

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 152 OF 2022

In the matter of missing of meter

Chandrasingh Navalsingh BohraAppellant

V/s.

Adani Electricity Mumbai Limited (AEML)Respondent

Appearances:

Appellant : Chandrasingh Bohra

Respondent: 1. Mritunjay Jha, Dy. General Manager and Nodal Officer

2. Jayesh Kulkarni, Asst. Vice President


Coram: Vandana Krishna [IAS (Retd.)]

Date of hearing: 22nd November 2022

Date of Order : 28th November 2022

ORDER

This Representation was filed on 28th September 2022 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 29th July 2022 passed by the Consumer Grievance Redressal Forum, AEML(the Forum).



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Secretary
Electricity Ombudsman Mumbai



2. The Forum, by its Order dated 29.07.2022 has rejected the grievance application in Case No. 0606 of 2022-23.

3. The Appellant filed this representation against the order of the Forum. The hearing was held on 22.11.2022 through Video Conference. Both the parties were heard. The Appellant's written submission and arguments in brief is stated as below: -

- (i) The Appellant is a residential consumer (Consumer No.152823864) at Samata Nagar Nagrik Society, L.U. Gadkari Marg, Chembur, Mumbai.
- (ii) The Appellant was in arrears and the Respondent had removed his meter previously. The Appellant cleared all outstanding dues and finalised all formalities of the Respondent for reconnection of the meter. The Respondent installed an electric meter No. RS09858463 on 21.09.2019.
- (iii) On 05.10.2019, the electric meter was taken away or stolen by some unidentified persons by breaking the lock of the common meter box. The incident was reported to the nearest RCF police station immediately. The Police station sent a letter to the Respondent on 07.10.2019 seeking information regarding the meter. The Appellant also intimated to the Respondent regarding details of the incident by his letter dated 10.10.2019.
- (iv) The Respondent, by its letter dated 23.10.2019, informed the RCF Police station that the electric meter had not been removed by the Respondent. Thereafter, an FIR was registered in the RCF Police station for theft of the meter on 16.11.2019.
- (v) In the year 2021, the Appellant came to know that the stolen meter was received by the Respondent at their Ambedkar Garden office, Chembur and that, this stolen meter was installed to another consumer.
- (vi) The Appellant was astonished as to how the meter was found dumped in the premises of the Respondent despite strict security and that too during the Covid-19 pandemic lockdown situation.
- (vii) Hence, the Appellant filed a complaint with the Internal Complaint Redressal System(ICRS) of the Respondent on 17.01.2022 for proper investigation. On the complaint of Appellant, the ICRS should have initiated proper investigation through their


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internal or Vigilance Department about how the meter was dumped in the Ambedkar Garden office Chembur by an unidentified person, despite the entry / inventory / tight security of the Respondent. However, instead of conducting a proper investigation, ICRS adjusted Rs.1534/- into the Account Number of the Appellant.

- (viii) The ICRS did not inform the Appellant about the action taken on his complaint for several months. After several visits of the Appellant to the Respondent, a copy of the order was later provided to the Appellant on 01.06.2022. The Appellant wrote a letter to the Respondent in which he refused to accept the refund amount.
- (ix) Dissatisfied with the order of ICRS, the Appellant approached the Forum on 21.06.2022 and during the hearing the Appellant requested the Forum to investigate the incident and also to provide the copies of all correspondence between the RCF police station and AEML.
- (x) The Forum, by its Order dated 29.07.2022 has rejected the grievance application. The Forum failed to understand the basic case and hence, filed this Representation.
- (xi) In view of the above facts, the Appellant prays that
- to conduct a fair investigation of the incident of the meter dumped in the Ambedkar Garden office of the Respondent.
 - the Respondent be directed to provide all correspondence between Respondent and RCF Police Station.
 - strict action be taken against the Respondent towards the stolen meter which was not handed over to the police station and reused somewhere.

4. The Respondent, by its letter dated 01.11.2022 has submitted its written reply. The hearing was held on 22.11.2022. The written submission along with its arguments is stated in brief as below: -

- (i) The Appellant is a residential consumer (Consumer No.152823864) at Samata Nagar Nagrik Society, near special Oil Refinery, L.U. Gadkari Marg, Chembur, Mumbai.


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Preliminary Submissions: -

- (ii) That, the grievance regarding theft/shifting of the meter is not covered under the definition of 'Grievance' as per Regulation 2.1(e) of CGRF & EO Regulations 2020. Therefore, the present grievance deserves to be rejected.

Main Submissions:

- (iii) The meter No. RS09858463 was earlier installed for the premises of the Appellant. It is an admitted fact, that the issue raised by the Appellant is related to the theft of electricity meter No. RS09858463, against which FIR No. 354 /2019 under Section 379 & 34 of IPC has already been lodged by the Appellant against Ashok Namdev Jadhav and Altaf with RCF police Station Mumbai, and investigation pertaining to theft of the said electricity meter is being carried out by the Police Investigation Officer. Therefore, the representation filed by the Appellant is without any cause of action.
- (iv) On 07.10.2019, the Respondent received a letter from the Senior Inspector of Police, RCF Police Station. In the said letter, the Police Officer enquired about meter No. RS09858463. In response thereto, vide its letter dated 23.10.2019, the Respondent had informed the Senior Inspector of Police that the electricity connection vide CA No. 152823864 and meter No. RS09858463 has not been removed by the Respondent, and as per the records same is live.
- (v) In the meanwhile, on 10.10.2019, the Appellant served a letter to the Respondent at their office situated at Tilak Nagar and mentioned that two persons namely Altaf alias Nanhe and Ashok Bhima Jadhav have removed his meter RS09858463 from the meter cabin and for this he has lodged a police complaint. He further requested the Respondent for installation of a new meter. In view of the letter and pursuant to fulfilment of all formalities by the Appellant, a new meter bearing meter No.10652148 was installed to the Appellant.
- (vi) During Covid-19 lockdown some unknown person dropped the stolen meter No.RS09858463 at the Respondent's Ambedkar Garden office. The said meter was sent to Meter testing laboratory for testing of accuracy, and it was found to be in order. Post testing of the meter, it got installed at another consumer's premises. The Respondent vide its letter dated 01.09.2021 updated the Senior Inspector of Police about these developments. It is submitted that the Respondent is providing all available details and information to the Police Investigating officer for appropriate investigation in the matter.


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Secretary
Electricity Ombudsman Mumbai




- (vii) Further the stolen meter cost i.e., Rs. 1534/- initially deposited by the Appellant has already been credited in his Contract Account No.152823864. Thus, the matter should be closed.
- (viii) The Forum has passed the Order after careful consideration of the entire facts, documents on records, details and submissions made by the parties and there is no infirmity in the impugned order. Therefore, the order passed by the Forum does not warrant any interference. In view of the above, the Respondent prays that the representation of the Appellant be rejected.

Analysis and Ruling

5. Heard the parties and perused the documents on record. The Appellant was once disconnected by removing his earlier meter due to pending arrears. After the clearance of these arrears by the Appellant, a new meter No. RS09858463 was installed on 21.09.2019. At that time, the Respondent contended that one Shri Ashok Jadhav had taken strong objection for installation of the meter. However, the meter was installed. After a few days i.e. on 05.10.2019, the said meter was stolen. The Appellant made a police complaint immediately. The police authority inquired with the Respondent on 07.10.2019 whether the Respondent had removed the meter. The Respondent, by its letter dated 23.10.2019 intimated the police that the said meter was not removed by the Respondent. The Appellant in his statement mentioned to the police that Shri Ashok Jadhav and Altaf had removed this meter by breaking the lock of the meter cabin, and at that time Ashok Jadhav was carrying a sword. After a detailed inquiry, an FIR was registered on 16.11.2019 (No. 54/19) against Ashok Jadhav and Altaf. In the meantime, the Appellant requested to install a new meter. The Respondent installed a new meter No.10652148 after payment of Rs.1534/-.

6. The Respondent contended that during Covid-19 lockdown period, the stolen meter No.RS09858463 was found among a lot of other meters at the Respondent's Ambedkar Garden office. Along with the other meters, this meter was also sent to the meter testing laboratory for testing its accuracy. Post testing, the said meter got installed at another consumer's premises by mistake. The Respondent vide its letter dated 01.09.2021, updated the Senior Inspector of Police of these developments. The Respondent has provided all available details and information to the Police


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Secretary
Electricity Ombudsman Mumbai



Investigating officer for appropriate investigation in the matter. The meter cost of Rs. 1534/- of the stolen meter deposited by the Appellant has already been credited in his Contract Account No.152823864.

7. In view of the above, no grievance remains except that the Appellant prays for investigation of how the meter was found in the Respondent's premises under its tight security including gate pass, CC TV system, etc. The Respondent fairly admitted that there was a lacuna in its security system. The CC TV was not installed at that time. The Respondent has taken a review of its security system and has now updated it. The CC TV is also installed.

8. The prayer of the Appellant for investigation of a stolen meter does not come under the jurisdiction of this Authority since this grievance does not come under the definition of 'Grievance' of CGRF & EO Regulations 2020. The said definition is quoted as below:


The Regulation 2.1 (e) enunciates as under:

"Grievance" means any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance, which has been undertaken to be performed by a Distribution Licensee in pursuance of a licence, contract, agreement or under the Electricity Supply Code or in relation to Standards of Performance of Distribution Licensees as specified by the Commission and includes inter alia Grievances in respect of non-compliance of any Order of the Commission or any action to be taken in pursuance thereof, which are within the jurisdiction of the Forum or Electricity Ombudsman, as the case may be;"

9. In the said case, a FIR has already been registered by the police authority, being a robbery case, and the investigation is also going on. Hence, the case is not maintainable before this Authority. The Forum has rightly disposed of the complaint.

10. In view of the above, the representation is rejected and disposed of accordingly.

Sd/
(Vandana Krishna)
Electricity Ombudsman (Mumbai)


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

