

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

Case No. CGRF(NUZ)/059/2009

Applicant : Shri Abane Chaung
Through Fogging Chaung
At Siyal Layout Banglow No. 6,
Nelson Chowk,
NAGPUR.

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

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

ORDER (Passed on 23.11.2009)

The present grievance application has been filed on 20.10.2009 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 Section 126 of the Electricity Act, 2003.

The consumer has approached to this Forum with the grievance that the Junior Engineer has broken the seal of electric meter and thereafter charged him excess amount as a fine as well as in the bill. It is the grievance that the Junior Engineer has pressurized him, he has wrongly proposed action under Section 126 of the Electricity Act, 2003. He has requested that no action should be taken under Section 126 of the Act. He has asked for the compensation of Rs. 10,000/- for mental harassment and prayed for natural justice.

The consumer has approached Internal Grievance Redressal Cell on 20.08.2009.

The non-applicant has filed its reply on 07.11.2009, the non-applicant has denied that the meter was broken by Jr. Engineer in absence of the consumer or his representative.

It is submitted that the preliminary inspection was conducted on 18.07.2009 and it was observed that the meter was running slow, therefore on 01.08.2009, the meter was again checked and it was found that the meter was running slow by 32% and the electricity was being consumed by the consumer. The seal of the meter body was tampered, the "Y" phase PT coil was changed, the inner

plates of the meter were tampered. It was observed that the consumer intentionally using the electricity in an un-authorized manner.

The non-applicant has submitted that the consumer was present at the time of checking of the meter as well as at the time of execution of panchnama.

After the change of meter, the meter reading of the units of electricity is more. The consumer has tampered the electric meter in an un-authorized manner and therefore the non-applicant has rightly taken action under Section 126 of the Electricity Act. Since the action under section 126 is based on material on record, the non-applicant has denied that the officers have pressurized him. The non-applicant has asked for the permission to take action under Section 135 & 138 of the Electricity Act and further prayed for rejection of the grievance application.

Heard both the parties, it is submitted by the consumer representative that the meter was opened in absence of the consumer representative i.e. nephew of the consumer, meter was opened before he came on the spot. However, the material on record i.e. panchnama clearly show that contention of the consumer is not correct. The nephew of the consumer has opened the gate and thereafter the meter was opened and checked. The consumer representative i.e. consumer's brother has endorsed the panchnama, nowhere, it is mentioned that the seal of the meter or the meter was opened in his absence. The brother has only denied the contents of the panchnama. Thus the brother of the consumer has impliedly admitted the contention of the panchnama.

It is also clear from the copy of inspection report dated 18.07.2009 and report for change of meter on dated 09.08.2009 that the

electric meter of the consumer is running 32% slow, while all the tube lights and Fans in the premises were on.

The non-applicant has also filed three photographs on record showing the internal position of the consumer's electric meter and two photograph of the another similar electric meter. It is clear from these photographs that the meter of the consumer is having different internal arrangement. We are not satisfied with the consumer's contention that the meter was opened in his absence and he has not tampered the meter is without any substance. The material on record prima-facie shows record of the meter was slow by 32%. The consumer has also endorsed the panchnama. Legally act of tampering with the meter comes within the provision of the Section 126 of the Electricity Act. In view of this fact this Forum has no jurisdiction to entertain present grievance application.

The application is rejected as the application is not maintainable. The consumer is at liberty to avail appropriate remedy under the law.

Sd/-	Sd/-	Sd/-
(S.F.Lanjewar)	(Smt.Gauri Chandrayan)	(Smt. Khadakkar)
Member-Secretary	MEMBER	CHAIRMAN

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