

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

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**Case No. CGRF(NUZ)/170 /2006**

Applicant : Shri Rajesh Madhukarroa Pidadi  
Plot No. 285, Hanumannagar,  
Nagpur.

Non-applicant : The Nodal Officer-  
Executive Engineer,  
Mahal Division, NUZ,  
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 26.12.2006)**

The present grievance application has been filed on  
27.11.2006 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 a false case of theft of electricity and in respect of allegedly unlawful action of removal of the applicant's meter. His grievance is also in respect of unjust, improper and illegal theft assessment of Rs.39,352/-.

Before approaching this Forum, the applicant had filed a complaint application on the same subject-matter of the present grievance before the Internal Grievance Redressal Cell (in short the Cell) on 07.08.2006 under the said Regulations. No remedy was provided by the Cell in response to the complaint application of the applicant and hence the present grievance application.

The facts of the case, in brief, are as under.:

The present applicant is the de-facto user of meter no. 9110171578, consumer no. 4100103434771. The connection is standing in the name of Shri Anandrao Bhagwatwar. The applicant is thus the recipient of electricity through the aforementioned service connection. This service connection and the meter came to be inspected by the official of the non-applicant Company on 28.07.2006 and upon inspection, it was noticed that theft of electricity has been committed by the applicant. Upon inspection, a joint panchnama report was prepared mentioning therein the modus-operandi of commission of offence of theft of electricity. A seizure panchnama was also made on 28.07.2006. A meter testing report in the prescribed format was also prepared on 28.07.2006. All these documents seem to be signed by the present applicant. It is the claim of the applicant that this signature on these documents was taken forcibly by the officials of the non-applicant

Company. It is also the claim of the applicant that no theft was committed by him or by any one of his family members and that a false case of electricity was prepared by the official of the non-applicant Company. Consequent upon the inspection dated 28.07.2006, a theft assessment of Rs.39,352/- was worked out by the non-applicant and the applicant was accordingly billed on 31.07.2006. This amount has been paid by the applicant on 31.07.2006. It is the claim of the applicant that he made this payment under protest vide his application dated 01.08.2006 addressed to the Executive Engineer, Mahal Division, NUZ, MSEDCL, Nagpur. The applicant made written complaint to the non-applicant's officials bringing to their notice that a false case of theft of electricity was hatched against him and that he was falsely implicated in the theft case. Information on certain points was also sought by the applicant under the Right to Information Act, 2005 from the non-applicant which was furnished to him by the Executive Engineer, Mahal Division by his letter, being letter no. 5767 dated 21.08.2006. The applicant subsequently had filed a detailed complaint addressed to the Cell on 21.09.2006. Satisfactory remedy was not provided to him by the Cell and hence, the present grievance application.

The matter was heard by us on 15.12.2006.

The applicant's case was presented before us by applicant's nominated representative one Shri Mahendra Pidadi and also by the applicant himself. The Nodal Officer Shri Dhote, Executive Engineer, Mahal Division, NUZ, MSEDCL, Nagpur presented the case on behalf of the non-applicant Company.

The applicant's representative strongly contended that a false theft case of electricity has been hatched against the applicant

and that the applicant has been falsely implicated in this theft case by the mischievous official of the non-applicant Company. He submitted that the last energy bill paid by the applicant against the old meter, being meter no. 9110171578 contains bill amount of Rs.1100.00 while the first energy bill generated by the new meter installed at the applicant's premises after removal of the previous meter contains bill amount of Rs.1165/-. Relying on these bills, the contention of the applicant's representative is that this proves that the applicant's consumption pattern was almost the same and that this, in turn, disproves the non-applicant's claim of theft of electricity. He has narrated in details in his complaint application dated 20.09.2006 addressed to the Cell as to the occurrence of sequence of events right from the visit of the official of the non-applicant Company. He has challenged the entire action of the non-applicant and denied categorically commission of offence of theft of electricity by the applicant. The applicant has paid the theft assessment amount of Rs.39,352/- under protest in order to get his power supply restored. This theft assessment and also other quotation dated 29.07.2006 for Rs.14,445/- towards compounding charges etc. are not acceptable to the applicant. He added that not only the applicant was falsely implicated in the theft case but the applicant and his family members were also harassed for no fault of theirs. He strongly submitted that the non-applicant has caused the applicant's defamation in the society. He lastly prayed that the theft assessment amount forcibly recovered from the applicant may be refunded alongwith interest and that the non-applicant be directed to publish written apology in the new papers. He has also prayed for stringent action against the Jr. Engineer Shri

Naseri, Assistant Engineer Shri Kanhere and the Executive Engineer Shri Dhote for wrongful action.

The non-applicant has submitted that an offence of theft of electricity was found to be committed by the applicant as noticed during inspection of the applicant's meter on 28.07.2006. He stated that not only the outer seals of the meter were found to be broken but the meter was also found to be tampered from inside. He added that the inspection of the applicant's meter was carried out in the presence of the applicant on 28.07.2006 and that a joint panchnama report, seizure panchnama and meter testing report were all prepared in the applicant's presence. He stressed that all these documents have been duly signed by the applicant without adding any note of dissent. According to him, a theft assessment of Rs.39,352/- was rightly worked out under section 135 of the Electricity Act, 2003 and that the applicant was accordingly billed for this amount on 31.07.2006 and further that the applicant has also paid this amount on 31.07.2006.

He has denied all the allegations of the applicant and stated that nothing wrong or illegal has happened in the present case. He prayed that the grievance application may be dismissed.

The grievance in this case is that a false case of theft of electricity was hatched against the applicant. Although the applicant has vehemently denied commission of offence of theft of electricity, the fact remains that he has signed the joint panchnama report, seizure panchnama and also the meter testing report. It is true that the joint panchnama report does not bear signatures of any independent panchas. It is also true that this joint panchnama report does not bear the date on which it was so prepared. However, the meter testing

report a copy of which has been produced on record by the non-applicant clearly makes a mention of jamming of the meter disc. It also makes a mention that the applicant's meter was found to be tampered with the result that the meter was found to be running slow. It is pertinent to note that this meter testing report, the seizure panchnama and the joint report bear the signature of the applicant. The applicant has also admitted that he did sign all these documents. When asked as to why he simply signed all these documents without adding any note of dissent, the applicant stated that he was forced to sign these documents. He further contended that the non-applicant's inspecting officials misguided him before taking his signature on these reports.

The applicant is an educated person and he ought not have signed these documents without fully undertaking the contents thereof. The non-applicant's claim is that a theft of electricity was found to be committed by the applicant and as such, this Forum does not have jurisdiction to admit such a grievance.

Regulation 6.8 of the said Regulations provides that 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 sections 135 to 139 of the Electricity Act, 2003, the same shall be excluded from the jurisdiction of the Forum.

In view of this legal provision, it will not be possible for us to admit the applicant's grievance. From the documents produced on record by the non-applicant, this Forum is *prima-facie* of the view that the present grievance pertains to offences and penalties as provided under sections 135 to 139 of the Electricity Act, 2003. Hence, whatever

may be the contentions of the applicant, we are unable to admit the present grievance.

The applicant may prove his innocence in the appropriate Court of Law.

Question of going into the merits of the case therefore, does not arise.

The present grievance application, therefore, stands disposed of as not admissible in terms of Regulation 6.7 of the said Regulations.

<b>Sd/-</b> <b>(S.J. Bhargawa)</b> Member-Secretary	<b>Sd/-</b> <b>(Smt. Gauri Chandrayan)</b> MEMBER	<b>Sd/-</b> <b>(S.D. Jahagirdar)</b> CHAIRMAN
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**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.**