltd., & others.
..... Petitioner V/s Vijaykumar Respondent
- 4) Revision Petition No. 3319 of 2007
Dakshin Haryana Bijli Vitran Nigam Ltd., & others.
..... Petitioner V/s Suresh Kumar Jain Respondent
- 5) Revision Petition No. 3347 of 2007
Uttari Haryana Bijli Vitran Nigam Ltd.,
..... Petitions V/s Rakesh Gupta Respondent
- 6) Revision Petition No. 3364 of 2007
Uttari Haryana Bijli Vitran Nigam Ltd.,
..... Petitions V/s Narendra Kumar Respondent
- 7) Revision Petition No. 3539 of 2007
Dakshin Haryana Bijli Vitran Nigam Ltd., & others.
..... Petitions V/s Ved Pal Respondent
- 8) Revision Petition No. 3596 of 2007
Uttari Haryana Bijli Vitran Nigam Ltd., & others.
..... Petitions V/s Omprakash Gulati Respondent

- 9) Revision Petition No. 3668 of 2007
Uttari Haryana Bijli Vitran Nigam Ltd., & others.
. Petitions V/s Smt. Sunita Anand Respondent
- 10) Revision Petition No. 3669 of 2007
Uttari Haryana Bijli Vitran Nigam Ltd., & others.
. Petitions V/s Mastan Singh Respondent
- 11) Revision Petition No. 3813 of 2007
Uttari Haryana Bijli Vitran Nigam Ltd., & others.
. Petitions V/s Mohindra Pal Respondent
- 12) Revision Petition No. 4261 of 2007
Uttari Haryana Bijli Vitran Nigam Ltd., & others.
. Petitions V/s Gajeshsingh Respondent
- 13) Revision Petition No. 436 of 2008
Uttari Haryana Bijli Vitran Nigam Ltd., & others.
. Petitions V/s Kamaljit Singh Respondent
- 14) Revision Petition No. 850 of 2008
Dakshin Haryana Bijli Vitran Nigam Ltd., & others.
. Petitions V/s Jagdish Chandar Respondent
- 15) Revision Petition No. 1660 of 2008
Dakshin Haryana Bijli Vitran Nigam Ltd., & others.
. Petitions V/s Gainchand Respondent

They have mentioned in their judgment in Section (5) of 126. If the assessing officer reaches of electricity has taken placed the assessment shall be made for the entire period during which unauthorized use of electricity has taken place and or “if however the period during which such unauthorized use of electricity has taken

place cannot be ascertained, such period shall be limited to a period of twelve months immediately preceding the date of inspection”

In sub Section (6) of 126. The assessment under this section shall be made at a rate equal to twice the tariff applicable for the relevant category of service specified in sub section 5 of 126.

In the above case the MSEDCL had filed a case against the applicant under Section 135 (theft of Electricity). Hon'ble Additional Sessions Judge Nagpur is already passed an order; Accused is acquitted of the offence under Section 135 of Electricity Act.

The forum has come to the conclusion.

We have carefully gone through the record of the case, documents produced on record by both the parties and also all submissions, written & oral, made by both of them before forum.

Decision

- i) The Company should issue the bill of 1099 Units.
- ii) The consumer should pay the bill, after payment of energy bill the applicant's supply should reconnected within 24 hrs.

The non-applicant shall carry out this order & report compliance to this Forum on or before 30.09.2009.

Sd/-
(S.F. Lanjewar)
Member-Secretary

Sd/-
(Smt. Gauri Chandrayan)
MEMBER

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.