

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

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**Case No. CGRF(NUZ)/93/2012**

**Applicant** : Shri Pundlikrao C. Dhobale,  
Thr:- Shri Kishore Shivpeth,  
At Faras, Zingabai Takli,  
Koradi – Chhindwara Road  
NAGPUR.

**Non–applicant** : Nodal Officer,  
The Superintending Engineer,  
(Distribution Franchisee),  
M.S.E.D.C.L. 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 17.9.2012.**

The applicant filed present grievance application before this Forum on 30.8.2012 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as Regulations).

1. The applicant also claimed Interim Relief under Regulation 8.3 of said regulations and claimed to restore his electrical supply. The applicant also claimed compensation of Rs. 10000/-.

2. The applicants case in brief is that officers of M/s. SPANCO Franchisee of Distribution Licensee on Dt. 13.8.2012 without any prior permission took out the electrical meter from the site of the applicant and took with them by making the supply direct. On 30.8.2012 at 12.00 P.M. without any prior intimation they have disconnected the electrical supply. Therefore applicant claimed to restore electricity supply and claimed the compensation of Rs. 10000/-.

3. The matter was fixed for hearing on 4.9.2012 at 2.30 P.M. On 4.9.2012 at 2.30 P.M. M/s. SPANCO filed preliminary objection and submitted that the applicant had committed theft of electrical energy and thereby committed offence under section 135 & 138 of Electricity Act 2003. They documentation i.e. spot inspection report, seizure panchanama, assessment bill, photographs, video graphs and police complaint lodged against the applicant for theft is produced on record. It is the case of theft of electrical energy u/s 135 & 138 of Electricity Act 2003. The Offence is registered against the applicant in Police Station vide crime No. 4018/12 u/s 135 & 138 of Electricity Act 2003. Therefore according to regulation 6.8 (b) of the said regulations, this Forum has no jurisdiction to decide this case.

4. Argument of representative of the applicant & Officers of M/s. SPANCO and Officers of MSEDCL is heard. Forum perused entire record.

5. M/s. SPANCO produced spot inspection report on record Dt. 13.8.2012. In this spot inspection report, it is specifically mentioned that meter body is tampered, all seals of meter body found tampered and refixed, energy consumption of applicant found less as compared to connected load. It is noteworthy that this document is signed by the applicant Shri Kishore in his own signature. Not only this, each and every page of this document is signed by the applicant Kishore. M/s. SPANCO also produced detail spot panchanama Dt. 13.8.2012. It is also signed by the applicant Kishore. M/s. SPANCO also produced seizure panchanama of the meter Dt. 13.8.2012 and it is also signed by the applicant. M/s. SPANCO also produced copy of report to Police Station M.S.E.D.C.L. Gaddigudam Nagpur Dt. 16.8.2012. M/s. SPANCO also produced number of photos of entire action taken by M/s. SPANCO in which applicant Shri Kishore is appearing, during the entire action and even while signing the documents. M/s. SPANCO also produced copy of printed F.I.R. u/s 154 of CR.P.C. which shows that police station M.S.E.D.C.L. Gaddigudam Nagpur has registered Crime No. 4018/12 u/s 135 and 138 of I.E. Act 2003, against the applicant.

6. All these documents are enough prima-facie to prove that it is a matter u/s 135 and 138 of I.E. Act 2003. Therefore, according to regulation 6.8(b) of the said regulations as there is prima-facie case u/s 135 and 138 of Electricity Act 2003, this Forum has no jurisdiction to entertain and decide this case.

7. As we have already pointed out, most of the documents of the action are duly signed by the applicant Shri Kishore and he is appearing while signing the documents and attending the entire action in the photographs, however, it is rather surprising to note that these entire facts about conduction of the raid Dt. 13.8.2012, preparation of the spot panchanama, seizure panchanama, inspection report and taking the photographs of these things are suppressed by the applicant in his entire application and attempted to mis lead the Forum.

8. As it is the matter u/s 135 and 138 of I.E. Act 2003, this Forum has absolutely no jurisdiction to decide this case and the application deserves to be dismissed. Resultantly, the Forum proceeds to pass the following order :-

ORDER

- 1) Grievance application is dismissed.

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