

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

Case No. CGRF(NUZ)/0133/2006

Applicant : Sau. Lalita J. Gajbhiye,
Plot No. 141, Praveshnagar,
Chikhali, Kalmna Market,
Nagpur.

Non-Applicant : The Nodal Officer-
Executive Engineer,
Gandhibag Division,
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.

ORDER (Passed on 20.06.2006)

The present grievance application has been filed on 01.06.2006 by the applicant 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 that the applicant was arrested by the Police on a wrong charge of theft of electricity although she had paid the energy bill amount of Rs. 5,710/- on 18.01.2006 thereby causing her defamation and resulting into mental harassment. Her grievance is also in respect of removal of her meter without notice and also about non-provision of a new meter despite payment of revised energy bill on 18.01.2006.

Before approaching this Forum the applicant had approached the Superintending Engineer, NUC, MSEDCL, Nagpur raising therein the present grievance under the said Regulations. The Superintending Engineer replied the applicant by his letter, being letter no. 3792 dated 10.11.2005, that the applicant's power supply was permanently disconnected on account of non-payment of energy bills by her and further that an offence was ready registered against her on 17.10.2005 with the Police station, Kalmna on the charge of theft of electricity by her. The Superintending Engineer further informed the applicant that she should approach the Assistant Engineer, Wardhmannagar S/Dn., MSEDCL, Chhaprunagar, Nagpur for the purpose of restoration of her power supply or for release of a new connection as per rules.

The applicant was not satisfied with this reply and hence filed the present grievance application.

The matter was heard by us on 19.06.2006.

A copy of the non-applicant's parawise report on the applicant's grievance application submitted before this Forum on 19.06.2006 as per the said Regulations was given to the applicant's nominated representative on 19.06.2006 before the case was taken up

for hearing and he was given opportunity to offer his say on this parawise report also.

The applicant's case was presented before this Forum by her nominated representative one Shri Jaikishan Gajbhiye.

It is his main complaint that the applicant was arrested by the Police on a wrong charge of theft of electricity there by causing her defamation in the society and also her mental harassment. He added that a provisional energy bill for Rs. 5,710/- was issued on 06.12.2005 which the applicant diligently paid on 18.01.2006. This was the revised arrear amount informed to the applicant inclusive of the past un-paid amount. Since this amount was paid diligently by the applicant, there was no ground for the non-applicant to pursue the theft matter against her. However, the non-applicant, instead of installing a new meter at the applicant's premises, pursued the F.I.R. lodged before the Police and ultimately, this resulted into the applicant's arrest by the Police.

He continued to submit that the applicant had complained orally before the non-applicant's officials in respect of excessive energy bill for the period from 08.12.2003 to 06.02.2004. However, that time, she was told that the applicant's meter was faulty and that the applicant's energy bill amount would be reduced upon enquiry. The applicant had gone to an outstation in March, 2004 alongwith her family. On return, she found, to her shock & surprise, that her electric meter was not in place. She came to know that her meter was taken away by the non-applicant's staff in April, 2004. He vehemently argued that no notice of any kind was served upon the applicant before her meter was removed and taken away by the MSEDCL staff way back in April 2004. The applicant approached the non-applicant's official with a

complaint that an excessive energy bill of Rs. 15,709/- was issued in the billing month of February 2005. She submitted her complaint before the Chief Engineer on 09.09.2005 for revision of this excessive energy bill which came to be issued even when there was no meter in existence at her place.

He added that the applicant was wrongly charged for the offence of theft of electricity in October, 2005. He vehemently denied that the applicant committed any theft of electricity. He also submitted that the applicant was arrested by the Police on 12.05.2006 by the staff of Police Station, Kalmna in view of wrong filing of F.I.R. against her on 17.10.2005.

He further contended that a new meter has not been installed as yet at the applicant's place and that the applicant and her family are suffering for want of electricity.

He lastly prayed that the applicant's grievance may be removed.

The non-applicant has submitted in his parawise report that energy bill for Rs. 3735/- for 1181 units was issued to the applicant inclusive of her consumption from July 2003 to December 2003. This bill was not paid by the applicant and no complaint was also made by her in respect of this bill. Subsequently, the next bi-monthly bill for the month of January & February 2004 came to be issued to her and in that, the gross amount of her energy bill was shown as Rs. 5,291/- inclusive of the old arrear amount of Rs. 3,796/-. The applicant did not pay this bill amount also. A notice of disconnection of power supply was incorporated in red letters in the body of this bill. The applicant's power supply was disconnected in April 2004 because of non-payment of the

energy bills by the applicant. Her power supply was permanently disconnected on 10.01.2005.

The applicant subsequently made a complaint before the Chief Engineer, NUZ, MSEDCL, Nagpur on 09.09.2005 in respect of correction of her energy bill of Rs.15,790/-. The Chief Engineer directed the Executive Engineer, Gandhibag Division Nagpur to inquire into the applicant's complaint and to give satisfactory reply to her. While making enquiries into the applicant's complaint, it was noticed that the applicant had committed theft of electricity from the Pole No. CH 44 through the hooks affixed un-authorisedely to the L.T. wires. This theft was detected on 15.10.2005. Thereupon, a F.I.R., being F.I.R. No. 3330/05, was registered against the applicant at Kalmna Police Station on 17.10.2005.

The non-applicant vehemently contended that the allegations made by the applicant are baseless and incorrect. He also stated that the applicant was duly informed about registration of F.I.R. against her by his letter No. 3792 dated 10.11.2005.

He added that as per demand of the applicant, a final arrear bill of Rs. 5710/- was issued on 06.12.2005 which the applicant paid on 18.01.2006 in cash without raising any protest. The applicant did not so far file any application for a new connection as per rules and as such no further action could be taken for restoration of power supply to her premises.

He lastly prayed that there is no substance in the applicant's grievance application and that the same may be rejected.

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

The main complaint of the applicant is about her defamation caused because of her arrest by the Police. Evidently, this arrest came to be made by the Police in the context of the F.I.R. dated 17.10.2005 (F.I.R. No. 3305) lodged by the non-applicant. Perusal of text of F.I.R. and of allied papers go to prima-facie show that theft of electricity was committed by the applicant. Documentary evidence produced in this connection by the non-applicant demonstrates that a prima-facie case of theft of electricity has been made out by the non-applicant against the present applicant. The spot panchnama dated 15.10.2005 drawn by the staff of MSEDCL clearly states that theft of electricity was committed at the premises of the applicant. The manner in which this theft was committed is also clearly mentioned in this Panchnama. This panchnama was drawn in the presence of Shri Jaikishan Gajbhiye who is the husband of the present applicant and who is her nominated representative before us. Signature in Marathi of Shri Jaikishan Gajbhiye is also appearing on this panchnama. Though, the applicant's representative is denying theft of electricity and also his signature on this panchmana, the fact remains that a prima-facie case of theft of electricity was rightly made out by the non-applicant. The applicant may prove her innocence in this respect before the appropriate Court of Law.

The matter of payment of revised un-paid amount of Rs. 5,731/- by the applicant is totally independent of the subject-matter of theft of electricity. Hence the applicant's contention that she was

arrested by the Police although she had paid the revised energy bill amount of Rs. 5,731/- on 18.01.2006 is of no consequence and hence deserves no consideration.

Regulation 6.8 of the said Regulations clearly stipulates that 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 in sections 135 to 139 of the Electricity Act, 2003, the same shall be excluded from the jurisdiction of the Forum.

In view of this legal provision and looking to the circumstances of the case, we cannot entertain the applicant's grievance in respect of theft of electricity and consequences which have arisen there from including her arrest etc.

A grievance has also been made in the present case that an incorrect & excessive energy bill of Rs. 15,790/- was issued in February 2005.

It is a matter of record that this bill was subsequently revised by the non-applicant and a revised bill of Rs. 5,710/- came to be issued on 06.12.2005 which was also duly paid by the applicant on 18.01.2006. It is also a matter of record that no protest was raised by the applicant while making payment of Rs. 5,710/-. Hence, the applicant's complaint about excessive bill cannot now survive.

Another grievance of the applicant is that her electric meter was removed and taken away by the non-applicant way back in April 2004 without any notice to her. Thus, the cause of action in respect of this grievance had arisen way back in April 2004. The applicant, on the other hand, is making this grievance by submitting her grievance application on 01.06.2006 before this Forum. Thus, this

grievance of the applicant has been made after expiration of two years' period from the date on which the cause of action has arisen. Hence, as laid in Regulation 6.6 of the said Regulations, this Forum is unable to admit this grievance.

The applicant also has a grievance that a new meter was not installed though she had paid the revised arrear amount on 18.01.2006. The non-applicant's stand on this grievance is that the applicant did not file any application for restoration of her power supply after payment on 18.01.2006 by her of the arrear amount in question. The applicant's representative, thereupon, stated that the applicant will now approach the non-applicant with requisite application. The non-applicant also assured to take immediate action in this respect as per rules once the application is filed.

In the result, the applicant's grievance application stands disposed off accordingly.

Sd/-
(Smt. Gauri Chandrayan)
MEMBER

Sd/-
(S.D. Jahagirdar)
CHAIRMAN

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