

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

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**Case No. CGRF(NUZ)/0140/2006**

- Applicant : Late Shri Hiranman S. Shahu,  
D/H Smt. Meena Shahu  
Opp. S.T. Stand, Ganeshpeth,  
Nagpur.
- Non-Applicant : The Nodal Officer-  
Executive Engineer,  
Mahal 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 08.08.2006)**

The present grievance application has been filed on 18.07.2006 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 erroneously charging the applicant for theft of electricity and also in respect of improper and unjust theft assessment bill of Rs. 13,217/- and amount of Rs. 4000/- charged towards compounding charges.

Before filing the present grievance application, the applicant had approached the Executive Engineer, Mahal Division, NUZ, MSEDCL, Nagpur by filing a complaint dated 07.04.2006 on the same subject-matter of the present grievance. This complaint was received by the Mahal Division of the non-applicant Company on 02.05.2006. No remedy, whatsoever, seems to have been provided by the Executive Engineer, Mahal Division to the complainant on her complaint nor her complaint was transferred by the Executive Engineer to the Internal Grievance Redressal Cell established by the non-applicant Company. In view of this position, the complaint-cum-intimation given by the present applicant to the Executive Engineer, Mahal Division, MSEDCL, Nagpur on 07.04.2006 shall be deemed to the intimation in terms of Regulation 6.2 of the said Regulations.

The matter was heard by us on 08.08.2006.

The case of the applicant was presented before us by her nominated representative one Shri Suniel Jacob.

A copy of the non-applicant's parawise report submitted by the Nodal Officer in terms of the said Regulations was given to the applicant's nominated representative on 06.08.2006 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 representative contended that the allegation of theft of electricity levelled against the applicant is false. He has denied theft of electricity by the applicant. He added that the contents of panchnama drawn on 21.02.2006 in respect of the alleged theft of electricity are not acceptable to him since, according to the applicant's representative, no theft of electricity was committed by the applicant. Consequently, the theft assessment amounting to Rs. 13,217/- as also the amount of compounding charges are wrongly and illegally charged to the applicant. He has, therefore, requested that the theft assessment bill of Rs. 13,217/- as also the bill amount of Rs. 4,000/- charged to the applicant against compounding charges may be withdrawn from recovery.

The non-applicant has stated in his parawise report as well as in his oral submissions that the premises of the applicant were inspected on 21.02.2006 by the Jr. Engineer and, upon inspection, it was found that the applicant had taken electric supply by tampering with the electric wires from behind the meter board. According to him, this is an offence under section 135 of the Electricity Act, 2003. Upon detection of theft of electricity, theft assessment bill amounting to Rs. 13,217/- was issued to the applicant. She was also to asked to pay the compounding charges of Rs. 4000/-. The applicant did not make these payments & hence, her power supply was permanently disconnected. He has produced a copy of the panchnama drawn on 21.04.2006 by the Jr. Engineer as also a copy of F.I.R., being FIR no. 3159, dated 07.08.2006 registered

at Ganeshpeth Police Station, Nagpur in respect of theft of electricity in question.

It is the contention of the non-applicant that the present case, being case of theft of electricity, this Forum does not have jurisdiction to entertain the applicant's grievance application.

As laid down in regulation 6.8 of the said Regulations, 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 under Section 135 to 139 of the Electricity Act, 2003, the same shall be excluded from the jurisdiction of the Forum:

The documentary evidence produced by the non-applicant prima-facie shows that the present case is a case of theft of electricity. The Panchnama drawn on 21.02.2006 by the Jr. Engineer is also signed by two independents Panchas. The contents of the panchnama demonstrate in clear terms the modus operandi adopted in respect of commission of theft of electricity in question. The non-applicant has also registered F.I.R. with the concerned Police Station.

In view of above, this Forum is prima-facie of the view that the present grievance falls within the purview of offences and penalties as provided under sections 135 to 139 of the Electricity Act, 2003.

Although the applicant's representative has denied theft of electricity, we are unable to accept his contention looking to the documentary proof produced by the non-applicant. The applicant may prove her innocence in this respect in the appropriate Court of Law.

In the result, the present grievance application stands disposed of as not admissible before this Forum for want of jurisdiction.

Sd/-	Sd/-	Sd/-
<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.**