

**: ORDER BELOW EXH.5 IN CRI. MISC. APPLICATION NO.
189/2024 :**
(CNR No. MHRG15-000834-2024)
(Passed on 07.01.2025)

- 1) The present application is filed by the applicant under section 154(5) of Electricity Act, 2003, for reconnection of electricity of Consumer No.035410002637.
- 2) The applicant contended that he is having fixed place of residence at the address mentioned in the cause title of the application.
- 3) He further contended that he is regularly paying the bills of MSEDCL Company without tampering any meter and is doing his business since long time. On 27.05.2024, the officers of respondents had visited the business place of applicant and had inspected his commercial electric connection bearing No. 035410002637. They alleged that he had committed theft of electricity, pursuant to which, on 30.10.2024 Crime No.258 of 2024, is registered against him at Mangaon police station for the offence punishable under section 135 of Electricity Act.
- 4) He further contended that he has not committed any offence, as alleged in the report. The actual sanctioned and connected load of his Meter is 8.95 kw. He had taken commercial electricity connection for his business. He is regularly paying the bills, but the MSEDCL officers had conducted the inspection of the

business place, when he was not present at said place. They have made panchanama and obtained signatures of workers of applicant. The action of the officers of MSEDCL is illegal. They have charged exorbitant assessment bill of Rs.6,93,207/- for using 33435 units of electricity.

5) He further contended that the Meter is not tampered as alleged by the respondents. He has filed application for fixing his civil liability. The said application will take its own time and till then if his electric connection is not reconnected, then his business will collapse and he will suffer huge monetary loss. He prayed that his application be allowed.

6) The respondents have filed their say at Exh.15. They denied all adverse contentions of applicant. They contended that the applicant had not come to Court with clean hands. The applicant is having electricity meter bearing Consumer No.035410002637 and Consumer No.035410002076 at the same premises. The sanction load of Consumer No.035410002637 is 15 KW. and of Consumer No.035410002076 is 8.95 KW. On 27.05.2024 the officers of respondents inspected the premises of applicant, wherein they found that the applicant had directly connected the 'Y' Phase of 3 Phase meter, resulted in unrecorded consumption of electricity in respect of Consumer No.035410002076. The 3 Phase meter was found burnt of Consumer No.035410002637 and the applicant by bypassing the

meter had committed theft of electricity. In the inspection, it further revealed that the applicant has directly connected the hook and had used the additional connected load of 30.84 KW. The inspecting officer has assessed the units of theft and has charged an amount of Rs.1,01,750/- in respect of Consumer No.035410002076, Rs.6,93,210/- in respect of Consumer No.035410002637 and an amount of Rs.3,05,800/- of hook connection. The applicant in total had committed theft of electricity to the tune of Rs.11,00,760/-.

7) They further contended that if the meter is reconnected, without the applicant paying the assessment charges, then there will be huge loss to the respondents. They prayed that the applicant be directed to pay the entire bill amount.

8) Heard Ld. advocates appearing for parties.

9) On perusal of material available on record, it appears that the present application is filed in respect of Consumer No.035410002637. The connected load of said meter was 15 KW. The say filed by the respondents shows that another meter bearing Consumer No.035410002076 was also installed in the same premises. The 3 Phase meter was burnt and the electricity was used by bypassing the meter. The material further shows that the respondents have charged the electricity from January 2024 to

May 2024. The say filed by the respondent further shows that the applicant by putting the hook had also committed the theft of electricity to the tune of Rs.3,05,800/-. The applicant in total had committed theft of electricity to the tune of Rs.11,00,760/-.

10) The Ld. Advocate appearing for applicant had relied upon the Judgment & Order, passed by the Hon'ble Bombay High Court in Criminal Application No.151 of 2022, passed in M/s. Diamond Ice Factory Vs. Maharashtra State Electricity Distribution Co. Ltd. And Ors. On perusal of said Judgment, it appears that the applicant in said application has given the bifurcation of the amount of theft bill in his application and the Hon'ble Bombay High Court had taken said bifurcation in consideration and had directed the applicant to deposit an amount of Rs.25,48,195/-. In the present matter, it appears that two meters were installed at the same premises. The theft of electricity was committed by bypassing both the meters. It also appears that the theft was committed of electricity by taking hook connection. The applicant in total has committed theft of electricity to the tune of Rs.11,00,760/-. In the authority relied by the Ld. Advocate appearing for the applicant, it does not show that the theft of electricity, was committed by hook. In the present matter, apart from bypassing the meter, the applicant had also committed theft of electricity by using hook. Therefore, in the facts & circumstances of present case, it will be appropriate to direct the applicant to deposit 50% of the bill amount, prior to reconnecting

his meter. Hence, I proceed to pass following order :-

: O R D E R :

- 1) The application is allowed.
- 2) The applicant is directed to deposit 50% of the bill amount of meter bearing Consumer No.035410002637, with MSEDCL.
- 3) After the applicant deposits 50% of the bill amount of meter bearing Consumer No.035410002637, the MSEDCL is directed to restore the power supply of meter bearing Consumer No.035410002637, within 7 days, from the date of receipt of said bill amount.

(Dictated and pronounced in open Court)

Mangaon.
Date : 07.01.2025.

(H. K. Bhalerao)
Additional Sessions Judge,
Mangaon-Raigad