

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

(Case No. CGRF/AZ/AUR/ JLN / 452 / 2013 /36

Date of Filing: 11.06.2013

Date of Decision 09.10.2013

Complainant.

01) M/s Somani Cotton Fibre,
Gut No 32, Beed Road,
Ambad, Dist. JALNA

(Consumer No. 510019009530)

V/s

02) The Executive Engineer (Admn.)
Nodal Office, O/O The Superintending Engineer,
O&M Circle, MSEDCL,
JALNA.

Respondent No.

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 debit bill adjustment amounts of Rs. 278444/-levied in HT connection bill

2. The case of the complainant in brief is that, the complainant has taken 11 KV HT connections from respondent on 01.01.2011 for contract Demand of 250 KVA. The HT connection was released on 01.01.2011. The complainant has paid Rs.4,00,000/- towards security deposit. The complainant was having LT connection prior to 11 KV HT connection. The said LT connection was disconnected permanently on 01.01.2011. The complainant had paid Rs. 40,000/- towards security deposit at the lime of release of LT connection
3. The complainant has received bill for the month of January 2011 amounting to Rs. 49506.61/- including Rs 4300 towards fixed charges, even though connection was disconnected permanently on 01.01.2011. The complainant again received bill for the month of March 2012 for Rs. 405970/- in which Rs 278444/- has been shown as debit bill adjustment. The details of arrears however are not shown. On making enquiry it was informed that, the arrears are of old LT connection on adjusting security deposit.
4. The complainant mad repretation on 11.06.2012 and then issued legal through his advocate on 12.07.2012 and made continuous follow up. The complainant then flat grievance before IGRC on 29.08.2012, but no order has been passed and grievance has not been redressed. The complainant then filed Regular civil suit bearing R C S No. 673/12 before the court of civil judge Sr. Dn. at Jalna on 06.09.2012. The complainant has paid

Rs.138950/- on 17.12.2012 as per the order of civil court for restoration of electric supply. The complainant has withdrawn the said suit.

5. It is the Grievance of the complainant that, respondents has erroneously clubbed LT connection bill in the HT connection bill, without settling the disputed LT connection bill. It is further submitted that previous LT connection bill, refund of security deposit RLC amount are required to be settled prior to settling final amount. It is therefore parcel that respondent may be directed to withdraw debit bill adjustment bill of Rs. 2,78,444/- levied in HT connection bill and further direction be given to settle LT connection bill. It is further prayed that, respondent may be directed to adjust the amount paid by the complaint as per order of civil court Jalna and also by the District consumer forum falna. Cost of Rs. 25,000/- has been claimed towards me mental agony.
6. The respondent has submitted reply to the complaint and thereby pleaded that, there were four LT connections in the premises having outstanding dues. The bill dated 15.02.2011 was issued as per actual consumption recorded in the meter. The arrears are included in HT connection on March 2012. The complainant has filed suit regarding the present dispute. The dispelled bill date 15.02.2011 is time barred as per regulation No. 6.6 of regulation 2006.

7. It is pleaded that final meter reading was recorded in P.D. report. Final electricity bills were served on consumer on 15.02.2011. The dispute is not genuine one. It should be dismissed with costs.
8. The form heard submission of Mr. Kapadiya for the complainant Nodal officer argued for respondent.
9. The Nodal officer has pointed out that the complainant has already filed civil suit in the court of civil judge Jalna regarding the present bill dispute therefore this forum should not again enquire for the dispute Mr. Kapadiya for complainant submitted that, the said suit was withdrawn therefore this forum can very well enquire the dispute and redress the grievance.
10. The record speaks that, the present complainant had instituted Regular civil suit regarding the present dispute in the court of Civil judge Sr.Dn. at Jalna bearing RCS No 673/2012. The copy of the complaint is on record. It further reveals that, the plaintiff filed application to the court to the effect that, the plaintiff does not want to proceed with the suit against defendant MSEDCL. The suit is therefore disposed of on 03.05.2013.
11. Mr. Kapadiya submits that, due to establishment of this forum the plaintiff has withdrawn the suit and then presented the present complaint. The suit is not decided on merit therefore the present complaint is maintainable.
12. There is nothing on record to appreciate the said submission of Mr. Kapadiya to accept that, the plaintiff had withdrawn the suit to

Present his grievance before this forum. The copy of application through which suit was prayed to be withdrawn Exh.28 is not fled. The order of Hon. Civil court dated 03.05.2013 does not speak about the said contention. Once suit is withdrawn, then this forum is of the opinion that, the complainant cannot ask this forum to decide the same dispute again may it be the fact that, suit is decided on merit or it came to be withdrawn. As the suit came to be disposed of, its legal effect, to have been decided and dismissed, and therefore this forum does not think it proper to decide the same issue again. Hence this forum proceeds to hold that, this complaint is not maintainable. This forum there for proceeds to pass following order.

O r d e r

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.