

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

Case No. CGRF(NUZ)/0136/2006

Applicant : Shri Bhaurao Madadeorao Mahale,
At-27, Corporation Colony,
Behind Indira Gandhi Hospital,
Gandhinagar, Nagpur.

Non-Applicant : The Nodal Officer-
Executive Engineer,
Congressnagar 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.

3) Shri S.J. Bhargawa
Executive Engineer &
Member Secretary,
Consumer Grievance Redressal
Forum, Nagpur Urban Zone,
Nagpur.

ORDER (Passed on 12.07.2006)

The present grievance application has been filed on
22.06.2006 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 an erroneous energy bill dated 04.03.2006 for the period from 21.01.2006 to 18.02.2006 for 286 units and also in respect of allegedly incorrect charge of theft of electricity against him.

Before filing the present application before this Forum under the said Regulations, the applicant had approached the Internal Grievance Redressal Cell by submitting his complaint in respect of the same subject matter of the grievance before it on 25.05.2006. The Cell, upon enquiry, replied the applicant by its letter, being letter no. 4117 dated 14.06.2006, that the applicant's meter came to be inspected by the Flying Squad of Congressnagar Division, MSEDCL, NUZ, Nagpur on 21.04.2006 and that theft of electricity was detected by this Squad. The Cell also informed him that F.I.R. in respect of theft of electricity was lodged in the concerned Police Station on 28.04.2006 and that theft assessment bill of Rs. 12,697/- was issued to the applicant under section 135 / 138 of the Electricity Act, 2003 and also that the applicant should make payment of the amount of assessment bill and also the amount meant for compounding of the offence. The applicant was not satisfied with the reply of the Internal Grievance Redressal Cell and hence he filed the present grievance application.

The matter was heard by us on 11.07.2006 when both the parties were present.

A copy of the non-applicant's parawise report filed by the non-applicant under the said Regulations on 11.07.2006 before this

Forum was given to the applicant on 11.07.2006 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 contention is that there were three electric meters installed in the premises owned by him. One of them is being used by him for his own use while the other two electric meters were meant for his two tenants. The meter, being meter no. 10200509, in respect of which there is an allegation of theft of electricity was being used by one of his tenants upto July 2005. His tenant had vacated the tenanted premises in July, 2005 and since then, there was no use of electricity through meter no. 10200509. He relied upon his energy bills dated 13.12.2005 and another dated 21.12.2005 and contended that the same previous and current reading of 12457 has been indicated in these two energy bills. According to him, this shows no electricity was consumed during the period from 19.09.2005 to 22.12.2005. A subsequent electricity bill dated 04.03.2006 was issued in respect of the same meter, being meter no. 10200509, for the period from 21.01.2006 to 18.02.2006 for Rs. 1060/- in which the previous reading was shown as 12457 units while the current reading was shown as 12743 units. He vehemently argued that this energy bill was unjust, improper & incorrect. He further submitted that consumption of 286 units shown in this energy bill was totally erroneous and imaginary since there was no use of electricity in this premises during this period. Immediately after receipt of this erroneous energy bill, he made a complaint to the Chief Engineer, MSEDCL, NUZ, MSEDCL, Nagpur on 18.02.2006 and requested for correction thereof. However, no cognizance, whatsoever,

was taken by the non-applicant of this complaint. He continued to submit that this energy bill is not corrected even till to-day.

He also referred to the spot inspection report dated 21.04.2006 prepared by the Junior Engineers of the non-applicant Company a copy of which has been produced on record by him and contended that in this report the reading of the meter is shown to be 12496 units at the time of inspection on 21.04.2006 and that after inspection of the meter, being meter no. 10200509, it was removed on the ground of theft of electricity. He has denied that any theft of electricity was committed by him in respect of the meter in question. In view of his meter reading of 12496 having been noticed by the Flying Squad on 21.04.2006, the applicant's strong submission is that the current meter reading of 12743 shown as on 18.02.2006 in his disputed energy bill dated 04.03.2006 gets falsified. He, therefore, requested for correction of his energy bill up to and inclusive of 21.04.2006.

On the charge of theft of electricity against him, the contention of the applicant is that the theft charge levied against him is totally false. It is his say that the tenanted premises has remained closed from July, 2005 to April 2006 and that there was no use of electricity at all in the tenanted premises and as such the charge of theft of electricity was frivolous and incorrect.

He added that he had filed a Civil Suit, being regular Civil Suit No. 227/2002, against the non-applicant in which he had challenged correctness of energy bills issued way back in the year 2001. He has also produced a copy of an order dated 08.07.2002 passed by the 8th Joint Civil Judge, Jr. Division, Nagpur in an application filed by him before the Court and contended that the Civil Court had

ordered correction of his erroneous energy bills issued in the year 2001. He submitted that the regular Civil Suit, being Civil Suit No. 227/2002, is still pending in the Civil Court. It is his strong contention that the non-applicant had an axe to grind against him since he had challenged the non-applicant's incorrect action in the Civil Court and also because he succeeded in the Civil Court against the non-applicant. Because of this, the non-applicant had prepared a false case of theft of electricity against him in April 2006 taking a revengeful attitude.

He also denied that any theft assessment bill was issued by the non-applicant as mentioned by the Internal Grievance Redressal Cell in its letter dated 14.06.2006.

The applicant further submitted that he is a social activist doing social work for the past 60 years and that he was to be felicitated on 01.05.2006 on the occasion of publication of a book on his glorious life. The non-applicant, taking a revengeful attitude at this point of time, lodged a false theft case with the Police on 28.04.2004 with a view to defame him in the public eyes.

He lastly prayed that his grievance in question may be removed.

The non-applicant has stated in his written & oral submissions that there were three electric meters in the name of the applicant having consumer nos. 410010245064, 410011900571 & 410012467706. One of these three connections is being utilized by the applicant for his own use while the other two connections were meant for his two tenants. On 21.04.2006, the Divisional Flying Squad of Congressnagar Division inspected the applicant's premises and checked the applicant's three meters. No irregularities were found in respect of

consumer no. 41011900571 and 410012467706. However, evidence of tampering of meter was noticed inside the meter, being meter no. 10200509, consumer no. 410010245064. A loop wire was found to be connected inside the meter and the lead seals affixed to meter were also found to be tampered. His connected load was found to be 0.5 KW. Relying upon the Divisional Flying Squad's spot inspection report dated 21.04.2006, Panchnama drawn by the Flying Squad on 21.04.2006 in respect of theft of electricity in this meter and F.I.R., being FIR No. 3050 / 2006, registered against the applicant in Ambazari Police Station on 28.04.2006, the Nodal Officer vehemently argued that a prime-facie case of theft of electricity has been made out against the applicant under Sections 135 & 138 of the Electricity Act, 2003.

He added that this Forum is not empowered to entertain the present grievance application as per the said Regulations.

He also submitted that the Divisional Flying Squad had suggested to the applicant's representative Shri Sunil Bhaurao Mahale to pay the theft assessment charges of Rs. 11,697/- under Section 135 and 138 of the Electricity Act, 2003 and also to agree to the compounding of offence with the non-applicant Company as per rules and to pay the compounding charge for Rs. 4000/- under Section 151 of the Electricity Act, 2003. However, no reply was received from the applicant in this regard. Hence, he had no other option than to register a theft case against the applicant which was done on 28.04.2006. He has categorically denied the allegation against him about revengeful attitude etc.

The non-applicant lastly submitted that the present grievance application may be dismissed.

He has produced a copy of the applicant's CPL meant for applicant's three electric meters.

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

The applicant's first grievance is about his energy bill dated 04.03.2006 which, according to him, is erroneous. Perusal of this bill shows that previous reading recorded by the meter, being meter no. 10200509, as on 21.01.2006 was 12457 while the current reading in this bill recorded on 18.02.2006 is shown to be 12743. The Flying Squad's report dated 21.04.2006 which is subsequent to the issuance of the disputed energy bill makes a clear mention about the applicant's meter reading being 12496. This fact, therefore, clearly demonstrates that the current reading of 12743 shown on 18.02.2006 in the applicant's energy bill dated 04.03.2006 was incorrect. The applicant's contention that his energy bill should be corrected taking his final meter reading as 12496 upto and inclusive of 21.04.2006 on which date the Flying Squad inspected his meter, therefore, deserves to be accepted. Even the non-applicant's representative also agreed during the course of his oral submissions to correct the applicant's disputed energy bill taking 12496 as final reading in place of 12743.

A point was made by the applicant during the course of hearing that he has been receiving energy bills even after 21.04.2006 though his meter was removed from the premises on this date. He has produced copies of his energy bills dated 17.05.2006 and dated 16.06.2006 to substantiate his say. On being questioned by us in respect of this contention of the applicant, the non-applicant's

representative admitted that these energy bills should not have been issued. He assured to withdraw these subsequent energy bills.

In view of above position, we are inclined to hold and do hold accordingly that the applicant's disputed bill dated 04.03.2006 should be appropriately revised by the non-applicant taking 12496 as final reading in place of reading of 12743 and appropriate credit passed on to the applicant in this regard. The non-applicant shall accordingly take necessary action within one month and also report compliance thereof to this Forum on or before 15.08.2006.

The second grievance of the applicant is that a false theft case was prepared against him.

In this respect, perusal of spot inspection report dated 21.04.2006 and Panchnama dated 21.04.2006 drawn by the Flying Squad indicate that there was a prima-facie evidence of tampering of the applicant's meter, being meter no. 10200509. It has been clearly mentioned in the panchnama dated 21.04.2006 that the applicant's meter was opened in the presence of one Shri Sunil Bhaurao Mahale on 21.04.2006 and that a thick loop wire was found inside the meter connecting the incoming point with the outgoing point with the result that the running of the meter was deliberately slowed down. Because of insertion of the loop wire inside the meter, the meter in question was recording only 39.28% consumption. The Flying Squad had recommended action under Section 135 of the Electricity Act, 2005. It is pertinent to mention that the representative Shri Sunil alias Prakash Bhaurao Mahale had signed the spot inspection report and also the panchnama on 21.04.2006 on behalf of the applicant. No dispute,

whatsoever, seems to have been raised by the applicant's representative while signing these two documents.

Looking to the circumstances of the case and the documents produced on record, this Forum is prima-facie of the view that the present grievance referred by the applicant falls within the purview of offences and penalties as provided under Sections 135 & 138 of the Electricity Act, 2003. Hence, as laid in Regulation 6.8 of the said Regulations, this Forum cannot entertain the applicant's grievance about theft of electricity for want of jurisdiction. The applicant's second grievance, therefore, stands disposed off as not prima-facie entertainable.

In view of this position, the applicant's request of withdrawal of charge of theft of electricity against him and his request of re-installation of his meter cannot be granted by us.

The matter about the theft assessment etc. in pursuance of detection of theft of electricity is also beyond this Forum's jurisdiction and as such no comments can be made by this Forum in respect thereof.

The applicant had stated that he had filed a Civil Suit in the Civil Court and also succeeded against the non-applicant in the Civil Court which passed an order, being order dated 08.07.2001 ordering correction of his energy bills of the year 2001 and that because of this, the non-applicant was hurt & hence a false case of theft was prepared against him.

Looking to the circumstances of the case, we do not find any substance in this allegation. Moreover, this contention pertains to the theft case. Hence, we are unable to accept the same.

The applicant's grievance application, thus, stands disposed off accordingly.

Sd/-
(S.J. Bhargawa)
Member-Secretary

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.**