

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 30 OF 2026

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

Rajiyabi Latif Ahmed Shaikh Appellant
(Con. No. 080010507158)

V/s.

Maharashtra State Electricity Distribution Co. Ltd., Dhule Circle. Respondent
(MSEDCL)

Appearances:

Appellant : Altaf Ahmed Latif Ahmed Shaikh, Son

Respondent : Jeetendra V. Mahajan, Executive Engineer


Coram: Vandana Krishna [IAS (Retd.)]

Date of hearing: 6th May 2026

Date of Order: 12th May 2026

ORDER

This Representation was filed on 11th March 2026 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 6th February 2026 in Case No.01/2026 passed by the Consumer Grievance Redressal Forum, MSEDCL, Dhule Circle (the Forum). The Forum rejected the grievance application on the ground that the matter falls under Section 135 of the Electricity Act, 2003 and, therefore, is not maintainable before the Forum in view of Regulation 7.9 of the CGRF & EO Regulations, 2020.


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Secretary
Electricity Ombudsman Mumbai



2. The Appellant has filed the present representation challenging the order of the Forum. An e-hearing was conducted through video conference on 06.05.2026. Both parties attended the hearing and were heard at length. *[The Electricity Ombudsman's observations are recorded under 'Notes'.]*


3. The Respondent's submissions and arguments are stated below:

- (i) The Appellant is a residential consumer (No. 080010507158) of the Respondent. The particulars of the electricity connection and the assessment made towards theft of energy are set out in the table below:

Table 1:


Name of Consumer	Address	Consumer No.	San. Load	Date of Supply	Date of Inspection	Assessment towards pilferage of energy & Period	Componding Charges
Rajiyabi Latif Ahmed Shaikh	H.No.512, S.No.373/2, 40 Gaon Road, Pole No. VH/14, Dhule	080010507158	1.6 kW	08.11.2002	09/01/2025	Rs. 1,14,986/- of 4035 units for the period from Jan.2024 to Dec. 2024 (336.25 units per month)	Rs. 16000/-

- (ii) On 09.01.2025, a general theft detection drive was organized by the Dhule Circle Office. Pursuant to this, the Assistant Engineer, Vidyanagri, accompanied by the Assistant Engineer, Ramwadi Section, visited the Appellant's premises on 09.01.2025 at the stated address for inspection, when it was observed that a single-phase residential meter was connected at the premises. The meter, bearing No. 21400462, was an Electro Magnetic (EM) meter of the make Schlumberger, with a capacity of 5–30 amps.
- (iii) At the time of inspection, the meter reading was recorded at 48,452 kWh. It was observed that the meter body seals were broken. Further, **a powerful external magnet had been affixed to interfere with the functioning of the installed electromechanical meter, thereby causing the meter to record consumption lower than the actual electricity utilized by the Appellant. The said magnet was seized in the presence of witnesses, and its photograph has been placed on record.**
- (iv) The connected electrical load of the Appellant was found to comprise three air conditioners, one television, one motor, one home theatre system, one iron, one stitching machine, and one bore- well pump.


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- (v) In view of the foregoing observations, the Appellant was charged under Section 135 of the Electricity Act, 2003 for theft of electrical energy. A vigilance ID was created to prepare the theft assessment. An assessment bill of Rs. 1,14,986/- was immediately issued for 4,035 units, covering the period from January 2024 to December 2024 (about 336 units per month) and compounding charges of Rs. 16000/-.
- (vi) The Inspection Report dated 09.01.2025 was handed over to the Appellant on 19.03.2025. The Appellant was given sufficient time to pay the assessed theft amount. However, no payment was made. Consequently, the electricity supply to the Appellant's premises was disconnected on 18.09.2025.
- (vii) The Appellant approached the High Court on 24.09.2025. The High Court ordered to approach the appropriate Appellate Authority for redressal of her grievance. The Appellant filed a grievance application before the Forum on 26.09.2025. By its order dated 05.02.2026, the Forum rejected the application, holding that the matter falls under Section 135 of the Electricity Act, 2003 and is therefore not maintainable before the Forum in view of Regulation 7.9 of the CGRF & EO Regulations, 2020.
- (viii) In the meantime, on 04.12.2025, the Respondent lodged FIR No. 0401 at the police station, alleging theft of energy under Section 135 of the Electricity Act, 2003.
- (ix) The Respondent submitted that the inspection report was officially furnished to the Appellant on 09.01.2025. It was argued that **the Appellant had never raised any objection regarding alleged alteration in the inspection report at any earlier stage.** According to the Respondent, the contention raised before the Ombudsman by the Appellant's son—that the last sentence including the word “magnet” in the remarks column was inserted subsequently—was made for the first time and is merely an afterthought. The Respondent further contended that, being a public undertaking, the inspection report dated 09.01.2025 is an original contemporaneous document prepared on-site in the ordinary course of official duties.
- (x) The abstract of CPL is kept on record. The previous consumption pattern was in the range of 250 to 300 units per month.



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(xi) 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.


4. The Appellant's submissions and arguments are stated below:

- (i) The Appellant is a residential consumer (No. 080010507158) of the Respondent. The particulars of the electricity connection and the assessment raised towards the alleged theft of energy are set out in Table 1.
- (ii) The Appellant resides at the said premises along with her husband. Her son, daughter-in-law, and two grandchildren reside at Nandurbar, where her son is employed as a Professor.
- (iii) On 09.01.2025, the Vigilance Squad of the Respondent visited the Appellant's premises and carried out an inspection, pursuant to which a spot inspection report was prepared and signed by the Appellant's son. However, no theft of electricity was detected during the said inspection.
- (iv) The Appellant attended the meter testing conducted on 10.01.2025 at the office of the Assistant Engineer, Meter Testing Unit, Dhule. The testing report recorded that no tampering or manipulation was noticed, and the meter was functioning normally in accordance with the prescribed standards.
- (v) Thereafter, the Respondent illegally issued an assessment bill of Rs. 1,14,986/- under Section 135 of the Electricity Act, 2003 alleging theft of electrical energy, along with compounding charges of Rs. 16,000/-. The said assessment was wholly baseless and without any supporting evidence.
- (vi) The electricity supply of the Appellant was disconnected on 18.09.2025 on the basis of the alleged theft assessment, which the Appellant contends has been wrongly levied. Owing to the disconnection, the Appellant and her husband have been facing severe domestic hardship, including lack of water supply, mosquito infestation, and other health and safety issues. The Appellant submits that she is willing to pay all genuine and regular electricity charges, including by way of part payments, for restoration of supply.


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- (vii) The Appellant filed a writ Petition (11654 of 2025) against MSEDCL 24.09.2025. However, the Appellant's Advocate, on instruction, sought permission to withdraw the petition with liberty to approach the appropriate forum under the Electricity Act, 2003. The High Court disposed of the case as withdrawn.
- (viii) The Appellant has contended that the vigilance form dated 09.01.2025 does not bear any outward number and that the signature of the Assistant Engineer appearing thereon is dated 08.01.2025. *[Note: It is clarified that outward numbers are generally not applicable in such on-site inspection activities, where acknowledgment of the consumer is obtained immediately.]*
- (ix) The Appellant has also alleged that the Marathi endorsement recorded in the vigilance form, stating that the "meter seal was found broken, the meter was removed for testing, and a magnet was taken into custody," was subsequently inserted as an afterthought.
- (x) The Appellant's average monthly electricity consumption has consistently remained in the range of 120 to 150 units during the period when she and her husband were residing at the premises.
- (xi) The Appellant filed a grievance petition before the Forum on 26.09.2025. However, the Forum rejected the said grievance application without properly appreciating that no theft of electricity had occurred at the premises and that the meter was found to be intact and functioning correctly during testing. Therefore, the entire assessment is liable to be set aside.
- (xii) The Appellant respectfully prays that the Respondent be directed to:
- Restore the electricity supply immediately;
 - Quash and set aside the alleged theft assessment of Rs. 1,14,968/- and the compounding charges of Rs. 16,000/-;
 - Pay compensation towards the mental agony, harassment, and hardship suffered by the Appellant and his family; and
 - Issue proper and correct monthly electricity bills in future.


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Analysis & Ruling:


5. Heard the parties and perused the documents on record. The Appellant is a residential consumer (No. 080010507158) from 25.01.2018. The relevant details of are summarized in the Table 1.

6. The case of the Respondent is that, during a theft detection drive conducted on 09.01.2025, the inspection team noticed that the body seals of the meter were broken and that an external magnet had allegedly been used to interfere with the functioning of the meter, thereby resulting in under-recording of electricity consumption. Accordingly, action was initiated under Section 135 of the Electricity Act, 2003 and an assessment of Rs. 1,14,986/- together with compounding charges of Rs. 16,000/- was issued.

7. The Appellant, on the other hand, has denied the allegations of theft and contended that no tampering or manipulation was detected during meter testing conducted on 10.01.2025 at the Meter Testing Unit, Dhule. The Appellant has also alleged that the endorsement regarding seizure of magnet was subsequently inserted in the vigilance report and that the assessment has been raised without any valid basis. However, no evidence is available to support this allegation. Further, this issue was raised as an afterthought before the Ombudsman after probing during the hearing. It was never raised before the Forum.

8. The main extracts from the Consumer's Personal Ledger, as prepared by the Ombudsman's office, are presented below.

Table 2:



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Year	2021-22	2022-23	2023-24	2024-25	2025-26
Month	Cons. (Units)	Cons. (Units)	Cons. (Units)	Cons. (Units)	Cons. (Units)
Apr.	565	304	87	67	254
May	404	439	109	128	231
Jun	307	409	187	101	284
Jul	295	284	78	139	239
Aug	296	245	72	107	314
Sep	238	149	108	129	240
Oct	193	102	62	65	
Nov	229	82	215	41	
Dec	189	94	52	98	
Jan	181	86	56	68	
Feb	214	74	59	299	
Mar	322	82	81	241	
Total	3433	2350	1166	1483	1562
Avg/ Month	286	196	97	124	156
Note:	The supply to the Appellant was disconnected on 18.09.2025. 2. The Appellant was billed under "lock" status for 68 units in January 2025 and 299 units in February 2025. Subsequently, the lock billing amount was refunded.				

9. On perusal of the CPL chart, it is observed that the highest consumption during FY 2020–21 was 565 units recorded in April 2021, and during FY 2022–23, the highest consumption was 439 units recorded in May 2022. The consumption was consistently in the range of 200 to 400 units till August 2022, thereafter it suddenly dropped to a range of 70-100 units till October 2023 and again dropped further to a range of 50-100 from December 2023 to January 2025. The magnet was removed on 9th January 2025. After that the consumption pattern again rose to a range of 250 – 300 units. Prima-facie it is a straightforward case of theft.

10. The principal issue which arises for consideration is whether the present dispute can be entertained by the Forum and the Ombudsman in view of the provisions of the Electricity Act, 2003 and the CGRF & EO Regulations, 2020. The provisions of Section 135 of the Electricity Act, 2003 (Theft of Electricity), inter alia, stipulate that any person who dishonestly taps supply lines, tampers or uses a tampered meter, damages metering equipment, or uses electricity for unauthorized purposes, shall be punishable with imprisonment up to three years, or with fine, or with both. The Section 135 of the Act is reproduced below:


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“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:*
.....”


11. In the present matter, the inspection dated 09.01.2025 culminated in action under Section 135 of the Electricity Act, 2003. The disputed assessment has been specifically raised towards alleged theft of energy for the period from January 2024 to December 2024. The allegations regarding meter tampering, use of external magnet, and consequential under-recording of energy consumption are matters directly connected with proceedings under Section 135 of the Act.

12. As per Regulation 7.9(b) of the *CGRF & EO Regulations, 2020*, the Forum is barred from adjudicating cases under Sections 126, 127, 135–139, 152, and 161 of the Act. The Regulation 7.9 of the *CGRF & EO Regulations 2020* 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)


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(e)

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

13. The Forum has passed a reasoned order. Hence, no interference is warranted, and the Representation stands rejected and disposed of accordingly.

Sd/
(Vandana Krishna)
Electricity Ombudsman (Mumbai)



(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

