

**BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM  
AURANGABAD ZONE, AURANGABAD.**

**Case No. CGRF/AZ/AUC/744/2019/29  
Registration No. 2019070003**

Date of Admission : 02.07.2019

Date of Decision : 11.09.2019

Asma Mukhtar Khan, : COMPLAINANT  
CTS No.7446, Plot No.4,  
Behind Hanuman Mandir Fazilpura,  
Aurangabad- 431001.  
(Consumer No. 490018347307 )

**VERSUS**

Maharashtra State Electricity Dist. Co. Ltd.,: RESPONDENT  
through it's Nodal Officer, EE(Admn),  
Urban Circle, Aurangabad.

The Addl. Executive Engineer,  
Shahaganj, Sub Division, Aurangabad

For Consumer : Shri. Akhtar Ali Khan  
For Licensee : Shri. Sandeep Kulkarni  
Addl. EE, Shahaganj Sub-Dn.

**CORAM**

Smt. Shobha B. Varma, Chairperson  
Shri Makarand P Kulkarni, Tech. Member/Secretary  
Shri Vilaschandra S. Kabra Member.

**CONSUMER GRIEVANCE REDRESSAL DECISION**

- 1) The applicant Asma Mukhtar Khan, CTS No.7446, Plot No.4, Behind Hanuman Mandir Fazilpura, Aurangabad- 431001 is a consumer of Mahavitaran having Consumer No. 490018347307. The applicant has filed a complaint against the respondent through the Executive Engineer i.e. Nodal Officer, MSEDCL, Urban Circle, Aurangabad under Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulation 2006 in Annexure (A) on 02.07.2019.
- 2) **The brief facts of the dispute are as under:-**
  - 1) The present dispute is filed by the petitioner, who is residential consumer bearing consumer No.490018347307, challenging the bill issued by the Respondent for the month of Feb-2019, for the amount of Rs. 81635/-. The petitioner alleges that the bill is for abnormal amount & issued without giving any details or notice to him & therefore prayed to quash the said bill.
- 3) The Respondent has filed say (P.No.28) & additional say P.No.42 & 43, raising following submissions:-
  - 1) The Assistant Engineer, City Chowk Section has inspected the premises & found that direct connection in consumer's premises was taken by way of hook on 07.12.2016. Accordingly, Panchanama was prepared & submitted for assessment bill. Thereafter, assessment bill under section 135 of Indian Electricity Act, 2003 (for short purposes hereinafter referred as I.E. Act,2003) was prepared & it was handed over to City Chowk, section office vide Letter No.2132 dt.09.12.2016 to hand it over

to the consumer. If the consumer did not pay the bill then to take further action as per Rules. Since, the consumer did not pay the bill, so as per guidelines issued by higher authorities on 25.01.2019, the assessment amount is added in the electricity bill of Feb-2019. Since the said bill pertains to section 135 of I.E.Act, 2003 the complaint is not maintainable & may be rejected.

2) The Respondent in their additional say (P.No.40) has explained that as per available recorded the theft bill was handed over to the consumer, but he has not accepted it & such remark is endorsed by the duty line staff.

3) In the say (P.No.42) it is explained that F.I.R. was not registered against the complaint.

4) In the additional say (P.No.43) it is submitted that as per MERC Rules 6.8 (CGRF & Ombudsman) 2006, since the case related to section 135 of the I.E. Act, 2003, jurisdiction of this forum is excluded. That the electricity supply of the consumer is not disconnect. The Act sates about filing F.I.R. after such disconnection. Ultimately request to reject the application.

4) We have gone through the pleading documents placed on record by both the parties and heard arguments advanced by both the parties.

5) Following point arise for my determination & we have recorded its findings thereon for reasons to follow:-

Sr.No.	POINTS	ANSWER
1	Whether the bill of February -2019 is found abnormal & require to be quashed ?	Yes
2	What order & cost?	As per final order.

### REASONS

- 6) **PONIT NO.1:** The complainant is residential consumer. It is seen from copy of spot inspection report (P.NO.33), that the concern Jr.Engineer has inspected the spot i.e. CTS No.7446, Plot No.4, where connection is released. There is remark made by him on the said report "Direct hooks tapping to in corner of service wire". There is also reference about Tubes, Fans & other articles used by the petitioner.
- 7) According to Respondent, on the basis of said inspection report the theft bill was prepared. According to Respondent the said bill was served to the complainant. There are two Xerox copies of the said bill produced on record, out of it one copy is produced on record on dt.23.07.2019 (P.No.30), neither it bears the date nor it is signed by the petitioner. Another copy of bill is produced on dt.29.07.2019. It also does not bear the date, however it bears the endorsement " साईन करण्यास नकार " without signature of concern endorsee.
- 8) It is important to note that the inspection report does not refer to seizure of meter or any article. Panchanama was not prepared. It is really surprising that the two copies of one & the same bill carries difference as above. Rather pertinent to note that below the endorsement " साईन करण्यास नकार " there is no signature of the endorsee and no time is written , as such it is suspicious document. Therefore

- the only inference that can be drawn that since dt.07.12.2016 till to-date the alleged theft bill was not served to the petitioner. Fact remains that , neither there was disconnection of electric supply, nor F.I.R. was lodged against the petitioner by the Respondent.
- 9) Thus, it is seen that after the span of two years & two months the disputed bill for the amount of Rs. 81365/- was served to the consumer for first time, that too without informing or displaying on the said bill that it is theft bill.
  - 10) It is seen that, except the bare version, nothing is on record to support the allegations that the said bill is theft bill. As such it is seen that though there is remark passed on the Spot Inspection Report (P.No.33) about direct hook tapping to in corner of service wire, however, that remark & consequent action does not reach to its logical end, so as to prove that its was theft of electricity committed by the petitioner. Hence for want of evidence, the disputed bill can't be said as theft bill under section 135 of Indian Electricity Act, 2003
  - 11) The Respondent has pointed out the ratio laid down in writ petition No. 596/2017 , The Executive Engineer, MSEDCL, Kolhapur V/s Suresh Shivram Savant. In a judgment pronounced by Hon'ble Bombay High Court, holding that, "Bare reading of the Regulation 6.8 shows that if any notice & or order passed by the petitioner under section 126 of the Electricity Act, that can't be challenged before the Redressal Forum.
  - 12) In this particular case there was neither any notice nor any order communicated to the petitioner about theft bill. As such, ratio laid down in the above case is not applicable to present state of affairs. As such the disputed bill of Feb-19, can't be said as theft bill.

- 13) The bill of February -2019 (P.No.7) showing Rs.82250/- includes current bill of Rs.883. Therefore the bill to the extent of arrears amounting to Rs.81365 is found to be issued without any basis & not theft bill, hence it is abnormal bill & requires to be quashed. We answer point NO.1 in the affirmative.
- 14) Considering the aforesaid discussion, we proceed to pass following order, in reply to point No.2.

**ORDER**

The petition is hereby Allowed.

- 1) The bill dtd. 23 February 2019 (P.No.7) for January to February- 2019, for the amount of arrears of Rs. 81365.00/- being abnormal, stands quashed and the bill for February 2019 be revised accordingly.
- 2) Parties to bear their own costs.

Sd/-  
Shobha B. Varma  
Chairperson

Sd/-  
Makarand P. Kulkarni  
Member / Secretary

Sd/-  
Vilaschandra S.Kabra  
Member