

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
AURANGABAD ZONE, M.S.E.D.C.L., AURANGABAD.

(Case No. CGRF/AZ/AUR/ JLN / 449 / 2013 /33

Date of Filing: 11.06.2013

Date of Decision 09.10.2013

Complainant.

01) Sagar Industries, Sr.No 31/1,
Jalna Road, *Ambad*, Dist. JALNA.

(Consumer No. 520016007190)

V/s

02) The Executive Engineer (Admn.) Respondent No.
Nodal Office, O/O The Superintending Engineer,
O&M Circle, MSEDCL,
JALNA.

Coram:

Shri V.B. Mantri President

Shri V.S. Kabra Member

Shri S.K.Narwade, Member/Secretary

DECISION

1. The Grievance of the complainant is against the bill of Rs. 180790/- and against non refund at RLC amount.

2. The case of the complainant in brief is that he had initially taken 50 KVA LT connections for its factory in the month of Dec. 1996. He then applied for HT connection on 31.12.2010 by making application to disconnect LT connection final meter reading of LT connection was 431390, at the time of P.D. It is on 01.01.2011. The complainant requested for issue of final bill by deducting security Deposit of Rs. 22800/- The L.T. connection was disconnected on 01.01.2011.
3. It is the case of the complainant that, bill for the month of Dec. 2010 was issued on 15.01.2011 in which initial and final reading was shown as 429555 and 429555 by showing meter status as Locked The bill was however was issued for 7805 units.
4. The complainant on receipt of the bill requested for correction of bill, but the respondent issued another bill for Rs. 180790/- showing initial reading as 429555 and final reading as 459769. On making representation, the concern Engineer verified actual meter reading and confirmed final reading on meter as 439769 and also confirmed that reading as 459769 came to be wrongly punched while preparing the bill. It is thereby the case of the complainant that revised bill for 10214 units are directed to be issued. It is submitted that RLC is not refunded, so it should be directed to refund RLC amount. The disputed bill of Rs. 180790/- be set aside. Hence complaint
5. The respondent has submitted reply to the complaint and thereby contested the complaint mainly on the ground that civil suit was filed

In civil court regarding the same dispute and the cause, so the present complaint is not maintainable. The respondent has however admitted the punching mistake of recording meter reading

6. It is submitted that there were four LT connections. These LT connections were permanently disconnected and then HT connections were released. The outstanding dues are Rs. 177177.45/- as on 15.02.2011. The bills are issued as per final reading. The grievance is not genuine one. It should be dismissed.
7. This forum heard submissions of Mr. Kapadiya for complainant nodal officer argued for respondent.
8. The Nodal officer has submitted that the complainant had already filed suit against the present dispute in civil court and therefore the present grievance on the same case of action is not maintainable, moreover the grievance is not within limitation. It is submitted that the complainant did not state anything about refund of RLC before IGRC Hence according to the nodal officer the Grievance is of no merit. The petition is to be dismissed.
9. Mr. Kapadiya for the complainant on the other hand submitted that, the suit which was filed before the civil court was withdrawn. The suit was not decided on merit according to him all the arrears have been shifted to HT connection. It is argued that the respondent should have issued final bill at the time of P.D. by deducting security deposit.

10. The copy of the complaint which was filed in the civil court is not produced in this case, however the fact of filing of suit in civil court is not disputed It is therefore clear that suit was filed in civil regarding the present dispute or grievance. The copy of the Order of civil court is also not filed in this case even if it is accepted the submissions at Mr. Kapadiya that , the suit was withdrawn, still the effect of withdrawal of suit would be dismissal of suit. This forum therefore does not find it well to enquire the dispute again, which was already disposed of by civil court. This forum is of the opinion that, the same dispute cannot be decided or enquired again by this forum and therefore the complaint is not maintainable. The Grievance regarding refund of RLC was not refused by complaint before IGRC dated 06.10.2012 is on record. Refund of RLC is not claimed before IGRC. This forum thereby not inclined to consider the said prayer without availing the IGRC. Hence in nut shell the Grievance of complainant is not maintainable. The merit of the case and question of limitation is not considered by this forum. As the complaint is not maintainable, this forum proceeds to pass following Order

Order

1. The complaint is not maintainable.
2. No Order as to costs.

Sd/-
(S.K.Narwade.)
Member/Secretary

Sd/-
(V.S. Kabra.)
Member

Sd/-
(V.B.Mantri.)
Chairperson.
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