

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

(Appointed by the Maharashtra Electricity Regulatory Commission
under Section 42(6) of the Electricity Act, 2003)

REPRESENTATION NO. 49 OF 2025

In the Matter of theft case under Section 135 of the Electricity Act, 2003

Pradeep Sweets Pvt. Ltd.Appellant
(Consumer No. 170148817629)

V/s.

Maharashtra State Electricity Distribution Co. Ltd., Bhosari Dn. Respondent
(MSEDCL)

Appearances:

Appellant : 1. Nikhil Pradeep Bansal
2. Mahesh Dhage, Representative

Respondent: 1. Ashok Jadhav, Addl. Ex. Engineer, Akurdi Sub Dn.
2. Balaji Mane, Asst. Accountant


Coram: Vandana Krishna [IAS (Retd.)]

Date of hearing: 4th August 2025

Date of Order : 12th August 2025

ORDER

This Representation was filed on 16th July 2025 under Regulation 19.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2020 (CGRF & EO Regulations 2020) against the Order dated 13th May 2025 passed by the Consumer Grievance Redressal Forum, MSEDCL, Pune Zone (the Forum). The Forum in its order observed that the grievance is beyond its jurisdiction,


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



as it falls under Section 135 of the Electricity Act, 2003; however, it directed MSEDCL to provide the documents asked by the Complainant within 10 days.


2. The Appellant has filed this representation against the order of the Forum. The physical hearing was held on 04.08.2025. Both parties were heard at length. The Respondent's submissions and arguments are stated as below. *[The Electricity Ombudsman's observations and comments are recorded under 'Notes' where needed.]*

- (i) The Appellant is a Low Tension (LT) Industrial Consumer bearing Consumer No. 170148817629 from 04.08.1997 engaged in manufacturing of *mithai*, dry fruit confectionaries, and related items. As informed in the hearing, its annual turnover is approx. Rs. 50 crores. The relevant details, including the consumer number, address, sanctioned load, contract demand, date of inspection, and the assessed amount pertaining to alleged energy pilferage, are summarized in the table below:

Table 1:

Name of Consumer	Consumer No.	San. Load /Contract Demand	Date of Supply	Date of Inspection	Assessment towards pilferage of energy & Period
Pradeep Sweets Pvt. Ltd.	170148817629	65 HP/ 54 KVA	04.08.1997	07.08.2024	Rs. 18,58,870/- for 84775 units from Jan. 2023 to Aug. 2024

- (ii) The Respondent's Flying Squad Unit, Kalyan (East) Division conducted a spot inspection on 07/08/2024 at the premises in the presence of the Appellant (Proprietor: Mr. Nikhil Bansal). During the inspection, it was observed that a Secure make energy meter bearing Serial No. XG 418287 with a capacity of 100/5 A was installed along with external molded CTs (Current Transformers) of ratio 100/5 A.
- (iii) An irregularity was detected wherein the Y-phase CT secondary current reading at the meter display was zero, while the primary side of the Y-phase incoming cable showed a current of 55 Amperes. Furthermore, no seals were found on the meter box and meter terminal cover, which is a violation of standard sealing protocols. The recorded current and voltage parameters at the time of inspection were as follows:


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai





Table 2:

Current & Voltage Measurement	R -Phase	Y -Phase	B -Phase
Current measured at incoming supply (Amp.)	66	55	55
Current on energy meter display (Amp.)	65	0	55
Voltage measured at terminal points (V)	248	248	249
Voltage on energy meter display (V)	248	248	249

- (iv) The spot inspection report, duly signed by the owner, has been kept on record. Based on the findings, a case has been booked under **Section 135 of the Electricity Act, 2003.**
- (v) The Respondent, vide letter dated **16/08/2024**, offered the Appellant an opportunity to submit a *Sammati Patra* (Consent Letter) for payment of **compounding charges** as per the provisions of the Government of Maharashtra. This was proposed as a part of settlement to avoid lodging a police complaint and prolonged litigation in a special court case thereof. However, the Appellant did not submit the required *Sammati Patra*.
- (vi) An assessment bill of Rs.18,58,870/- for 84,775 units dated 19.08 .2024 for the period from January 2023 to August 2024 was issued based on the recommendation of the Flying Squad Unit, Kalyan (East), as detailed below:
- **Modus Operandi:** Tampering of external Current Transformer (CT)
 - **Assessment Period:** 470 days (January 2023 to August 2024)
 - **Recorded Consumption:** 1,69,550 units
 - **Assessed Units: 84,775 units:** (Since the Y-phase CT secondary current was missing, the meter was found to be recording 33% less consumption. The recorded consumption represented approximately 66% of the actual usage; hence, assessed units were calculated as 50% of the recorded units.)
 - **Meter MD :** 53.44 KVA

A copy of the assessment bill has been placed on record.

- (vii) The Respondent, Sudarshankumar Rajaram Kamble, Deputy Executive Engineer, Flying Squad Unit, Kalyan (East), lodged an FIR (No. 0797) on 10/09/2024 against Mr. Nikhil Pradeep Bansal, Proprietor of Pradeep Sweets Pvt. Ltd. A copy of the FIR has been placed on record. The basic documents along with FIR have already been


 (Dilip Dumbre)
 Secretary
 Electricity Ombudsman Mumbai



handed over to the Appellant by the Police Authority. Subsequently, based on a letter received from the Deputy Executive Engineer, the electricity supply to the Appellant was disconnected on 09/10/2024. The Appellant paid Rs.18,58,870/- towards the assessment amount on the same day, i.e., 09/10/2024, following which the electricity supply was restored immediately.

- (viii) The Appellant submitted a grievance application before the Forum on 13.11.2024, seeking directions to the Respondent to furnish the mandatory documents as stipulated under Regulation 9.4 of the Maharashtra Electricity Regulatory Commission Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021 (Supply Code & SoP Regulations, 2021). The relevant Regulation 9.4 is reproduced below for reference:


9.4 Where there is a reason to suspect that an offence of the nature provided for in Part XII or Part XIV of the Act is being committed on a Consumer's premises, the visit of the officer designated by the State Government under Section 126 of the Act or of the officer authorised by the State Government under Section 135 of the Act, as the case may be, shall be recorded in a logbook to be maintained with the Distribution Licensee along with the name of such officer and details of the visit to the Consumer's premises:

Provided further that, where possible, two independent witnesses shall be taken for the visit and an inspection report prepared by such officer, of the findings of the visit to the Consumer's premises, which shall be signed along with his remarks, if any, by the Consumer and / or his representative and by such witnesses:

Provided also that the refusal of the Consumer or his representative to sign on the inspection report shall also be recorded in the Consumer report:

Provided also that a copy of the inspection report shall be provided to the Consumer within Three (3) days of inspection of the premises:

Provided further that if a Consumer refuses to allow the Distribution Licensee or any person authorised as aforesaid to enter his premises or land,



(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



or refuses to allow such person to perform any act which he is authorised to do, the Distribution Licensee may, after the expiry of Twenty Four (24) hours from the service of a notice in writing or through digital mode (SMS, e-mail, Whatsapp etc) on the Consumer, cut off the supply to the Consumer for so long as such refusal or failure continues.

- (ix) Most of the documents sought by the Appellant had already been submitted by the Respondent's Flying Squad Team at the time of lodging the police complaint. Any remaining critical documents, if required, will be produced before the Special Court constituted for dealing with offences under Section 135 of the Electricity Act, 2003. As per Regulation 7.9 of the CGRF & EO Regulations, 2020, the Forum does not have jurisdiction to adjudicate matters involving theft of electricity under Section 135 of the Electricity Act, 2003. The following documents were sought by the Appellant in Schedule A before the Forum: -

- Spot Inspection Report of Flying Squad dated 7/8/2024 – Already given.
- Panchnama copy – Already given.
- Joint Panchanama carried out in Testing Division at the time of opening of seal of Seized meter having meter no. XG 418287. Secure make. – Not available with subdivision.
- Testing Report of Testing Division along with their comments of impugned Meter which is supposed to be tampered with. (Meter no. XG 418287. Secure make) – Not available with subdivision.
- The Terminal cover of meter no. XG 418287 which was sealed by the MSEDCL, with which seal No., and the copy of the same registered. Not available with subdivision.
- The details of the seal observed in the Joint Panchnama if any.- Not available with subdivision
- Assessment sheet and Computation sheet along with Period of theft.- Already provided.


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai




- Tampering Event impugned theft period and six months before theft period of Meter No XG 418287MRI report.- Already handed over
- Monthly Analysis carried out by MSEDCL at the time of Monthly Readings. – will be submitted in due course.

(The charge sheet in this theft of energy case under Section 135 will be filed by the police authority before the Special Court, along with all necessary supporting documents. A copy of the charge sheet will be provided to the Appellant in due course.)

- (x) Nonetheless, in its order, though the Forum observed that the grievance was beyond its jurisdiction, it still directed the Respondent to provide the documents requested by the Appellant within 10 days. To provide critical documents regarding previous sealing details etc., the Respondent has to consult with its higher authority before making any commitment at this juncture.
- (xi) The Respondent prays that the Forum's order be set aside as the representation of the Appellant is not maintainable as per Regulation 7.9 of CGRF & EO Regulations 2020.


3. The Appellant's submissions and arguments are stated as below.

- (i) The Appellant is an LT Industrial Consumer bearing Consumer No. 170148817629 from 04.08.1997 and is in manufacturing of *mithai*, dry fruit confectionary, savory snacks, and related items. The relevant details are summarized in Table 1.
- (ii) The Flying Squad of the Respondent, Kalyan Division visited the premises on 14/08/2024. [Note: The actual site visit was on 07/08/2024.] The inspection was carried out for Consumer No. 170148817629, with the following meter details: Make: Secure, Serial No.: XG 418287, CT Ratio: 100/5 (Molded).
- (iii) The inspection team did not issue any Panchnama or spot inspection report at the time of inspection, which is a violation of the mandatory provisions of the Conditions of Supply.


 (Dilip Dumbre)
 Secretary
 Electricity Ombudsman Mumbai




- (iv) Theft Assessment Bill was issued by the Additional Executive Engineer, Akurdi Sub-Division, on 19/08/2024, amounting to Rs.18,58,870/- for an alleged theft of 84,775 units. However, no period of theft was mentioned in the bill. The bill was issued without enclosing mandatory documents required under Regulation 9.4 of the Supply Regulations, 2021, thereby violating the same.
- (v) An application requesting for the mandatory documents was submitted to the Additional Executive Engineer, Akurdi Sub-Division, with a copy marked to the Deputy Director (S&E), Kalyan, on 28/08/2024. However, no documents were provided to date. The act of the Respondent constitutes a serious breach of statutory obligations. This is a violation of the Electricity Supply Code and attracts Sections 142 and 146 of the Electricity Act, 2003.
- (vi) **Denial of Natural Justice:** Due to the non-provision of mandatory documents and the **absence of a defined theft period in the bill**, the Appellant was unable to verify the correctness of the alleged theft computation amount *[Note: The Appellant has not denied the fact of theft.]* As a result:
- The Appellant was deprived of the opportunity to pay the bill under protest or raise a grievance under Section 154(5) of the Electricity Act, 2003.
 - The Respondent's failure to provide the documents has effectively denied the Appellant's right to seek legal or judicial remedy.
- (vii) Despite an order from Forum dated 13/05/2025 directing the Respondent to provide the required documents, the order remains unimplemented as of the date of this appeal reflecting continued negligence.
- (viii) The Forum failed to recognize the breach of Regulation 9.4 of Supply Code & SoP Regulations., 2021 and did not recommend any action under Sections 142 and 146 of the Electricity Act, 2003. This oversight is erroneous, especially considering that the Appellant has been seeking the documents for the last 11 months without success, despite consistent follow-ups.
- (ix) **Arbitrary Disconnection and Payment Under Protest:** The Additional Executive Engineer disconnected the electricity supply on 09/10/2024 without


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



serving the mandatory documents and cited the Flying Squad's failure to provide them. This action is arbitrary and unjustified. In order to restore the supply, the Appellant paid the entire theft assessment bill of Rs.18,58,870/- under protest via:

- DD No.: 638825 dated 09/10/2024, drawn on Kotak Bank, Nigadi Branch, Pune
 - Receipt No.: B046360322600 dated 09/10/2024
- (x) The payment was made under protest, as the Appellant had no means to verify the accuracy of the assessment due to the non-availability of essential documents.
- (xi) Though reconnection charges were also paid, no receipt has been provided by the Respondent.
- (xii) Subsequently, MSEDCL issued another electricity bill (First Week of Oct. 2024) for the period 01/09/2024 to 30/09/2024, including arrears, delayed payment charges, and interest related to the theft bill, which amounts to harassment. This billing is unlawful and must be rectified.
- (xiii) The Forum rejected several prayers of the Appellant without providing any justification, which is a serious flaw. Rejections by a quasi-judicial forum must be reasoned and supported by law. This error must be rectified, and necessary directions may be issued.
- (xiv) In view of the above, the Appellant prays that the Respondent be directed to
- a) Provide Mandatory Documents as per Regulation 9.4 of the Supply Code & SoP Regulations, 2021.
 - b) Appropriate action under Sections 142 and 146 of the Electricity Act, 2003 for non-compliance with Regulation 9.4.
 - c) Suitable action against the Respondent for failure to implement the Forum's order dated 13/05/2025.
 - d) To rectify the bill for September 2024 (due on 04/11/2024) by waiving the arrears, interest, and delayed payment charges linked to the theft bill. Appropriate directions may also be issued against the erring officials.


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai





- e) To pay compensation of Rs.10,000/- for expenses incurred on litigation, follow-ups, and mental harassment, apart from creditor-related financial loss.
- f) To bear the cost of this petition.

Analysis and Ruling

4. Heard the parties and perused the documents on record. The Appellant is a LT Industrial Consumer (No. 170148817629) from 04.08.1997 for manufacturing of *mithai*, dry fruit confectionary, savory snacks, and related items. Its relevant details are already summarized in Table 1.

5. The Respondent contended that its Flying Squad Unit, Kalyan (East) Division, conducted a spot inspection on 07.08.2024 at the Appellant's premises. During inspection, the Y-phase CT secondary current was found to be zero at the meter, whereas 55 Amperes were shown on the primary side of the Y-phase cable. Additionally, the seals on the meter box and terminal cover were missing, indicating this to be a tampering case. The Modus Operandi was of tampering of external CT Secondary stud of Y phase. The recorded voltage and current parameters were duly noted in Table 2. Based on the findings, a case was booked under Section 135 of the Electricity Act, 2003. By letter dated 16.08.2024, the Respondent offered the Appellant an opportunity to submit a *Sammati Patra* (Consent Letter) for payment of compounding charges as per Government of Maharashtra provisions to avoid police proceedings. The Appellant did not respond. An assessment bill of Rs.18,58,870/- was issued on 19.08.2024 for 84,775 units over the period January 2023 to August 2024. On 10.09.2024, an FIR (No. 0797) was lodged by Shri Sudarshankumar Rajaram Kamble, Deputy Executive Engineer, Flying Squad Unit, against Mr. Nikhil Pradeep Bansal. Based on this, supply was finally disconnected on 09.10.2024. The Appellant paid the assessed amount the same day, and supply was restored. On 13.11.2024, the Appellant approached the Forum seeking direction to the Respondent to provide documents as per Regulation 9.4 of the Supply Code & SoP Regulations, 2021. Most of these documents were already submitted during police proceedings. Any critical documents, such as prior sealing details, will be produced before the Special Court


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai




as required. As per Regulation 7.9 of the CGRF & EO Regulations, 2020, the Forum lacks jurisdiction over theft matters under Section 135 of the Act. Despite the jurisdictional bar, the Forum directed the Respondent to provide the requested documents within 10 days. While most documents were already furnished, certain details require consultation with higher authorities before release.

6. The Appellant contended that the Flying Squad of Respondent (Kalyan Division) inspected the Appellant's premises. No Panchnama or spot inspection report was issued, violating mandatory provisions under the Conditions of Supply. Theft assessment bill of Rs.18,58,870/- was issued on 19.08.2024 for 84,775 units without specifying theft period or enclosing documents required under Regulation 9.4 of the Supply Code & SoP Regulations, 2021. The Appellant submitted a request for mandatory documents on 28.08.2024 to the Additional Executive Engineer (Akurdi) and marked a copy to the Deputy Director (S&E), Kalyan. No documents have been provided till date, amounting to a violation of statutory obligations and attracting Section 142 & 146 of the Electricity Act, 2003. The Forum failed to identify and act upon the breach of Regulation 9.4 and did not recommend action under Sections 142/146, despite repeated follow-ups for over 11 months. Electric supply was disconnected on 09.10.2024 without document disclosure. The Appellant paid Rs.18,58,870/- under protest on 09.10.2024 & reconnection charges were paid, but no receipt has been provided.

7. The Section 135 of the Act is produced below:

“Section 135. (Theft of Electricity): --- Whoever, dishonestly,

- (a) taps, makes or causes to be made any connection with overhead, underground or under water lines or cables, or service wires, or service facilities of a licensee or supplier as the case may be; or*
- (b) tampers a meter, installs or uses a tampered meter, current reversing transformer, loop connection or any other device or method which interferes with accurate or proper registration, calibration or metering of electric current or otherwise results in a manner whereby electricity is stolen or wasted; or*


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



- (c) *damages or destroys an electric meter, apparatus, equipment, or wire or causes or allows any of them to be so damaged or destroyed as to interfere with the proper or accurate metering of electricity,*
- (d) *uses electricity through a tampered meter; or*
- (e) *uses electricity for the purpose other than for which the usage of electricity was authorised, so as to abstract or consume or use electricity shall be punishable with imprisonment for a term which may extend to three years or with fine or with both:*
.....”

8. In this case, the Respondent carried out an Inspection and Panchnama on 07.08.2024 and then FIR was lodged on 10.09.2024 under Section 135 of the Act. The Appellant has not denied that theft took place and is silent on this issue; he has only argued that he could not verify the correctness of the assessment calculations of Rs. 18.58 lakhs due to non-submission of detailed documents. The Respondent has contended that it has already provided copies of the spot inspection report and panchnama, as required under Section 9.4 of the Electricity Supply Code. The basic details such as assessment units and period have already been provided in Table 1 (a period of about 20 months.). We find that prima facie this seems to be a clear cut and straight-forward case of tampering and theft. Such cases can only be entertained by the concerned special court.

9. The grievance does not fall within the jurisdiction of the Forum as per Regulation No. 7.9 of the CGRF & EO Regulations 2020 which is reproduced below:

“7.9 The Forum shall reject the Grievance at any stage under the following circumstances:

(a)


(b) In cases, which fall under Sections 126, 127, 135 to 139, 152, and 161 of the Act;

(c)

(d)

(e)

Provided that no Grievance shall be rejected unless the Complainant has been given an opportunity of being heard.” (Emphasis added).



 (Dilip Dumbre)
 Secretary
 Electricity Ombudsman Mumbai



10. These sections pertain primarily to offences relating to theft of electricity (Sections 135 to 139), compounding of offences (Section 152), and infringement by officers (Section 161). The scheme of the Act and the 2020 Regulations thus makes it clear that grievances relating to theft or pilferage of electricity are expressly excluded from the jurisdiction of the Forum.

11. In view of above, the instant representation does not fit in the definition of 'Grievance' under CGRF & EO Regulations 2020. The representation is rejected and disposed of accordingly.

Sd/
(Vandana Krishna)
Electricity Ombudsman, Mumbai


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

