



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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NO. K/DOS/117/1889 OF 2019-20

Date of registration : 06/05/2019

Date of order : 04/06/2019

Total days : 29

IN THE MATTER OF GRIEVANCE NO. K/DOS/117/1889 OF 2019-20 OF VEENA VINOD CHAUHAN, ROOM NO.110, BLDG NO.9, 'D' WING, NEAR EXPERT SCHOOL, BOLINZ , VIRAR (E), PALGHAR, PIN CODE-401 303 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT DISCONNECTION OF SUPPLY.

Veena Vinod Chauhan,
Room No.110, Bldg No.9, 'D' Wing,
Near Expert School, Bolinz , Virar (E),
Palghar, Pin Code-401 303

(Consumer No. 001541556474) . . . (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution
Company Limited
Throughit'sNodal Officer/Addl.EE.
Vasai Circle, Vasai

. . . (Hereinafter referred as Licensee)

Appearance : For Licensee - 1) Shri.D.V.Karjgee, AEE, Virar (W) S/dn.
2) Shri.Umesh Kadam, AE, Virar (W) S/dn.

For Consumer - Shri.Rabindra R.Tiwari (C.R.)

[Coram- ShriA.M.Garde-Chairperson,Shri A.P.Deshmukh-Member Secretary
Mrs.S.A.Jamdar- Member (CPO)].

1) Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003 (36/2003). Hereinafter for the sake of brevity referred as 'MERC'. This Consumer Grievance Redressal Forum has been established as per the notification issued by MERC i.e. "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is referred as 'Regulation'. Further the regulation has been made by MERC i.e. Maharashtra Electricity Regulatory Commission. [Electricity Supply Code and other conditions of supply Regulations 2005]. Hereinafter referred as 'Supply Code' for the sake of brevity. Even, regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission (Standards of

Performance of Distribution Licensees, Period for Giving Supply & Determination of Compensation) Regulations, 2014.' Hereinafter referred 'SOP' for the sake of convenience.

2) The brief facts of the grievance application are :-

The consumer Veena Vinod Chauhan filed a grievance application before this forum stating that she is a consumer, having Consumer No. 001541556474 with meter no.40179703. It is contended by the consumer that she is paying the electricity bills regularly right from the installation of the meter at her residence.

It is further stated by the consumer that on 19/10/2018 one official of Licensee came at her residence and forcibly removed the electric meter without giving any notice and any receipt of the removal of the meter.

It is the contention of the consumer that as per the provisions of clause 56 of I.E. Act 2003. "disconnection can be made only after giving not less than 15 days notice in writing". It is alleged by her that however in her case the above provision has not been followed by the officials of the Licensee and the electric meter installed at her premises has been removed.

It is also stated by the consumer that a penalty of Rs.1,16,000/- under section 135 of I.E. Act 2003 has been imposed on her stating that the meter (No.40179703) has been tampered.

Grievance of the consumer is that the bill issued under section 135 of I.E. Act 2003 for the period from the month of Sept-2017 to August-2018 for Rs.1,60,000/- is not admitted by her. It has been challenged by the consumer and therefore she claimed to set aside the bill and reconnect her supply.

3) Notice was given to Licensee vide letter no.EE/CGRF/Kalyan/205 dt.06/05/2019 to which Licensee appeared and filed reply on 29/05/2019.

4) Licensee stated that on 21/09/2018 the officials of the Licensee were conducting the routine inspection of the meters installed in the area, where consumer's premises is situated. While inspecting the meters the vigilance team of the Licensee, noticed that the seal of consumer's meter has been broken. On the same day Licensee made "Panchnama" and removed the meter.

Licensee further stated that the meter was tested in the lab and found that this meter (no.40179703) has been tampered.

It is also submitted by the Licensee that after detection of theft a bill issued to the consumer. Consumer assured that she will pay the bill. However it has not been paid by consumer, hence F.I.R has been registered on 23/10/2018, at Arnala Police Station and the supply of consumer's premises permanently disconnected.

5) We have heard both the parties and have gone through the documents placed before us and have observed that :-

i) Record shows that F.I.R. has been filed by the Licensee on 23/10/2018.

- ii) Panchnama dtd. 21/09/2018 is also on record.
- iii) The bill of Rs.1,60,000/- is issued to consumer under section 135 of I.E. Act 2003.
- iv) Section 135 of I.E. Act 2003 deals with theft of electricity.
- v) We have gone through the section 135 of I.E. Act 2003 and have observed that CGRF cannot drive power to deal a dispute in relation to the matters under section 135 of I.E. Act 2003. Assessment made under section 135 not maintainable before C.G.R.F. More over section 6.8 (2) of MERC C.G.R.F. and E.O. 2005 has excluded the jurisdiction of forum. Which reads as under :

6.8 grievances falling within the per view of any of the following provisions of the Act are excluded from the jurisdiction of the forum

- i) *****
- ii) **Offences and penalties as provided under section 135 and 139 of Act.**

For the reasons as mentioned above we are of the opinion that this grievance does not come within the per view of CGRF.

Hence the order

ORDER

- 1) The Grievance application No. 1889 of the consumer is rejected.
- 2) The consumer is at liberty to take recourse before the proper authority if she so desires.

Date: 04/06/2019

(Mrs.S.A.Jamdar)
Member
CGRF, Kalyan

(A.P.Deshmukh)
MemberSecretary
CGRF, Kalyan

(A.M.Garde)
Chairperson
CGRF, Kalyan

NOTE

- a) The consumer if not satisfied, may file representation against this order before the Hon. Ombudsman within 60 days from the date of this order at the following address.
"Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission,606/608, KeshavBldg, BandraKurlaComplex,Mumbai 51".
- b) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or

- c) delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” at the following address:-

“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”

- d) It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.