**Date: 24.2.2025**

 **Complaint u/s 154(1) CRPC**

**THEFT OF DIGITAL METERS BY BEST UNDERTAKING FROM CONSUMERS PREMISES AND OTHER OFFENCES**

To,

Sr. PI Azad maidan Police station.

**Complaint disclosing cognizable offences**

cc

1. Hon. MERC
2. GM BEST Having office at BEST House Colaba, Mumbai ( gm@bestundertaking.com)
3. Addl MC city having office at BMC Head office CST. ( amc.city@mcgm.gov.in) **Role is disclosed as Addl MC city is responsible for working of BEST vide circular dt. 2.9.24**
4. Unknown accused whose role shall be disclosed during investigation.

**The videos relied upon are sent by email on 22.2.25 Devendra Fadnavis ji and fire spreading**

**This may be considered as my statement.**

I Mr. Kamlakar Ratnakar Shenoy aged 67 years, alert senior citizen residing at B 903, Vaishali Apartment, Opp. MTNL exchange, Sheth Motisha lane, Mazgaon, Mumbai-4000010. Mob: 9870987359, is filing this complaint disclosing cognizable offences. As per section 154(1) CRPC as the complaint discloses cognizable offences FIR shall be registered. and

I am alert citizen of India and filing this complaint under the power showered on citizen by Article 51 of the Constitution. Further concept of locus standii is alien for any citizen from setting the criminal prosecution in motion. **I have lodged my complaint before Azad Maidan Police station since 2.6.2024**. In furtherance to my submission on 11.6.2024 is Complaint providing the information which discloses commission of **Cognizable offence u/s** 109, 166, 167, 217, 218, 219, 380,405, 389, 403, 409, 420, 431, 442, 443, 465, 468, 471, **477A, IPC r/w 120 B committed by the above accused persons by committing theft of electronic / digital electrical meters from building of Mumbaikars amongst others.**

**Date of offence:** around 22.4.2024 and is continuous offence after the illegal notice was issued by concealing true facts and without legal authority**.**

**Details of accused**

1. General manager BEST undertaking, having office at BEST Head Office, Colaba, Mumbai
2. Addl MC City having office on 2nd floor at BMC head office, CST, Mumbai-400001. **(responsible for BEST undertaking work as per circular 2.4.24 at serial no. 21 and 2.9.24 at serial no. 20)**

**Jurisdiction of Azad Maidan police station:** the office of the accused Smt. Ashwini Joshi ( Addl MC ( city) who is the HOD and responsible for BEST undertaking is within jurisdiction of this police station. office is in BMC HO, CST, Mumbai-400001.

**Details of offence**:

1. The complainant is filing this complaint u/s 154(1) CRPC against the above public servants and others whose name is unknown and those who have conspired and committed the following offences:
2. has not been covered under the RDSS scheme but prepared bogus, incorrect documents and used it as genuine to support their claim that BEST undertaking is included in the RDSS scheme of Central Government for replacement of electric meters to smart electric meters.
3. Best undertaking was duty bound to inform and take written consent of each of the electric consumers before installation of smart meters.
4. The BEST was duty bound to give the options of which electric meter the consumers intends to install. Forcible installation of smart meters is not permissible under law..
5. BEST undertaking has wrongfully and illegally entered the premises of the electric consumers without written consent of the electricity consumer, and committed the offence of trespassing.
6. Illegally opened the meter box by deceit, committed theft of the electronic meters working in good condition.
7. Illegally installed a defective smart meter which does not have the certification from Metrology department certifying the correctness of the meter reading, which resulted into many complaints for inflated bills thereby causing injury, harassment and annoyance to the electric consumers. the Violation of MERC order in case no. 203 of 2022. **(Exhibit-A is copy of the order attached)**
8. BEST undertaking though not covered under RDSS scheme to install smart meters have prepared bogus documents in connivance with other unknown accused to wrongfully show that they are covered under RDSS scheme and thereby install the smart meter causeing criminal breach of trust by public servant / merchant / agent.
9. The RDSS scheme is applicable only to Government electric company and not to BEST, Adani, Tata power and others who are not controlled by State government or Central government. However, forcefully and by deceit install electric meters.
10. The objective of the installation of smart meter is to reduce the distribution and transmission losses from 40% to 15% which are accused due to corruption and incompetency of the public servants. However, the losses in BEST undertaking is around 3.5% (i.e. 25 % of what the RDSS scheme intends to achieve). Cheating the consumers
11. The Power Minister has clearly stated on the floor of the Maharashtra Assembly that smart meters shall be installed only in feeders, substation and government offices. Inspite of the same the BEST has been illegally and forcefully installing the smart meters. **(attached the video recording of Hon. Minister Devendra Fadnavis)**
12. Investigation required for increase of cost from Rs. 6000 (as sanctioned by RDSS scheme) to Rs. 12000 per meter
13. Investigation required for another increase from 1303 crores to 1720 crores.
14. Investigation required to install the smart meters almost one year before taking principal approval from MERC.

**Notice issued to install smart meters illegal and bogus without legal authority and violating every provision of law**

1. BEST undertaking issued illegal and defective notice dt. 22.4.24 without mentioning the name of the electricity consumer, without disclosing the name of the signatory and section under Electricity act relied upon to issue such notice. The said notice was illegal and incorrect documents concealing true facts and misleading the consumers that the installation is free of cost and concealed the fact that the hidden cost shall be recovered by submitting MYT Petition before the Hon. MERC. Some of the facts concealed to induce the consumers to allow installation of smart meters are
2. That no consent of the electric consumers is required.
3. That no cost shall be recovered from consumers
4. That the meter shall be prepaid and the credit period of 51 days shall be stopped
5. That there shall be surging charges after all the smart meters are installed.
6. That there is no certification from Metrology department certifying the correctness of the bill and the bills shall be inflated.
7. Disobeying direction of MERC order dt. 20.12.23 in Case no. 203 of 2022 (para 12)
8. That there shall be greater efficiency and reduction in cost which is beneficial to consumers.
9. Smart meters are fire friendly and facilitates fire spreading. (Los Angeles video)
10. Several others

Hereto annexed and marked as

**Exhibit-B** is copy of the notice dt. 22.4.24 received by the Complainant without following due process of law and concealing al vital facts.

**Cheating, criminal breach of trust by installing smart meters without certification from Metrology department**

1. The complainant is also attaching the bills of BEST undertaking which are inflated which further proves that that there is no certification from Metrology department assuring that the meter is as per law and not manipulated. Hence misrepresentation cheating and wrongful loss to the consumers in addition to injury and mental physical harassment and agony.

**Exhibit-C** are copies of inflated and incorrect electricity bills raised.

1. **Section 2.6 of the Revamped Distribution Sector Scheme (RDSS)**: outlines the eligibility criteria for entities seeking financial assistance under the scheme. According to the guidelines:
2. **Eligible Entities**: All **State-owned Distribution Companies** and **State/Union Territory Power Departments** are eligible for financial assistance under the RDSS. [powermin.gov.in](https://powermin.gov.in/sites/default/files/uploads/Final_Revamped_Scheme_Guidelines.pdf?utm_source=chatgpt.com)
3. **Exclusions**: **Private sector power companies** are excluded from receiving financial assistance under this scheme.
4. BEST is not State Electricity Board owned by State Government.
5. **Illegal Principal approval by Hon. MERC for installation of smart meters, without following due process and in violation to electricity act and defeating purpose of smart meters installation to reduce losses.**
6. The Hon. MERC has no jurisdiction to grant principle approval for installation of smart meters as it is Central Government scheme.
7. The BEST has started installing the Smart meter even before the grant of approval by Hon. MERC. No such permission can be granted.

**No installation of smart meters where there are heavy arrears and distribution losses.**

1. Hon. MERC decision to not to install the smart meters in agriculture sector having arrears of Rs. 43000 crores and losses up to 40%

 But allow illegal and forcible installation of smart meters

1. BEST 3.5%
2. Tata 1%
3. Adani 5.93 %
4. Torrent 4.27%

The total arrears are few hundreds of crores in comparison to Rs. 43000 crores of agriculture sector.

1. The Hon. MERC has overlooked the following illegalities and granted principle approval
2. the legal jurisdiction that BEST is not covered under RDSS.
3. The scheme is only for Central and state government electric distribution.
4. The letter dt. 21.11.2022 issued by Power finance corporation (PFC) is without any legal authority as it is just a nodal agency. (**Ministry of Power (MoP), Government of India** – Grants approval for participation and funding under RDSS. (NOT PFC)
5. **That the objective of smart meter is to bring down the distribution losses to 15%. (BEST is well below i.e. just 3.5%).** hence, smart meter should not have been installed.
6. **That how is 12000 per smart meter cost justified (i.**e. Rs.1303 crores)
7. in-Principal clearance of various schemes under RDSS for the cost of Rs 1720.14 crores vide letter ref. MERC/CAPEX/2023-24/0023 Date 09/01/2024 is ultra vires and thereby illegal.
8. **Cheating by submitting proposal of charging around .40 P per unit towards O & M of smart meters:**
9. The proposal submitted by BEST undertaking to MERC which was argued by me on 17.2.25 discloses that BEST shall be collecting Rs. 0.40 per unit **(plus other charges and taxes)** for 90 months for a smart meter costing Rs. 6000. The impacts of Rs. 40 is resulted into increase of Rs. 0.60 per unit.
10. An average hotel bill is for consumption of around 5000 units i.e. Rs. 2000 per month. So for 90 months the amount collected towards O & M shall be around more than 2,00,000/- (2 Lacs) towards the total cost of smart meter costing Rs. 6000/-.
11. **Cheating by** **not refunding the cost of the electronic meters in good working condition removed by theft, thereby causing wrongful loss.**

When the smart electric meter cost is recovered from consumers through increase in cost per unit, BEST has cheated the consumer’s by not refunding the cost of digital meters which they have stolen.

The following are some arbitrary decision without application of mind and against the larger public ineptest thereby causing wrongful loss which constitute an offence of cheating and criminal breach of trust amongst other offences.

1. **Objectives of installing smart meters is to reduce the transmission and distribution loses from 40% to 15%. BEST transmission is just 3.5 %. Hence, there is no purpose of installing Smart meters by BEST undertaking**

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| --- | --- |
| **The objective of the RDSS Scheme** is to reduce AT&C loss which for some of the State-Owned Electricity Distribution Companies could be 40% or more. | The distribution loss of BEST Undertaking is less than 4.2% and the interstate transmission loss is less than 3.2%. The AT&C loss of BEST Undertaking is much below the objective of RDSS Scheme. BEST Undertaking does not qualify under Objectives of RDSS Scheme.  |

1. **BEST undertaking is not covered under RDSS**

|  |  |
| --- | --- |
| **Facts and legal position**  | **Misrepresentation by BEST undertaking**  |
| **As per Section 2.6 of RDSS Scheme, the Eligible Entities**: for Part A of the Scheme are (Section 2.6.1) All State Owned Distribution Companies and State/ UT Power Departments (referred to as Discoms collectively) excluding private sector power companies. | BEST Undertaking is Undertaking of Municipal Corporation of Greater Mumbai (MCGM). BEST Undertaking is not State Owned Electricity Distribution Company. **BEST Undertaking is not eligible entity under RDSS Scheme.**  |

1. **Fraud by changing the tender condition from “appointment of full turnkey contractor ( AMI-SP)**

 **To s**

 **“Execution of prepaid smart metering project**

|  |  |
| --- | --- |
| **BEST DPR TO MERC 1.4.1 Brief Information about the Tender:**Notice of Inviting Tender was advertised for “**appointment of full turnkey contractor ( AMI-SP)** to execute project under RDSS. | the tender condition was changed after opening bid to **“Execution of prepaid smart metering project**” (1117/1587).**Conspiracy and Criminal breach of trust by BEST**1. Misconceived advertisement to avoid professional Smart meter manufacturers
2. Resulting to poor response from the bidders, instead of calling for fresh tenders specifying clear requirements for “SMART METER”. multiple extensions were given.
3. BEST Undertaking, opened Tender on 21st July 2022 i.e. before the approval from Central Govt.
4. **Tender condition changed from full turnkey contract (AMI-SP) to execute project under RDSS**,
 |

1. **Contradiction / disobedience of direction of law and acts against larger public interest causing wrongful loss .**

|  |  |  |  |
| --- | --- | --- | --- |
| **Subject**  | **Electronic meter 5 years ago**  | **Smart meter now**  | **Remarks**  |
| **Video of Shri Devendra Fadnavis direction**  | NA | Only to government buildings, feeders and substations.  | Forcibly installed everywhere by fraud and deceit;  |
| **Study carried out**  | NA | Fraud and not disclosed  | Cheating public  |
| **Notice**  | NA | Concealed many facts from consumers  | 1. Without consent.
2. Notice defective
3. Notice not issued to each consumers
4. Notice do not give choice of meter
5. Contempt of MERC order dt. 20.12.23 in Case no. 203 of 2022 ( para 12)
6. Meter installation is free of cost
 |
| **Weights and measures dept certificate**  |  | Not obtained  | Cheating consumers  |
| **Forcible installation in new building without consent of occupants**  | NA | Not compulsory to replace existing meters.It is guideline ( MERC order case 203 of 22 Forcibly builders are threatened to not give OC  | Gazette 28.2.2022 para 15.1.1 **( Attached Exhibit-15A)** 1. new connections with smart meters
2. replaced with smart meters

UDD GR dt. 29.11.2024 page 3 para 2 |
| **Reduction of cost per unit**  | **NA** | Zero  | No benefits to consumers  |
| **Increase in cost per unit**  | **NA** | Will increase after ARR is submitted to MERC | Cheating. concealing of true facts  |
| **Legal position**  | 90000 meters were installed in 2024 | Not compulsory | Electronic companies cheating and forcing consumers illegally  |
| **Opposition by elected representatives**  | NA | Video of Amin Patel and many others jointlyAnil Parab / Ajay Chowdhry  | Now elected representatives are not taking seriously No one wants to hit the road continuously or move the court. |
| **Investment**  | Thousands of crores  | 1303 plus 408 crores crores  | Money spent on electronic meters goes down drain  |
| **Destruction of public property**  | Where will these electronic meter be used  |  | Pollution and destruction |
| **Cost**  | Rs. 600 with long lasting life  | Rs. 6000  | What are the additional ingredients which cost 10 times more  |
| **Maintanence**  | Nil  | Rs. 6000 per year  | Unreasonable inflated  |
| **Life expectancy**  | Long life  | 90 months  | Every 90 months recurring expenses.  |
| **Contradictory stand**  | Installed in all  | Not to residential Not to agriculture sector  | Confusion and wrongful destruction of tax payer money  |
| **Payment facilities**  | 51 days after using  | Prepaid  | Illegally implemented  |
| **BEST letter to energy dept.** | NA  | No answer even after 70 days.  | Letter dt. 22.10.24 to Energy dept by BEST undertaking  |
| **Inflated bills**  | Hardly  | Several and Many complaints  | Cheating / falsification of accounts. |
| **Fire in Los Angeles**  | NA | Many houses burnt in fore  | No affidavit filed to provide the study carried out which endangers life and property. |
| **RTI dt. 7.6.24, , 20.6.24, 30.7.24** |  | Details of action taken  | No reply |
| **RTI on letter to energy dpt**  |  | Provision of law  | No reply  |
| **RTI wheeling charges 30.1.25** |  |  | No reply  |

1. **Falsified accounts and bills:** causing physical hurt and injury and financial losses**.**
2. There are several complaints wherein bills have been inflated by 300 to 400%. The consumers are made to stand in line for hours in such hot and unhealthy circumstances, in addition to two hours of travelling.
3. Further when consumers oppose, the clerk reduces the bill from 50 to 75% on his own. Such conduct is confession and admission of the fraud committed thereby committing offences u/s 477A, 405, 406, 409, 465, 468, 471 IPC.
4. No sections and provision of law provided to empower the clerk at the counter to reduce the bill amount by 50 to 75%.
5. Standard Operating procedure to be followed while reducing the bill amount.
6. SOP to provide compensation to consumers who have put to harassment by providing inflated bills.
7. **No certification for the smart meters from weights and measures dept and metrology department**

The BEST undertaking has failed to provide the certification issued by weights and measures department as well Metrology department, clearly disclosing the dishonest intentions and ulterior notices as well as previous and subsequent conduct of the accused.

1. **Role of General Manager, BEST Undertaking**
2. Authorized decision-maker responsible for execution of smart meter installation.
3. Approved the procurement, tendering, and implementation despite BEST not being eligible under RDSS.
4. Facilitated wrongful misrepresentation of facts before MERC and consumers.
5. **Role Additional Municipal Commissioner (City), BMC**
6. Head of the BEST Undertaking as per BMC circulars dated 02.04.2024 and 02.09.2024.
7. Oversaw the execution of smart meter installation and allowed BEST to proceed without legal eligibility under RDSS.
8. Failed to ensure transparency and compliance with consumer rights.
9.
10. **Direct Authority of Addl MC (city), BMC Over BEST Operations.**
11. Since the Addl MC (City) is designated as the in-charge authority, all major decisions, policies, and actions related to BEST operations fall under their supervision.
12. Any **irregularities, illegal actions, or lapses in service** can be directly attributed to their failure in overseeing BEST properly.
13. **Legal and Administrative Accountability.**
14. As the designated head, the Addl MC (City) is accountable for ensuring that BEST follows all legal, financial, and administrative protocols.
15. If **illegal collection of wheeling charges or unauthorized smart meter installations** have occurred, the Addl MC (City) can be questioned on why due process was not followed
16. **Role of MERC (Maharashtra Electricity Regulatory Commission) in the Alleged Offences**
17. **Illegal Grant of Principal Approval for Smart Meters**
	1. MERC granted in-principle approval for smart meter installation despite **BEST not being covered under the RDSS scheme**.
	2. Overlooked that RDSS is applicable **only to state-owned Discoms**, while BEST is a municipal undertaking.
18. **MERC ratifying the illegal acts of BEST after almost 2 years.**
	1. Before initiating significant capital works, Discoms are required to obtain In-principal approval for prudence check, to assess necessity, efficiency, cost benefit etc and process has to start after in-principal approval is given.
	2. But in July 2022 that is nearly two years before taking in-principal approval from MERC in January 2024. BEST had already illegally entered into contract to replace Ten Lakh Eighty Thousand electronic meters at cost of Rs 1303.16 crores. That is BEST is seeking ratification of unauthorized act of illegally awarding a contract under RDSS scheme when it had no approval from RDSS approval authority.
19. **Failure to Ensure Consumer Rights and Due Process**
	1. Did not enforce **mandatory consumer consent** for meter replacement.
	2. Ignored the legal requirement of providing **meter options** to consumers, violating MERC Order in **Case No. 203 of 2022**.
20. **Approval of Inflated Costs and Financial Misrepresentation**
	1. Cleared the **in-principle expenditure of ₹1,720 crores** for smart meters without proper justification.
	2. Allowed BEST to recover meter costs through increased electricity tariffs, misleading consumers about "free installation."

**Duty of the GM-BEST, Addl MC (city) BMC, Hon. MERC to ensure that the subordinate officers discharge their duty faithfully and with devotion**

The above three senior most officers and offices i.e. are watch dogs on behalf of the consumers. These there are duty bound to ensure that the subordinate officers shall discharge their duty with integrity, devotion, faithfulness in large public interest. However, **the same appears to be blatantly violated and thereby committed criminal breach of trust by public servant in addition to culpable negligence.**

1. **Unknown Accused (to be identified during investigation)**
2. Officials who conspired in preparing false documents to claim RDSS eligibility.
3. Private contractors and suppliers who colluded in awarding the tender.
4. Clerks and engineers who engaged in coercive and fraudulent billing practices.

**Disobeying Allegiance to the Constitution and National Emblem**

1. **Violation of Constitutional Duties.**
2. The accused public servants, including officials of BEST, MERC, and others, have violated their constitutional duty by acting **against public interest** and facilitating fraud.
3. Their actions contradict **Article 51A(h) & (j)** of the Constitution, which mandates citizens, including public officials, to develop a scientific temper, humanism, and a spirit of inquiry and reform, as well as to strive for excellence.
4. **Disregard for the National Emblem and Its Motto – "Satyameva Jayate" (Truth Alone Triumphs)**
5. The acts of misrepresentation, falsification of records, and fraudulent recovery of charges contradict the national commitment to **truth and justice** as enshrined in the motto **"Satyameva Jayate"**.
6. The accused have misused public office for personal and institutional gains, **betraying the trust of citizens** and violating the principles of governance based on **transparency, accountability, and fairness**.
7. **Electricity as an Essential Commodity and Consumer Rights Violation**
* Electricity is recognized as an **essential commodity** under the **Essential Commodities Act, 1955**, and its uninterrupted, fair, and legal supply is a fundamental right of consumers.
* The wrongful removal of digital meters and forced installation of smart meters without consumer consent violates consumer protection laws and the Electricity Act, 2003.
* BEST, MERC, and other accused have engaged in **unauthorized disruptions** and **coercive practices**, depriving consumers of their legally entitled services.
* The fraudulent cost recovery mechanisms and inflated billing amount to an abuse of monopoly power, leading to financial exploitation of consumers.

**Duty of Azad Maidan police station to register FIR**

1. This complaint u/s 154(1) CRPC discloses commission of cognizable offences. Hence, FIR shall be registered immediately against the officers of BEST undertaking and others.
2. Failure to register FIR and conducting illegal enquiry shall be liable for prosecution u/s 166(A) IPC. The SR PI and DCP has no authority to verify the correctness and genuineness of the contents of the complaint disclosing commission of cognizable offences.

 Sign of the complainant