

**CONSUMER GRIEVANCE REDRESSAL FORUM**  
**MAHARASHTRA STATE ELECTRICITY DISTRIBUTION COMPANY LTD.**  
**NASHIK ZONE**  
(Established under the section 42 (5) of the Electricity Act, 2003)

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Consumer Grievance Redressal Forum  
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Dwarka, NASHIK 422011

No. / CGRF /Nashik/Nagar Circle /Sangamner Dn./817/70/2019-20/  
(BY R.P.A.D.)

Date: 23/08/2019

Date of Submission of the case : 28/06/2019  
Date of Decision : 23/08/2019

**Before the CGRF Nashik at Nashik (Case No. 70-19)**

**Name of the party** : **M/s. Hindustan Ice Factory .**  
**Through Jitendrasingh Laxmansingh Sarada**  
V/S  
: **Nodal officer ,MSEDCL, Circle Office Ahmednagar**

**Judgment**

The applicant M/s. Hindustan Ice Factory submitting from Schedule 'A' on 17/06/2019 as disputed the MSEDCL bill issue to him for Electric consumer on following grounds....

1. Surprise inspection carried out by the Flying Squad on 03/11/2017 in which the applicant was suspected of illegal drawing electricity & Spot inspection, Spot Panchnama for carried out his meter was sealed.
2. The applicant Con. No. 164810029598, 36 LT-V-B-II for ice Factory situated that MIDC Ahmednagar .
3. On surprise inspection the meter was found tampered & theft assessment was 1,04,542 units.
4. The Flying Squad has theft assessment of Rs. 11,97,640/- alongwith compounding charges of Rs. 8.50.000/- & bill was issued on 24/11/2017.
5. The complaint was filed by under section 135 of E.A. 2003. Shri. J.D. Ingale, AEE Mahavitrans ( Police Station) Nashik Road & C. R. No. 4907/2017 came to be registered.
6. On investigation by Inspection officer he found no crime committed by this applicant and filed 'C' summary in special Case No. 24/18 before District Judge-1, District Court Kopergaon .
7. On 04/05/2018 District Judge-1, District Court Kopergaon by its order accepted the 'C' Summary and release the accused, present applicant with disposing of the crime register again the applicant.
8. The Ex. Director MSEDCL vide its letter dtd. 06/04/2018 accepted the 'C' summary filed by the Inspection Officer & accorded sanction.
9. Thus, according to the applicant the theft assessment amount included in the bills issue by respondent . MSEDCL is to be correct the bill & the amounts needs to be deleted along with penalty interest etc.
10. According to applicant he approach the IGRC Ahmednagar, but the said cell did not redressed his dispute so the present application.
11. The respondent has filed his say & as disputed ..

- i) The jurisdiction of the Forum.
- ii) The 'C' Summary is accepted & investigation still going on so the application is rejected.

From the Pleading following issues arise for our determination & findings recorded accordingly as under.

12.	<b><u>ISSUES</u></b>	--	<b><u>FINDINGS</u></b>
	1. Do the Electric bill issued to applicant needs revision.	--	Affirmative
	2. Though the Forum has jurisdiction to try entertain the Application.	--	Affirmative
	3. What order and judgment	--	As per final order.

### **Reasons**

13. **As to issue no. 2**

Adverting to the jurisdiction of the Forum I would like to give undisputed facts.

- a) The applicant is the regular consumer.
- b) Surprise Inspection to place on 03/11/2017.
- c) Theft Assessment made.
- d) F.I.R. lodged against the applicant.
- e) 'C' summary filed by Inspection Officer.
- f) The 'C' summary report also accepted by Ex. Director MSEDCL.
- g) Applicant approaching IGRC Ahmednagar but no relief given.

Considering the jurisdiction & undisputed facts the applicant has no approach the IGRC or this Forum disputing the surprise inspection, the assessment of theft of Electricity including units or the amount arrived at.

The applicant is approaching for correction of revision of the amount of theft assessment included in the bill after he has been released but the Special Court District Judge-1 District Court Kopergaon .

The claim before the IGRC was that as the Authorized authority has released him therefore the amount of theft assessment included in the regular bill needs to be dropped.

As no relief was given by the IGRC so as approach this forum.

The dispute before this forum is not of the assessment of the units or of the amount but is of the correction of the bill, though approaching IGRC Ahmednagar , no relief is sought.

Considering the nature of dispute more penalty in respect of correction in the bills so right this forum has jurisdiction on bill dispute to try & entertain the application. Issue No. 2 is answered in affirmative.

14. **As to issue no. 1**

Adverting to revision in the bill, definitely 'C' summary has been filed by Inspection office also accepted by E.D. MSEDCL. The 'C' summary contains that no theft or tampering or illegal drawing of Electricity by the applicant had taken place.

The bill produces indicated that the theft assessment by the Flying Squad is applied in the regular Electric bill with interest. Pinal interest etc. and its continuing till today.

In such circumstance the amount of theft assessment amount , interest, Pinal interest etc. needs revision / deletion from the MSEDCL regular bills & so I answered issue No. 1 in affirmative.

The net residue result in the following order.

## Order

1. Application allowed.
2. MSEDCL is directed to revised bill immediately.
3. MSEDCL is directed to delete the theft assessment amount interest & Pinal interest or penalties etc. if applied in the bill.
4. MSEDCL is for directed issue fresh revised bill.
5. As per regulation 8.7 of the MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 , order passed or direction issued by the Forum in this order shall be implemented by the Distribution Licensee within one month and the concerned Nodal Officer shall furnish intimation of such compliance to the Forum .
6. As per regulation 22 of the above mentioned regulations , non-compliance of the orders/directions in this order by the Distribution Licensee in any manner whatsoever shall be deemed to be a contravention of the provisions of these Regulations and the Maharashtra Electricity Regulatory Commission can initiate proceedings *suo motu* or on a complaint filed by any person to impose penalty or prosecution proceeding under Sections 142 and 149 of the Electricity Act, 2003.
7. If aggrieved by the non-redressal of his Grievance by the Forum, the Complainant may make a representation to the Electricity Ombudsman, 606, 'KESHAVA', Bandra Kurla Complex, Bandra (East), Mumbai 400 051 within sixty (60) days from the date of this order under regulation 17.2 of the MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006.

Sd/-  
**(Smt. Vaishali V.Deole )**  
Member

sd/-  
**(Prasad P. Bicchal)**  
Member Secretary

sd/-  
**(Vivekkumar R.Agarwal)**  
Chairman

### Consumer Grievance Redressal Forum Nashik Zone

Copy for information and necessary action to:

- 1 Chief Engineer , Nashik Zone, Maharashtra State Electricity Distribution Company Ltd. ,  
Vidyut Bhavan, Nashik Road 422101 (For Ex.Engr.(Admn)
- 2 Chief Engineer , Nashik Zone, Maharashtra State Electricity Distribution Company Ltd. ,  
Vidyut Bhavan, Nashik Road 422101 ( For P.R.O )
- 3 Superintending Engineer, Maharashtra State Electricity Distribution Company Ltd. ,  
Circle office, Ahmednagar .

Copy to : Executive Engineer, M.S.E.D.C.L. Sangamner