

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 46 OF 2025

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

Sitaram Giridharilal Meena....Appellant

V/s.

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

Appearances:

Appellant : None

Respondent: 1. Aashish Jayant Mehta, Ex. Engineer, Sangli Urban Dn.
2. Avinash Khuspe, Addl. Ex. Engineer, Sangli South Sub Dn.
3. Nisar Shikalgar, Jr. Law Officer


Coram: Vandana Krishna [IAS (Retd.)]

Date of hearing: 4th August 2025

Date of Order : 21st August 2025

ORDER

This Representation was filed on 23rd 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 21st April 2025 passed by the Consumer Grievance Redressal Forum, MSEDCL, Kolhapur Zone (the Forum) in Case No. 22/2025. The Forum, by its order, rejected the grievance as per Regulation 7.9 of the CGRF & EO Regulations, 2020.


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2. The Appellant has filed this representation against the order of the Forum. An online hearing through video conference was held on 04.08.2025. Neither the Appellant nor his representative attended the hearing. The Respondent was 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 developer of the premises located at S. No. 122/5, Sai Residency, Jaswand Park, Ramkrishna Paramhans Society, Sangli, Taluka Miraj, District Sangli, Pin-416416. The property comprises a four-storey building containing six two-bedroom flats.

On 26.11.2024, an Assistant Engineer from the Section Office inspected the premises. The inspection revealed six electricity connections—five single-phase connections duly billed under their respective consumer numbers, and one three-phase connection, connected through a three-phase meter, being used for common purposes. However, this three-phase meter did not bear a consumer number and had not been released by the Respondent. The particulars of this three-phase connection are furnished in Table 1. This issue was reported to the Sub-Division Office.

Table 1:


Name	Consumer No.	Address	San. Load /Connected Load (KW)	Date of Supply	Date of Inspection	Assessment towards pilferage of energy & Period	Compoundin g charges	Purpose	Remarks
Sitaram Giridharilal Meena	Nil	S. No. 122/5 Sai Residency, Jaswand Park, Ramkrishna Paramhans Society, Sangli, Taluka Miraj, District Sangli, Pin 416416	SL: Nil / Connected Load : Lift: 1 No. (3.75 KW) CFL: 12 Nos.(0.48 KW) Bulb: 1 No. (0.05 KW) Total Load: 5.00 KW	Nil	04.12.2024	Rs. 37,760/- (for 1917 units from Jan.2024 to Dec. 2024) paid on 23.12.2024	Rs. 10,000/- paid on 26.12.2024	Residential	3 Phase meter (Sr. No. 9263231 of Avan Make) found connected without any sanction

- (ii) A subsequent inspection conducted by the Sangli South Shivajinagar Section Office on 04.12.2024 revealed that a three-phase Avon make meter (No. 9263231, capacity 10–40 A with reading 1,917 KWH) was illegally connected for common use in the premises, supplying electricity to the common lift, twelve CFL lamps, and one bulb, as detailed in Table 1.


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- (iii) The Appellant, having been found involved in theft of energy, was booked under Section 135 of the Electricity Act, 2003. A letter dated 17.12.2024 along with a provisional bill for Rs. 37,760/- was issued for 1,917 units of consumption. (A dummy consumer number 777774069526 was created for the purpose of assessment through system.) The letter also stated that an additional Rs. 10,000/- would be charged as “Compounding Charges” to avoid initiating action under Section 135 of the Electricity Act, 2003. The Appellant paid the provisional bill of Rs. 37,760/- on 23.12.2024 and the adjustment amount of Rs. 10,000/- on 26.12.2024, as per his written undertaking. Consequently, no further legal proceedings were initiated under Section 135 of the Electricity Act, 2003.
- (iv) Upon payment of the assessment bill of Rs. 37,760/- and compounding charges of Rs. 10,000/-, the Appellant, on 16.12.2024, applied through the MSEDCL WSS Portal for a residential three-phase connection with a sanctioned load of 5 kW. Following compliance with the demand notice dated 06.01.2025 and completion of statutory formalities, the new three-phase connection was released on 09.01.2025.
- (v) In the interim, the Appellant alleged that the Respondent fabricated a theft case against him with the intent to extract additional amounts. The Respondent refuted this allegation, contending that the Appellant had voluntarily submitted a written statement expressly admitting to the act of theft, and that such statement was made without any coercion.
- (vi) On 26.12.2024, the Appellant filed an RTI application seeking documents pertaining to energy meter No. 9263231. While no records identify the individual who connected the meter, available records indicate that on 02.11.2023, the said meter was issued to Smt. Jayshree Parekar, Senior Technician (now retired) from the Sub-Division Office, under Gate Pass No. 1685. This three-phase meter was subsequently found installed for the common use of the premises, despite no sanction having been granted for such a connection. It is suspected that some employee of the Respondent may have been in collusion with the Appellant in committing the alleged theft of electricity. *[Note: An inquiry was advised to be conducted and finalized at the Respondent's level.]*



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- (vii) By letter dated 30.01.2025, the Appellant requested a refund of the assessment amount of Rs. 37,760/- and the compounding charges of Rs. 10,000/- already paid. The Respondent promptly replied detailing the sequence of events in the case and stating that, under the provisions of the Act, no provision exists for such a refund.
- (viii) The Appellant filed a grievance application before the Forum on 10.03.2025. By its order, the Forum rejected the grievance in accordance with Regulation 7.9 of the CGRF & EO Regulations, 2020, and observed in its order that it was a theft case.
- (ix) The Respondent cited the order dated 23.01.2024 in Representation No. 172/2023 of the Electricity Ombudsman (Mumbai), which clearly states that tampering and theft cases fall exclusively within the jurisdiction of the concerned Session Court/Special Court.
- (x) The Respondent, therefore, prays that the present representation be rejected in accordance with Regulation 7.9 of the CGRF & EO Regulations, 2020.

3. The Appellant's written submissions are stated as follows:

- (i) The Appellant is a developer of the premises located at S. No. 122/5, Sai Residency, as detailed in Table 1. The property consists of a four-storey building with six two-bedroom flats.
- (ii) The Respondent, by letter dated 17.12.2024, issued an alleged theft assessment bill of Rs. 37,760/- for 1,917 consumed units under Section 135 of the Electricity Act, 2003. The letter also demanded payment of compounding charges of Rs. 10,000/- to avoid initiation of legal proceedings.
- (iii) Both the theft assessment bill of Rs. 37,760/- and the compounding charges of Rs. 10,000/- are wholly unjustified. The Appellant denied committing any theft of electricity by way of direct connection. The alleged three-phase meter (Sr. No. 9263231, Avon make) was issued and installed by MSEDCL. The scheme for providing electricity connections to flat owners was duly planned, and the Appellant was unaware that this particular meter had been installed without any


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formal sanction. Despite this, the Respondent allegedly threatened legal action, compelling the Appellant to make payment on 23.12.2024.

(iv) The allegations of theft of energy and the consequent bill issued by the Respondent, are unfounded on the following grounds:

(a) In his RTI application dated 30.12.2024, the Appellant sought information regarding the consumer number and consumer name for whom the three-phase connection was released. In response, MSEDCL, by letter dated 07.01.2025, informed that no consumer number had been allotted and no record existed in the office showing that a three-phase connection was given to the Appellant.


(b) With reference to letter No. 2364 dated 17.12.2024 regarding the alleged three-phase connection to the Appellant, the RTI reply confirmed that no such information had been furnished to the Sub-Division office.

(v) It is further noted that the inspection report dated 04.12.2024 does not bear the signature of the Appellant or his representative.

(vi) The Avon make meter, as detailed in Table 1, was installed by the MSEDCL authorities; however, no records are available identifying the staff member(s) who carried out the installation of this meter in the said premises.

(vii) By letter dated 01.04.2025, the Appellant again requested the Respondent under RTI to provide all relevant documents pertaining to the alleged fabricated theft case involving the three-phase meter found in the premises on 04.12.2024. However, the Respondent failed to furnish the requested information.

(viii) The Appellant filed a grievance application before the Forum. By order dated 10.03.2025, the Forum rejected the grievance in terms of Regulation 7.9 of the CGRF & EO Regulations, 2020. The Appellant contends that the Forum failed to appreciate the core issue, namely, that the case was not one of theft, but rather a fabricated matter intended to blot the Appellant's reputation.


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(ix) In view of the above, the Appellant prays that the Respondent be directed to refund the assessment amount of Rs. 37,760/- and the compounding charges of Rs. 10,000/-, along with applicable interest.

4. During the course of the hearing, the Respondent was directed to submit a detailed report covering events from the commencement of the construction activity.

5. The Respondent, vide email dated 07.10.2025, submitted the following detailed report:

- A single-phase electricity connection (Consumer No. 279943014242) was released in the year 2022 for construction purposes, pursuant to an online application submitted through the MSEDCL WSS Portal. Accordingly, Genus make meter no.819742 was installed.
- On 07.03.2022, the Appellant applied for a load extension from single-phase to three-phase supply under the DDF Scheme, for which a one-pole extension of 0.06 km was required. The work was executed under the DDF Scheme, and the three-phase load was released in June 2022 under the commercial tariff category.
- By letter dated 11.05.2022, the Appellant applied for six single-phase connections and one three-phase connection for common use. These 7 connections were administratively and technically sanctioned on 01.08.2022. The Appellant paid Rs. 17,900/- toward service connection charges. However, only six single-phase connections were released upon receipt of test reports and completion of other formalities for generating consumer numbers. The details of the six consumers and the present three phase common connection are as follows:




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Table 2:

Survey No. 122/5 : Jaswandi Park, Laxmi Road Sangli						
Sr. No.	Name of Consumer	Consumer No.	Address	San. Load (KW)	Date of Supply	Purpose
1	Sunil Kumar Kumawat	279941814888	Flat No. 102	1.5	17-08-2022	Res.
2	Sitaram Amichand Dhayal	279941814951	Flat No. 401	2	17-08-2022	Res.
3	Sitaram Giridharilal Meena	279941814853	Flat No. 101	1.2	17-08-2022	Res.
4	Sitaram Giridharilal Meena	279941814861	Flat No.201	1.2	17-08-2022	Res.
5	Mahendra Giridharilal Meena	279941814934	Flat No.301	2	17-08-2022	Res.
6	Ramesh Shreekishanji Prajapati	279941814918	Flat No.202	1.5	17-08-2022	Res.
7	Sitaram Giridharilal Meena	279941866764	Common	5	09-01-2025	Res.(Common Purpose)

- No three-phase connection was released, on or around 17.8.22 (even though sanctioned) as the Appellant had failed to submit the required test report and complete other formalities. *[Note : Apparently at that time, the lift had not been installed. The Appellant had not paid S.D. and processing fee for the common connection].*
- By letter dated 04.07.2022, the Appellant informed that the construction work had been completed and requested that the tariff category of the construction meter (Consumer No. 279943014242) be changed from commercial to residential. Accordingly, the tariff was changed to residential without delay.
- On 26.08.2022, the Appellant applied for the permanent disconnection of Consumer No. 279943014242. The supply was permanently disconnected on the same date.
- No record exists indicating when the Appellant installed the lift. Further, the Appellant did not apply for re-sanctioning of the three-phase common meter, which had been administratively sanctioned under the technical scheme in 2022, until the beginning of 2024. Consequently, no consumer number was generated, nor was any further correspondence undertaken with the Respondent in this regard.


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Analysis and Ruling

6. The Appellant is a developer of the premises at S. No. 122/5, Sai Residency, Jaswand Park, Ramkrishna Paramhans Society, Sangli, Taluka Miraj, District Sangli, Pin-416416, comprising a four-storey building with six two-bedroom flats.

7. The Respondent stated that inspections on 26.11.2024 and 04.12.2024 revealed six electricity connections, five single-phase (duly billed) and one three-phase meter for common purposes. *[Note : Actually as revealed from Table 2, there were 7 electricity connections : 6 single phase (dully billed) and one 3 phase meter for common purposes]*. The three-phase Avon make meter (No. 9263231, 10-40 A, reading 1,917 KWH) had no consumer number, and was not officially released by the Respondent, and was allegedly illegally connected to supply power to the lift, 12 CFL lamps, and one bulb. The Appellant was booked under Section 135 of the Electricity Act, 2003. On 17.12.2024, an assessment bill of ₹37,760/- for 1,917 units and ₹10,000/- as compounding charges was issued. The Appellant paid ₹37,760/- on 23.12.2024 and ₹10,000/- on 26.12.2024, after which no legal proceedings were initiated. The Respondent maintains that as per Regulation 7.9 of the CGRF & EO Regulations, 2020, theft matters under Section 135 is beyond the jurisdiction of the Forum.

8. The Appellant denies theft, contending that the three-phase meter was installed by MSEDCL without his knowledge or sanction. He claims that threats of legal action compelled payment. RTI replies dated 07.01.2025 confirmed that no consumer number or record existed for the meter; the inspection report lacked any signature, and the consumer number was 'erased'. No record identifies the MSEDCL staff who installed the meter. The Forum rejected the grievance on 10.03.2025 under Regulation 7.9. The Appellant alleges fabrication and seeks refund of ₹37,760/- and ₹10,000/- with interest.


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9. This is a case where apparently a meter was installed for the lift and common purposes unauthorizedly by unknown persons, without official release of this connection and without any subsequent billing. The record indicates that electricity was actually consumed through this meter. The assessment period is 12 months (Jan. to Dec. 2024) for 1917 units, which comes to an average of about 160 units per month.

10. 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:*
.....”

11. In this case, inspections on 26.11.2024 and 04.12.2024 led to assessment under Section 135. Both parties opted for settlement through payment of compounding charges to the Government of Maharashtra. Prima facie, the matter falls within Section 135, triable only by the Special Court.

12. 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:


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(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).

CGRF & EO Regulations 2020 thus makes it clear that grievances relating to pilferage of electricity are expressly excluded from the jurisdiction of the Forum.

13. 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)


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