

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

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**Case No. CGRF(NUZ)/071/2005**

Applicant : Shri Rupchand Damodar Chokhandre,  
Plot No. 11, Kushi Nagar,  
Ambazari,  
Nagpur.

Non-Applicant : The Nodal Officer ( Exe. Engineer),  
Congressnagar Division,  
Nagpur representing the MSEDCL.

Quorum Present : 1) Shri S.D. Jahagirdar, IAS (Retd),  
Chairman,  
Consumer Grievance Redressal Forum,  
Nagpur Urban Zone,  
Nagpur.

2) Shri Shrisat  
Member secretary,  
Consumer Grievance Redressal Forum,  
Nagpur Urban Zone,  
Nagpur.

**ORDER (Passed on 06.12.2005)**

The present grievance application has been filed before this Forum on 24.11.2005 in the prescribed schedule "A" as per Regulation 6.3 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulations, 2003 here-in-after referred-to-as the said Regulations.

The applicant's grievance is in respect of unjust and improper theft assessment of Rs. 44,575/- worked out by the non-applicant.

The matter was heard by us on 05.12.2005 on which date both the parties submitted their respective arguments before us. Documents produced on record by both of them are also perused and examined by us.

After receipt of this grievance application, the non-applicant was asked to furnish before this Forum his parawise remarks on the applicant's application in terms of Regulations 6.7 & 6.8 of the said Regulations. Accordingly, he submitted his parawise comments on 05.12.2005. A copy thereof was given to the applicant 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 the Flying Squad of the non-applicant visited his premises on 15.01.2005 and that they found that a theft of electricity has been committed in his meter, being meter no. 130153. He has denied that he committed the theft. According to him, a wrong bill containing theft assessment of Rs.44,575/- was served upon him which he paid on 15.01.2005 by cheque after the Flying Squad detected the alleged theft. His power supply was disconnected and it was restored only after payment by him of the amount in question. He added that he had written to the Jr. Engineer, Shankarnagar S/stn., MSEB, NUZ, Nagpur on 31.12.2004 stating there-in that an improper and excessive bill was issued to him in this respect.

It is his say that the he purchased the premises in question on 29.08.2004 from one Shri Kishor B. Mankar and that the alleged theft in question pertains to the period from

1997-98 and onwards and further that he did not commit any theft of electrical energy. According to him, no remedy was provided to his grievance by the non-applicant.

He has produced copies of following documents in support of his contentions.

- 1) His application dated 25.08.2005 addressed to the Superintending Engineer, NUZ, MSEDCL, Nagpur on the subject of correction of the wrong assessment bill.
- 2) His application in the prescribed form "X" addressed to the Internal Grievance Redressal Unit.
- 3) His application dated 31.12.2004 addressed to the MSEB S/stn. In-charge Shankarnagar S/stn. Nagpur in respect of correction of wrong meter readings in respect of his meter in his electricity bill dated 02.12.2004.
- 4) The non-applicant's demand note dated 17.01.2005 for Rs.4000/- towards compounding charges against theft of energy.
- 5) Payment receipt dated 15.03.2005 for Rs.4000/-
- 6) The non-applicant's duplicate bill dated 17-01-2005 for Rs.44,575/-.
- 7) Provisional assessment sheet dated 15.01.2005 showing details of theft assessment amount of Rs.44,575/-
- 8) Spot inspection report dated 15.01.2005 of the Flying Squad.
- 9) Consumer's Personal Ledger in respect of Shri Kishor B. Mankar for the period from December,2003 to December,2004.

- 10) His application dated 05.12.2005 on the subject of correction of wrong assessment bill.

Relying on these documents, the applicant's contention is that he has not committed any theft and that the theft might have been committed by the erstwhile owner one Shri Kishor B. Mankar from whom he has purchased the premises in question.

He lastly prayed that the improper and unjust assessment bill for Rs. 44,575/- may be corrected.

The non-applicant has stated that in his parawise report that the applicant's complaint is unfounded as the assessment in question pertains to theft of electricity. During December, 2004, the applicant lodged a complaint that his meter reading is wrong and that it should have been 10223 and not 10316 units. His complaint was acknowledged on 31.12.2004 by the Office of Shankarnagar Distribution Centre. Immediately there-after, an inspection was carried out by the Jr. Engineer on 05.01.2005 and it was found that the meter seals were tampered. It was suspected to be a case of meter reversal and hence paper seals were put on the meter by the Jr. Engineer for further checking of the meter by the Flying Squad. The matter was intimated to the Flying Squad and the Squad checked this meter on 15.01.2005.

The Dy. Exe. Engineer of the Flying Squad has stated in his report dated 15.01.2005 that the meter lead seals are tampered. It was also found that the meter was slow to the effect of 87%. On opening the meter, it was further found that

the meter has been tampered by providing a loop (shunt wire) to register less recording. According to the non-applicant, this amounts to an offence as per section 138 of the Electricity Act, 2003. He added that the inspection was carried out in the presence of the consumer's representative who has also signed the inspection report.

According to him, the theft assessment is based on the slowness of 87% of the meter.

The reading as on the date of the inspection i.e. on 15.01.2005 was 10241 while that of December,2003 it was 9533. Theft assessment carried out by him is pertaining to a period of one year only alongwith penalty of 50% of assessment. He has further stated that the applicant has also paid the compounding charges to avoid legal action. It is also his say that payment of the assessment amount and the compounding charges has been done by the applicant without raising any protest.

It is his strong contention that this matter pertains to illegal abstraction of energy and assessment thereof and the same is beyond the jurisdiction of this Forum.

He lastly prayed that the present grievance application may be dismissed on this ground.

He has produced copies of the following documents in support of his contentions.

- 1) The applicant's application dated 31.12.2004 addressed to the S/stn. In-charge of MSEB's Shankarnagar S/stn., Nagpur.
- 2) Demand note, being demand note number 16854 dated 17.01.2005 issued in the name of one Shri Kishor B.

Mankar for Rs. 4000/- as compounding charges against theft of energy.

- 3) Payment receipt dated 15.03.2005 for Rs. 4000/-.
- 4) Duplicate bill for Rs. 44,575/- towards assessment under section 135.
- 5) Assessment sheet dated 15.01.2005 for Rs. 44,575/-.
- 6) Flying Squad's spot inspection report dated 15.01.2005.
- 7) Consumer's Personal Ledger from December,2003 to December,2004 in respect of Consumer one Shri Kishor B. Mankar.
- 8) Internal Grievance Redressal Unit's reply, being letter No. 3913 addressed to the applicant informing him that there is no substance in his grievance.
- 9) Consumer's CPL for the period from December, 1997 to October, 2005.

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

The Flying Squad's spot inspection report dated 15.01.2005 produced on record in the instant case is a very important document. It clearly shows that the present case pertains to tampering of the electricity meter possessed by the applicant. In that, it was found by the Flying Squad that all the two lead seals provided on the meter body's cover were tampered. It was found that these lead seals were removed and re-fixed. The report also clearly says that on opening the meter for ascertaining the reasons for the slowness of the meter which

was found to be running slow by 87%, it was observed that a white insulated copper loop wire (shunt wire) was connected across the incoming and out going terminals inside the meter as a result of which the accurate registration of energy was disturbed. There is a clear indication in this report that there is a dishonest abstraction of electrical energy and theft of electricity.

Flying Squad's inspection report clearly demonstrates that the present case pertains to theft of electricity.

It is also pertinent to note that the present applicant has signed this spot inspection report without recording any note of dissent. Asked by us as to why he did not record any remarks disputing the observations of the Squad and as to why he simply signed this report, no plausible explanation was forthcoming from him. Hence, whatever may be his contentions, the fact remains that this case pertains to tampering of meter and theft of electricity.

The non-applicant has clearly stated that the amount of theft assessment and the compounding charges was paid by the applicant without raising any protest. No proof is also submitted by the applicant during the course of hearing to show that he paid the amount under protest. In fact, he did state before us that he did not raise any such protest. Moreover, the entire case pertains to theft of electricity.

What is seen beyond doubt is that the meter seals were tampered and theft of electricity committed.

In view of this position, the applicant's contention that no theft was committed can not be accepted by us.

The non-applicant has rightly pointed out that the present case is beyond the jurisdiction of this Forum since it pertains to the offence of theft of electricity and assessment thereof.

We are fully convinced that the present case pertains to theft of electricity.

As provided in Regulation 6.4 of the said Regulations, grievance falling within the purview of offences and penalties as provided under sections 135 to 139 of the Electricity Act, 2003 are excluded from the jurisdiction of this Forum. Hence, the present grievance application can not lie before this Forum.

In the result, the grievance application in question is disposed of as not maintainable before this Forum.

**Sd/-**  
**(M.S. Shrisat)**  
**Member-Secretary**

**Sd/-**  
**(S.D. Jahagirdar)**  
**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.**