**Date: 28.7.24**

330- 229 / SR PI Azad maidan / complaint u/s 154(1) CRPC and 173(1)(ii) BNSS to register FIR/ Sadguru café smart electric meter folder and file

 **Complaint u/s 173(1)(ii) BNSS and 154(1) CRPC**

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

To,

Sr. PI Azad Maidan police station

DCP zone-1

Cc

1. Hon. MERC having office at World Trade Centre, Mumbai ( merindia@merc.gov.in )
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)

I Mr. Kamlakar Shenoy (Senior Citizen aged 67 years) residing at B-903, Vaishali Apat. Opp. MTNL exchange, Sheth Motisha Lane, Mazgaon, Mumbai-400010. Mob: 9870987359.

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.

* 1. is lodging a complaint providing the information which discloses commission of **Cognizable offence u/s** 109 (BNS 49, 166 ( BNS 198) , 167 ( BNS 201), 217 (255 BNS) , 218 ( 256 BNS) , 219 (257), 380 405 ( BNS 316(1) , 389 ( BNS 305) IPC 403 (314) , 406 ( BNS 316(2), 409 ( BNS 316(5) , 420 ( BNS 318(4) , , 431 ( BNS 326(b), 442( BNSS 329(1), 443 ( BNSS 330(1), 465 ( BNS 336(2), 468 ( BNS 336(3), 471 (BNS 340(2), **477A( BNS 344), ( IPC r/w 120 B (BNS 61(2) committed by the above accused persons by committing theft of digital electrical meters from our building amongst others.**

**Details of accused**

1. General manager BEST undertaking
2. Addl MC City **(responsible for BEST undertaking work as per circular 2.4.24 at serial no. 21)**
3. Members of MERC (who has passed the order directing installation of smart electric meters)

**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.

**Details of offence**: BEST has installed board in the office at Colaba, and several complaints lodged by citizens as well notice intimation dt. 22.4.24 at my business address (copy attached). the complaint shall produce all videos disclosing the illegal installation of electric smart meters.

The complainant is filing this complaint u/s 154(1) CRPC against the above public servants who have conspired and thereafter acted in furtherance to evil design and have stolen the digital electric meters and illegally / wrongfully installed smart electric meters without legal intimation and without obtaining written consent from each of the electricity consumers with dishonest intentions to cause injury and wrongful loss to electricity consumers. Public representative Mr. Kamlakar Shenoy have raised several objections, vide correspondence and RTI applications, which conclusively proves that the smart electric meters are against the larger public interest and benefiting the dealers and manufacturers of such meters.

The following are some of the grounds amongst others which constitute an offence of cheating and criminal breach of trust amongst other offences.

1. **Legal process and permission followed is abuse of law**

**Power Ministry RDSS is directives and not law:** BEST shall give clarification on affidavit

1. The direction of Power Ministry is law and is binding on BEST undertaking which is registered under Company act.
2. Whether before installation of smart meters BEST have sought legal permission and authority from
	* 1. State government.
		2. Municipal Commissioner
		3. BMC and other competent authorities
		4. Whether BMC has been paying the BEST their dues for carrying out daily business and for procurement of materials to serve the citizens of their services.

1. **Dy. Chief Minister statement in legislative Assembly that smart meters shall not be installed for residential and commercial premises but only for government ( 6.20 to 6.50 minutes)**

The Hon. Dy. Chief Minister has stated that the smart meters shall not be installed for small consumer’s substation, distribution systems feeders and government offices. Attached is the video link for ready reference. This further confirms that installation of the smart meters in the buildings and business places is illegal and without legal authority.

**Committed theft of digital electric meters from the building.**

**The BEST undertaking is seized with knowledge that the consumer has paid the cost of the digital meter and therefore he has ownership right on the digital meter. Hence, legal procedure in accordance with law was required to be mandatorily followed.**

1. **Affixing bogus / incorrect / manipulated / Wrongful and Illegal notice / intimation without having any legal authority.**
2. The notice does not disclose the mandatory information required by law:
3. outward number given to each of the letters.
4. Name, designation of the person signing the document is not provided.
5. Date on which the document is signed is not disclosed.
6. The original copy of the notice / intimation is not provided.
7. Full name, office address and name of the nodal officers of the M/S AESL not provided.
8. Telephone 02222856262 gets disconnected before the call is connected. Hence , no consumers can communicate
9. Telephone 02222851244 is not working (confirmed on Saturday i.e. 1.6.24 from MTNL Mazgaon exchange around 11.30 am)

The dishonest intention of the accused is clear that the consumers shall be tired and harassed and succumb to their dishonest intentions.

1. Name of the person who signed the notice.
2. Name of the person who drafted the notice
3. The notice does not mention under which section and provision of law relied upon to issue notice and intimation without name and meter number to each consumer.
4. Section and provision of law relied upon to enter the premises / building without valid permission and consent in writing and thereafter to steal the digital meters and illegally install manipulated meter.
5. Section and provision of law relied upon to paste the notice at the entrance of the building.
6. Section and provision of law relied upon to direct an unauthorized person to enter the building to steal the digital meter and install the manipulated smart meter.
7. The notice does not disclose the provision of law and sections and orders of the competent authority under which the digital meters are replace by smart meters without consent of each consumer.
8. The full details such as names, address and other mandatory details of the contractor company / person given contract is also not provided in the notice.
9. The notice does not mention under whose direction is this intimation / notice issued.
10. To serve the notice regarding installing of smart meters to individual consumers along with all relevant information to individual consumers. Fixed notice at the entrance of the building Such notice is cheating of consumers.
11. To disclose from where funds shall be raised by BEST undertaking (thousands of crores)
12. Concealing facts regarding reduction of cost per unit to consumers after spending thousands of crores.
13. Concealing facts regarding increase of cost per unit to consumers after spending Rs. thousands of crores.
14. False statement that BEST will not charge any amount for replacement of meters.
15. The notice does not disclose the name, designation of the person who have signed the notice.
16. The notice does not mention the name of consumers and the meter numbers.
17. **BEST committed theft of digital meters by Concealing true facts:**
18. **The life of smart meter is 90 months**. Hence there shall be recurring expenses after 90 months to replace the same.
19. **Increase in cost of electricity unit**: towards increase for repayment of cost, interest on investment other expenses and Maintanence even after spending thousands of crores on meters
20. **That there is no benefit to the electricity consumers** by way of reduction of electricity cost per unit.
21. **Sections and provision of law relied upon to** collect the electricity charges before the actual consumption and / or actual service being utilized in compulsion.
22. Sections and provision of law relied upon to commit theft of digital meters and install the substandard and manipulated smart electric meters without seeing written permission.
23. **Report of the study carried** out to come to conclusion that electric smart meters are more beneficial to consumers than digital electric meters.
24. Today this utility is considered as service and will be converted into commercial activity with dishonest intention to raise the cost.
25. There is every possibility of the meter being tampered by remote control by increasing the bill and making the consumers helpless.
26. The disconnection shall be immediate with no immediate solution. How can senior citizens with no knowledge of online transfer deal with situation?
27. **Concealed vital facts that 9.11 Lacs electric meters were changed around October 2022**

 **As per submission by BEST at para 9.1.1.:** around 31st October 2022 out of 10 lacs consumers BEST undertaking has replaced 9.11 lacs electro mechanic meters only 88902 were remaining to be changed. Against changing by spending 1300 crores is misuse of tax payer money.

1. **Concealed the purpose of installation of electric smart meters is to reduce the transmission and distribution loss**
2. In Mumbai the transmission loss and distribution loss is around 3 to 4 % which is bare minimum.
3. The smart meters were actually decided to be installed only and particularly where the distribution and transmission losses are more than 15% and should be brought down to lower level.

Hence, under no circumstances, can the smart meters be installed in Mumbai.

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. **BEST has not taken approval of Standing Committee or Municipal Commissioner**

The BEST has failed to provide the approval of standing Committee and or Municipal Commissioner. Hence, what was the urgency to install the Smart electric meters without following due process of law.

**Misrepresentation and concealment of true facts with dishonest intentions.**

1. No information discloses whether the bill generated shall be in the name of BEST undertaking permanently or shall be changed in the name of AESL after completion of all formalities and Assemble election are completed.
2. Whether the role of M/s AESL is limited only to survey/ installation/ and replacement of smart meters or to issue bills in the name of M/S AESL and / or with many more responsibilities and activities which are now conducted / carried out by BEST undertaking.
3. Not provided information whether over a period of time after installation of all smart meters that the billing pattern will be changed to start surging charges (higher) and on the basis of energy used at particular Time of the day and night, thereby causing irreparable loss and injury to the consumers.
4. SOP for Compensation to be paid to consumers whose bills are inflated and had to waste the whole day causing injury and hurt

**Cheating by not refunding the cost of the digital meters removed by theft, thereby causing wrongful loss.**

1. When the smart electric meter cost is recovered from consumers, BEST has cheated the consumers by
2. By not refunding the cost of digital meters which they have stolen
3. By not providing the rent for space used by BEST for installing of electric meters.
4. **BEST is under debt and financial losses of Rs. 9221 crores:** How the funds shall be raised by BEST towards payment to be arranged
5. Towards Payment of cost of smart meters,
6. towards repayment of installment of smart meters
7. toward payment of interest on investment of smart meters
8. towards deficit of Rs. 9221 crores in BEST traffic department.
9. towards Rs. 250 crores of deficit in receipts and payments every month.
10. 1517.24 crores towards payment of salaries of staff
11. towards Rs. 1700 crores outstanding bills of Tata Power.
12. Towards Rs. 1000 crores of outstanding due or BEST employees
13. Towards purchase of 1500 buses (which is already short and hampering the transport services)
14. Huge outstanding of bulk users (government and private)
15. Short term loan of 552 crores.
16. **BEST Bus service are almost near closure from December 2025**

Since last several years BMC has not provided funds to BEST even to purchase and replace the buses which are scrapped or outlived the time specified. It is being informed that there is minimum requirement of around 3400 buses which are now almost 60% and by next year if funds are not provided the fleet shall be reduced to just 8%.

1. **Hon. MERC passed orders violating the fundamental rights and rightful interest of consumers while permitting installation of smart meters without**

1. considering the unreasonable heavy cost of smart meters and its adverse effect on the consumers
2. **Justifying the huge capital cost and other heavy expenses which shall be perpetual recurring expenses every 90 months.**
3. **Not considering the submission that as on 31.10.22 BEST UNDERTAKING has installed new 9.11. Lacs new electronic meters.**
4. **Not considering that the transmission and distribution loss is at the best level and cannot be reduced further**
5. Protecting fundamental right of consumer
6. **By forcibly reduction of 51 days’ time for payment of bill and grace period thereafter**.
7. by allowing the dealer / manufacturer of smart meter to use the consumer’s monies for 3 months, causing wrongful loss to public and tax payer.
8. to allow illegal procedures adopted by BEST undertaking for installation of smart meters.
9. Blatant violations committed while considering granting of permission for installation of smart electric meters.
10. **Without keeping open the options to citizens to decide how they shall pay the bills i.e pre-paid or postpaid.**
11. **No one representing to protect the rights of consumers. All presentation by commercial stake holders.**
12. MERC shall give details of the public representatives appointed to safe guard the interest of public during the course of hearing or else it shall be mockery and predetermined act without considering larger public interest.
13. MERC shall provide reasons relied upon along with study carried out and larger public interest in amending the appointment of **Public Representative** (who shall protect the consumers interest) from **“shall appoint to “ may appoint”**
14. Section and provision of law relied upon to conduct hearings without appointment of public representative.
15. Name of the public representatives who represented the consumers, in the hearing in which decision for installment of smart meter was taken.
16. Copy of the submission made by the public representative to protect the rights of consumers
17. MERC has failed to consider the emergency and situations faced by senior citizens who are not conversant with digital payments the situation when electricity is disconnected without giving due notice and grace period namely
18. How will citizens / senior citizens who cannot handle digital payment do
19. What will Elderly person do after disconnection of electricity?
20. When a person is held up in lift.
21. When a batch in industrial belt is in progress.
22. When fire breaks
23. When any person falls sick
24. When the children are undergoing exams
25. Patients in hospital wards
26. In the middle of the functions in hall or open space.
27. In weddings or at time of funeral.
28. Many other unforeseen circumstances.
29. Provision of law and section relied upon to conduct hearing without appointment ofcompetent and genuine public representative to represent the consumers interest and who has requisite integrity, devotion, knowledge, mass experience and information of the working of electricity supply, transmission and distribution procedures along with competency to make out his case and express the larger public interest.
30. The government has not halted the installation of the smart meters after a great pubic hue and cry, which proves that the installation of smart meters was an illegal act committed against larger public interest.
31. This complaint u/s 154(1) CRPC / 173 (1)(ii) BNSS discloses commission of cognizable offences. Hence, FIR shall be registered immediately. 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

**If the police deny to take the complaint and provide acknowledgement, the complainant is legally allowed to record the video of these officers who wrongfully deny the citizens to file complaint with police. there are Police JT CP video, Police circular dt. 13.6.23 empowers any citizen to conduct live video recording of the meeting and proceedings with public servants. Also call Police 100 number and inform them that police station is not taking FIR. Copy attached**