

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

Case No. CGRF(NUZ)/49/2012

Applicant : Shri Dilip B.Tembhare,
User Shri Surendra Pal, At Plot No. 362
Eroz Hsg. Society, Omnagar, Koradi Rd.,
Nagpur.

Non-applicant : Nodal Officer, (Distribution Franchisee)
The Superintending Engineer,
Nagpur Urban Circle, MSEDCL,
NAGPUR.

Quorum Present : 1) Shri. Shivajirao S. Patil
Chairman,

2) Adv. Smt. Gouri Chandrayan,
Member,

3) Smt. Kavita K. Gharat
Member Secretary.

ORDER PASSED ON 7.6.2012.

The applicant filed present grievance application before this Forum on 21.4.2012 under Regulation 6.5 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as Regulations).

1. The applicant's case in brief is that M/s. SPANCO, Franchisee of distribution Licensee has disconnected electrical supply of the applicant without issuing notice according to the provisions of Electricity Act 2003. Therefore, it is necessary to reconnect electric supply immediately which was wrongly disconnected. The applicant deposited Rs. 700/- towards charges for burnt meter and same needs to be adjusted. The applicant claimed compensation as per SOP from 17.4.2012 till the date of reconnection.

2) In the main grievance application, the applicant also claimed Interim Relief under regulation 8.3 of the said regulations and on the basis of majority view of the Forum, order of Interim Relief was passed on Dt. 23.4.2012.

3. Now only 2 prayers of the applicant remain as per main grievance application namely –

i) Adjustment of sum of Rs. 700/- collected towards burnt meter charges.

ii) Compensation as per SOP from 17.4.2012 till date of reconnection.

4. Non applicant M/s. SPANCO Franchisee of distribution licensee denied applicant's case by filing reply Dt. 22.5.2012. It is submitted that applicant has not followed mandatory provisions under regulation 6.2 and 6.4 of the said

regulations and directly approached this Forum. Therefore, this Forum has no jurisdiction and application deserves to be dismissed.

5. Applicant has suppressed material facts and did not come to the Forum with clean hands. Therefore the application deserves to be dismissed.

6. Flying Squad Vigilance Team of SPANCO had inspected meter of the applicant and it was revealed that the applicant is using electric service connection through tampered meter. Therefore meter was sent for laboratory inspection and new meter was installed. On 11.4.2012, the said meter was inspected in the presence of the applicant and it was confirmed that the applicant was using electric service connection unauthorisedly through tampered meter as per section 126 (6) read with explanation (b)(iii) of Electricity Act 2003. On 12.4.2012, the applicant with ill intention had burnt the new meter and directly connected electric service connection. This fact was suppressed by the applicant before the Non applicant and paid the demand on 16.4.2012 for burnt meter. The applicant is booked for unauthorized use of electricity u/s 126 of Electricity Act 2003 and therefore this Forum has no jurisdiction to entertain this case. The applicant is booked u/s 126 of Electricity Act 2003 for unauthorized use of electricity for which assessment bill Dt. 10.4.2012 for Rs. 73,492.35 was served on 12.4.2012 to the applicant. To avoid said payment of the assessment amount, the applicant had intentionally burnt new meter and thereafter he

had unauthorisedly connected electric service wire directly. After enjoying supply without any cost for 4 days, the applicant directly paid the demand for burnt meter.

7. Order of interim relief has been complied with. Now new meter is installed in the premises of the applicant as per interim order of the Forum. Therefore, there can not be any adjustment of Rs. 700/-. The application is false and deserves to be dismissed.

8. Forum heard arguments of both sides and perused the record.

9. M/s. SPANCO Franchisee of M.S.E.D.C.L. had produced important documents, spot inspection report i.e. document No. 1. It is dated 10.4.2012. In this spot inspection report, it is specifically mentioned that meter body was found in open condition and seals were found broken and there was tampering with the meter. Therefore, section 126 of Electricity Act has been registered against the applicant on 10.4.2012 itself. It is noteworthy that spot inspection report is not exparte or arbitrary but it is signed by the applicant / representative, below the endorsement "The above mentioned details & irregularities pointed out have been checked in my presence " under the date 10.4.2012.

10. It is rather surprising to note that the present grievance application is filed by the applicant on 21.4.2012 i.e.

after about 11 days of registering section 126 of Electricity Act 2003 and even after 8/9 days of service of assessment bill for Rs. 73,492.35. However, the applicant had malafidely suppressed all these important facts in his grievance application with preplan design that in case he discloses regarding registering section 126 of Electricity Act 2003, Forum will have no jurisdiction and his case will not be registered and admitted. Therefore the applicant suppressed all these important facts while filing the grievance application and attempted to divert the needle of suspicion towards the allegation “disconnection of electricity supply without issuing notice u/s 56 of electricity act 2003”. Therefore the grievance application is definitely not bonafide.

11. Now the entire documents are produced on record. On perusal of these documents, we hold that it is a case u/s 126 of Electricity Act 2003 and therefore according to regulation 6.8 (a) of the said regulations, this Forum has absolutely no jurisdiction to decide this case.

12. As we have already pointed out, now only 2 grievances of the applicant remain –

- i) Adjustment of sum of Rs. 700/- collected towards burnt meter charges.
- ii) Compensation as per SOP from 17.4.2012 till date of reconnection.

13. However, for these purpose, the applicant did not file any grievance application to I.G.R.C. The applicant also did not send any complaint to Superior Authority of M.S.E.D.C.L. or M/s. SPANCO and therefore, mandatory provisions laid down u/s 6.2 of the said regulations are not followed but directly filed this grievance application. Therefore, it is untenable at law. In our opinion, amount of Rs. 700/- towards burnt meter charges can not be adjusted or refunded. Furthermore, interim order is already complied by SPANCO and now the meter is installed and therefore there can not be any claim about adjustment of Rs. 700/- burnt meter charges. So far as compensation is concerned the applicant did not file any grievance application to I.G.R.C. or to superior officers, in our opinion is not entitle for any compensation as prayed for. Tampering the meter is also offence u/s 135/(b) of Electricity Act 2003. Burning or damaging the meter by consumer is an offence u/s 135(c) of Electricity Act 2003. Therefore, this Forum has no jurisdiction to decide this grievance application according to regulation 6.8 (a) (b) of the said regulations.

14. Section 126 of Electricity Act 2003 is applicable to this case and therefore proper remedy available to the applicant was to approach the appropriate authority by filing an appeal within the meaning of Section 127 of Electricity Act 2003. However, without choosing proper remedy the applicant has attempted to mislead the Forum and illegally filed present Grievance application before this Forum which untenable at law,

and therefore deserves to be dismissed. Resultantly, the Forum proceeds to pass the following order :-

ORDER

- 1) The Grievance application is dismissed.
- 2) Interim order Dt. 23.4.2012 passed by this Forum is hereby modified and cancelled.

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| Sd/- | Sd/- | Sd/- |
| (Smt.K.K.Gharat) | (Adv.Smt.GauriChandrayan) | (ShriShivajirao S.Patil) |
| MEMBER | MEMBER | CHAIRMAN |
| SECRETARY | | |