

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

Case No. CGRF(NUZ)/73/2013

Applicant : Shri Pancham Ganpat Rahate,
Awadhut Nagar-2, Manewada
Ring Road, NAGPUR: 24.

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

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

2) Adv. Subhash Jichkar,
Member,

3) Smt. Kavita K. Gharat
Member Secretary.

ORDER PASSED ON 7.5.2013.

1. The applicant filed present grievance application before this Forum on 2.5.2013 under Regulation 6.5 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as Regulations).

2. Along with main application the applicant also filed the application for Interim Relief and claimed to reconnect his electricity supply.

3. Applicant's case in brief is that there are no arrears pending against him. On 25.4.2013, officers of M/s. SPANCO came to his house at 6.00 A.M. and told that applicant has committed theft of electricity by affixing hook on open live wiring. They took search of applicant's house and threatened to take police action. Officers of M/s. SPANCO took out meter box and disconnected the supply. They told to the applicant that applicant will have to pay Rs. 82000/-. Applicant claimed to restore his electricity supply.

4. M/s. SPANCO denied the applicant's case by filing detail reply Dt. 7.5.2013. It is submitted that it is a matter of theft of electricity u/s 135 & 138 of Electricity Act 2003 and therefore this Forum has no jurisdiction to entertain the application. On 25.4.2013, Flying Squad of M/s. SPANCO in presence of Panchas effected raid on the house of the applicant and prepared Spot Panchanama u/s 135 & 138 of Electricity Act 2003. The applicant signed the documents on the spot. Copies of Spot Panchanama and other documents were given to the applicant on spot. Assessment bill of Rs. 82,872/- was issued to the applicant. The applicant did not pay the amount. Therefore supply was disconnected. Photography of entire action was carried out. Those photographs are produced on record. During the inspection it is found that applicant had affixed hook on live wire and committed theft of electricity. Meter of the applicant was stopped. Crime No. 3764/13 u/s 135 of Electricity Act 2003 is registered against the applicant in Police Station, M.S.E.D.C.L., Nagpur. Application may be dismissed.

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

6. M/s. SPANCO had produced copy of Spot Panchanama Dt. 25.4.2013 at 7.00 A.M. It is duly signed by the applicant in English. M/s. SPANCO also produced Seizure Panchanama Dt. 25.4.2013 at 8.00 A.M. It is also duly signed by the applicant. M/s. SPANCO produced spot inspection report. It is also duly signed by the applicant. In this Important Document i.e. spot inspection report (L.T. Consumer), it is specifically mentioned that -

- i) at the time of inspection 1 phase electric wire is found at site, user uses the supply by hooking on L.V. Mains directly by illegal wire. Meter found stopped.
- ii) Consumption in CPL is very low as compared to connected load observed in the premises.
- iii) Necessary photo/radiography of connected load, illegal wire, user ID is done in presence of user.

This document is also duly signed by the applicant. SPANCO also produced particulars of connected load. It is also duly signed by the applicant. M/s. SPANCO produced copy of assessment bill amounting to Rs. 82872.50.

7. It is note worthy that M/s. SPANCO produced printed First Information Report of the Police Station (Printed FIR). It shows that crime No. 3764/13 u/s 135 of Electricity Act 2003 is registered against the applicant. Not only this, it is

pertinent to note that applicant himself produced before the court, copy of summons / intimation letter issued by Police Station, M.S.E.D.C.L. Nagpur Dt. 6.5.2013. In this summons / intimation letter received by the applicant, it is specifically mentioned that police station, Gaddigudam has registered Crime No. 3764 / 13 u/s. 135 of Electricity Act 2013 against the applicant and as per order of the Special Court the applicant has to remain present along with bail papers.

8. M/s. SPANCO has produced 10 photographs of the entire action / raid conducted by M/s. SPANCO. In this photographs, the applicant is appearing while signing necessary documents and he was personally present at the time of raid.

9. Considering this much entire record, we are of considered opinion that there is prima facie case u/s 135 of Electricity Act 2003. According to regulation 6.8 (b) of the said regulations, this Forum has no jurisdiction to entertain the grievance application. Therefore the application deserves to be dismissed. Hence Forum proceeds to pass the following order :-

ORDER

- 1) Grievance application is dismissed.

Sd/-
(Smt.K.K.Gharat)
MEMBER
SECRETARY

Sd/-
(Adv.Subhash Jichkar)
MEMBER

Sd/-
(ShriShivajirao S.Patil)
CHAIRMAN