

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 47 OF 2025

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

The Secretary, Balkanji Bari Trust... ..Appellant

V/s.

Maharashtra State Electricity Distribution Co. Ltd., Ulhasnagar 1 Dn Respondent
(MSEDCL)

Appearances:

Appellant: 1. Neelam Chandrani
2. Jagansingh Rajput, Representative

Respondent: Bhaskar Kole, Addl. Ex. Engineer, Ulhasnagar Sub Dn. 2

Coram: Vandana Krishna [IAS (Retd.)]

Date of hearing: 14th October 2025

Date of Order : 27th October 2025

ORDER

This Representation was filed on 19th June 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 30th June 2025 passed by the Consumer Grievance Redressal Forum, MSEDCL, Kalyan Zone (the Forum) in Case No. 38/2025. The Forum, by its order, rejected the grievance as per Regulation 7.9 of the CGRF & EO Regulations, 2020.

2. The Appellant has filed this representation against the order of the Forum. An online hearing through video conference was held on 14.10.2025. Both the parties were heard at


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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 runs a school and had obtained a separate electricity connection in the name of the Secretary for the purpose of operating the sports complex (indoor and outdoor games) effective from 25.01.2018. Since the premises were also used by outsourced persons for Turf Games, the Appellant was billed under the Commercial Tariff Category. Details of the electric connection are tabulated below.

Table 1:

Name	Consumer No.	Address	Sanc. / Connected load	Date of Supply	Date of Inspection	Assessment towards pilferage of energy & Period	Compounding charges	Purpose	Remarks
The Secretary Balkanji Bari Trust	021513738711	Gandhi Nagar, Balkanji Bari Road, Ulhasnagar - 2, Pin-421002	1 KW / 2.7 KW	25.01.2018	07.03.2025	Rs. 16,440/- (for 700 units for 8 months from July 2024 to Feb.2025) paid on 18.03.2025	Rs. 15,000/- paid on 18.03.2025	Commercial [Sport Complex (Turf Games)]	Single Phase meter (Sr. No. 05398714664 of L & T Make) found burnt. Incoming wire was directly connected to outgoing wire bypassing the meter.

- (ii) The Appellant had extended the premises and enclosed the meter area. The Additional Executive Engineer, vide letter dated 09.06.2024 issued a notice to the Appellant directing that the meter be shifted to an accessible location outside the premises. However, the Appellant did not cooperate. Consequently, a second notice dated 04.02.2025 was issued reiterating the same instruction. Both notices are on record.
- (iii) Despite these communications, the meter remained in a closed room, and the Appellant did not permit its relocation. The consumer was billed under "Faulty" Status from November 2023 onwards as per CPL Record.
- (iv) On 06.03.2025, Shri Yogiraj Navnath Deshmukh, resident of Kamla Nehru Nagar, Dhobighat, Ulhasnagar-1, submitted a written complaint to the Superintending Engineer, alleging that several focus lights had been installed at the said Sports Complex (Turf Ground), and that the electric meter (Consumer No. 021513738711) had been tampered with. He further alleged that direct supply was being drawn for many months for purely commercial use and requested that the Flying Squad Team inspect the premises and initiate legal action for theft of electricity.


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- (v) Pursuant to the complaint, the Assistant Engineer, Sub-Division 2 inspected the premises on 07.03.2025, when it was found that the Appellant's meter was burnt, and the incoming and outgoing wires were directly connected, thereby bypassing the meter. The supply was being used for the sports complex activities such as cricket and football played on turf. The connected load was found to be 2.25 kW comprising 10 focus lights (150 W each) and 15 focus lights (50 W each). The Appellant had already paid Rs. 968/- towards the burnt meter cost on 20.07.2024. In view of the above, the Appellant was booked under Section 135 of the Electricity Act, 2003 for theft of energy.
- (vi) The assessment towards theft of electricity has been calculated as per the guidelines issued by the Corporate Office, using the following formula and details:

Table 2:

Appliances	Quantity	Capacity	Total Load
Focus	10	150 Watts	1500 Watts
Focus	15	50 Watts	750 Watts
Misc. Load	As per various points on site : not Considered for calculation purpose		
Total Load			2.25 KW
Formula used for Assessment:			
Assessed Units = Connected Load x (Load Factor x Diversity Factor) x Working Hrs. x Months			
Units Calculated	2.25 X 0.5 LF X 10 DF.X 30 days X 8 months i.e. 2700 units		
Already Billed Units			2000 Units
Net Assessed Units for 8 months from Jul.2024 to Feb.2025			700(= 2700-2000) Units

- (vii) An assessment bill of Rs.16,440/- for 700 units of unauthorized consumption was issued vide letter dated 13.03.2025, along with a notice stating that an additional Rs.15,000/- would be charged as Compounding Charges to avoid prosecution under Section 135 of the Electricity Act, 2003. The Appellant paid both the assessment amount and the compounding charges on 18.03.2025, in accordance with his written undertaking. Consequently, no further legal action was initiated. Following payment of the assessment and compounding amounts, the burnt meter was replaced immediately.
- (viii) Subsequently, the Appellant alleged vide letter dated 20.03.2025 that the Respondent had fabricated the theft case with an intention to extract additional payment. The Appellant requested a refund of the assessment amount of Rs. 16,440/- and compounding charges of Rs. 15,000/- already paid. The Respondent denied this


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allegation, contending that the Appellant had voluntarily submitted a written statement dated 18.03.2025, expressly admitting the act of theft, and that the statement was given without coercion. The Respondent replied on 04.04.2025, explaining the chronological events and clarifying that, as per the provisions of the Electricity Act, 2003, no provision exists for refund in such cases.

- (ix) The Appellant thereafter filed a grievance application before the Forum on 01.04.2025. By its order, the Forum rejected the grievance in accordance with Regulation 7.9 of the CGRF & EO Regulations, 2020, observing that the matter pertained to theft of electricity.
- (x) In April 2025, the Appellant applied through the MSEDCL WSS Portal for a change of tariff category from Commercial to Public Services -Others assuring that the supply would henceforth be used solely for the school's sports complex and that outsiders would not be permitted. The tariff category was accordingly changed from Commercial to "Public Services – Others" from April 2025 onwards.
- (xi) The Respondent further cited the Electricity Ombudsman (Mumbai) Order dated 23.01.2024 in Representation No. 172/2023, which explicitly held that cases involving tampering and theft fall within the exclusive jurisdiction of the concerned Sessions Court/Special Court.
- (xii) In view of the above facts and legal provisions, the Respondent prays that the present representation be rejected in accordance with Regulation 7.9 of the CGRF & EO Regulations, 2020.

3. The Appellant's submissions and arguments in brief are as follows:

- (i) The Appellant, Balkanji Bari Trust, is a duly registered Public Trust engaged in educational and recreational activities. The Trust manages a school and operates a well-equipped sports complex offering various indoor and outdoor games and related facilities. For the exclusive operation of the said sports complex, a separate electricity connection was obtained in the name of the Secretary of the Trust with effect from 25.01.2018. The consumer details are provided in Table 1.


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- (ii) The Appellant's meter was burnt, and accordingly, the Appellant approached the Respondent on 20.07.2024 for payment of burnt meter charges. The Respondent issued a demand notice of ₹968/- on the same day, which the Appellant duly paid. Thereafter, supply was given on a direct basis by MSEDCL staff; however, the burnt meter was not replaced immediately.
- (iii) On 07.03.2025, the Assistant Engineer, Sub-Division No. 2, inspected the premises. The Appellant informed the inspection team that supply had been restored directly by MSEDCL staff after the meter was burnt. The supply was being used for sports complex activities such as turf cricket and football. The connected load was recorded as 2.25 kW. Although the Appellant had already paid ₹968/- towards the cost of the burnt meter on 20.07.2024, MSEDCL staff had stated that a replacement meter was unavailable at that time.
- (iv) Subsequently, the Appellant received an assessment bill of ₹16,440/- for 700 units of consumption vide letter dated 13.03.2025, along with a notice imposing additional compounding charges of ₹15,000/-. Both amounts were paid by the Appellant on 18.03.2025, following which the burnt meter was replaced.
- (v) The Appellant, vide letter dated 20.03.2025, contended that the Respondent had falsely fabricated a theft case with the intention of extracting additional payment. The Appellant submitted that there was no theft, as the direct connection was provided by MSEDCL staff themselves. Accordingly, the Appellant sought a refund of the assessment amount of ₹16,440/- and compounding charges of ₹15,000/- already paid.
- (vi) The Appellant filed a grievance application before the Forum on 01.04.2025, seeking revision of the bill under Regulation 16.4.1 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), which states:

“16.4.1. Subject to the provisions of Part XII and Part XIV of the Act, in case of a defective meter, the amount of the Consumer's bill shall be adjusted, for a maximum period of three months prior to the month in which the dispute has


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arisen, in accordance with the results of the test taken subject to furnishing the test report of the meter along with the assessed bill...”

(vii) The Forum, by order dated 30.06.2025 rejected the grievance application under Regulation 7.9 of the CGRF & EO Regulations, 2020. The Appellant submits that the Forum failed to consider that there was no theft, and that the direct connection had been provided by MSEDCL authorities themselves.

(viii) In view of the above facts, the Appellant prays that the Respondent be directed to:

1. Revise the bill as per Regulation 16.4.1 of the Supply Code & SoP Regulations, 2021;
2. Refund the excess amount paid with applicable interest after adjusting three months' bill recovery; and
3. Grant compensation for non-compliance with the Standard of Performance.

Analysis and Ruling

4. Heard the parties and perused the documents on record. The Appellant runs a Sports Complex (Consumer No. 021513738711) from 25.01.2018. The relevant details are summarized in Table 1.

5. The Respondent contended that the Appellant was billed under the Commercial Tariff Category as the premises were also used by outsiders for turf games. The Appellant had enclosed the meter area and failed to comply with notices dated 09.06.2024 and 04.02.2025 directing relocation of the meter to an accessible place. The meter remained locked, and billing continued under locked as well as “Faulty” status. Following a complaint on 06.03.2025 alleging tampering and direct supply, an inspection on 07.03.2025 revealed that the meter was burnt and bypassed, with a connected load of 2.25 kW. The Appellant had earlier paid ₹968/- for burnt meter charges, but was booked under Section 135 of the Electricity Act, 2003 for theft. An assessment of ₹16,440/- for 700 units and compounding charges of ₹15,000/- were issued and paid on 18.03.2025, after which the meter was replaced. The Appellant later alleged


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fabrication of the theft case and sought refund, which was denied. The Respondent cited Ombudsman Order dated 23.01.2024 holding theft cases as triable only by the Special Court.

6. The Appellant contended that Balkanji Bari Trust, a registered public trust engaged in educational and recreational activities, operates a school and sports complex with a separate electricity connection effective from 25.01.2018. The meter was burnt, and the Appellant paid ₹968/- towards replacement charges on 20.07.2024; however, supply was restored directly by MSEDCL staff without installing a new meter. During inspection on 07.03.2025, it was found that the supply was being used for sports complex activities such as turf cricket and football with a connected load of 2.25 kW. Based on this, an assessment of ₹16,440/- for 700 units and compounding charges of ₹15,000/- were issued, which the Appellant paid on 18.03.2025, after which the meter was replaced. The Appellant later contended that the theft case was fabricated since the direct supply was directly connected by MSEDCL staff and sought refund of both amounts. A grievance filed on 01.04.2025 under Regulation 16.4.1 of the Supply Code & SoP Regulations, 2021 was rejected by the Forum on 30.06.2025 under Regulation 7.9 of the CGRF & EO Regulations, 2020, treating it as a theft matter. The Appellant prays for revision of the bill as per Regulation 16.4.1, refund of excess payment with interest, and compensation for non-compliance with the Standard of Performance.

7. The billing details of the Appellant, as recorded in the Consumer Personal Ledger (CPL), are summarized below:

Table 3

Year	2022-23					2023-24					2024-25					2025-26				
Bill Month	Meter Status	Previous Reading (KWH)	Current Reading (KWH)	Cons. (units)	Month	Meter Status	Previous Reading (KWH)	Current Reading (KWH)	Cons. (units)	Month	Meter Status	Previous Reading (KWH)	Current Reading (KWH)	Cons. (units)	Month	Meter Status	Previous Reading (KWH)	Current Reading (KWH)	Cons. (units)	Month
Apr	Normal	2274	2005	269	1	Normal	2922	2922	0	1	Faulty	2922	2922	110	1	Normal	138	137	1	1
May	Normal	2531	2274	257	1	Locked	2922	2922	265	1	Faulty	2922	2922	265	1	Normal	138	138	0	1
Jun	Locked	2531	2531	258	1	Locked	2922	2922	65	1	Faulty	2922	2922	110	1	Normal	138	138	0	1
Jul	Locked	2531	2531	258	1	Locked	2922	2922	230	1	Faulty	2922	2922	250	1	Normal	138	138	0	1
Aug	Locked	2531	2531	258	1	Locked	2922	2922	247	1	Faulty	2922	2922	250	1	Normal	452	138	314	1
Sep	Locked	2531	2531	258	1	Locked	2922	2922	200	1	Faulty	2922	2922	250	1	Normal	809	452	357	1
Oct	Locked	2531	2531	279	1	Locked	2922	2922	279	1	Faulty	2922	2922	250	1					
Nov	Normal	2922	2531	391	6	Faulty	2922	2922	65	1	Faulty	2922	2922	250	1					
Dec	Normal	2922	2922	0	1	Faulty	2922	2922	65	1	Faulty	2922	2922	250	1					
Jan	Normal	2922	2922	0	1	Faulty	2922	2922	65	1	Faulty	2922	2922	250	1					
Feb	Normal	2922	2922	0	1	Faulty	2922	2922	65	1	Faulty	2922	2922	250	1					
Mar	Normal	2922	2922	0	1	Faulty	2922	2922	65	1	Normal	137	0	387	1					

Remarks: The old meter(Sr. No. 05398714664) was replced by new meter (Sr. No. M22510051639) in first week of March 2025


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8. We have examined the consumption pattern when readings were accessible. It is observed from the consumption chart that the recorded consumption was 269 units in April 2022, 265 units in May 2023, 314 units in August 2025, and 357 units in September 2025. The Appellant was assessed for an additional 700 units for the period from July 2024 to Feb. 2025, at an average of 87.50 units per month, as the recorded consumption during this period was found to be 250 units per month.

9. 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*
- (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:*
.....”

10. In the present case, an inspection and Panchnama were carried out on 07.03.2025, pursuant to which **proceedings were initiated under Section 135 of the Electricity Act, 2003**. The Appellant contended that the direct connection was provided by the Respondent itself, and therefore, invocation of Section 135 of the Act is without merit. The Appellant has further alleged procedural lapses in the action taken under the said provision. Prima facie, issues relating to such procedural irregularities and alleged invocation of Section 135 of the Act fall exclusively within **the jurisdiction of the Special Court constituted under the Act**. However, since the Appellant has already paid the assessed amount of ₹16,440/- (towards 700


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units for the period from July 2024 to Feb. 2025) on 18.03.2025, along with compounding charges of ₹15,000/- on the same date, the remedy before the Special Court stands shut out.

11. 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).

12. The Forum has given a reasoned order. There is, therefore, no reason to interfere in the order of the Forum. The Representation of the Appellant is rejected being non maintainable and disposed of accordingly.

13. The Appellant is advised that he may seek legal opinion on reopening the matter before the Special Court if he desires.

Sd/-

(Vandana Krishna)

Electricity Ombudsman (Mumbai)


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Secretary
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