



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
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**EE/CGRF/Kalyan/**

Date of Grievance : 5/4/2017

Date of Order : 9/6/2017

Total days : 66

**IN THE MATTER OF GRIEVANCE NO. K/E/1178/1400 OF 2016-2017 OF  
VINITA CHARANJIT SINGH PENTHALIA, BLOCK NO. A-965/1929-30,  
KAILASH CLONY, ULHASNAGAR 421005, CONSUMER NO.  
021514847549 REGISTERED WITH CONSUMER GRIEVANCE  
REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT BILLING  
DISPUTE.**

Vinita Charanjit Singh Penthalia,  
Block No.A-965/1929-30,  
Kailash Colony,  
Ulhasnagar-421 005

(Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution  
Company Limited  
Nodal Officer.  
Kalyan Circle-II,

(Hereinafter referred as Licensee)

Appearance : For Consumer - Shri Papan - CR.

For Licensee - Shri Baikar – EE- Ulhs/S/dn-V

[Coram- Shri A.M.Garde-Chairperson and Mrs.S.A.Jamdar- Member (CPO)].

Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003 (36/2003). Hereinafter for the sake of brevity referred as 'MERC'. This Consumer Grievance Redressal Forum has been established as per the notification issued by MERC i.e. "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation

2006” to redress the grievances of consumers vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is referred as ‘Regulation’. Further the regulation has been made by MERC i.e. ‘Maharashtra Electricity Regulatory Commission. Hereinafter referred as ‘Supply Code’ for the sake of brevity. Even, regulation has been made by MERC i.e. ‘Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply & Determination of Compensation) Regulations, 2014.’ Hereinafter referred ‘SOP’ for the sake of convenience (Electricity Supply Code and other conditions of supply) Regulations 2014’.

2] This is a short case of billing dispute filed by the consumer Vinita Charanjeetsingh Penthalia , bearing consumer No. 021514847549. There are contentions *inter alia* about faulty meter, excessive billing, false testing reports etc.

Reply has filed by Licensee and several contentions are raised by the Licensee also. The matter was kept for hearing.

3] Admittedly as revealed, the consumer has filed Reg. Civil Suit No. 97/2017, making out self same grievance before the Civil Court, Ulhasnagar on the same facts. The Court has also granted interim injunction. The said fact was confirmed by the consumer also repeatedly. An endorsement has also been made below the written arguments filed by her. This being so, the entire grievance becomes untenable by virtue Section 6.7 (d) of MERC ( CGRF & Ombudsman) Regulations, 2006, which runs as under :-

6.7 The Forum shall not entertain a grievance –

- a -----
- b -----
- c -----

( d ) ----- Where a representation by the consumer in respect of the same grievance, is pending in any proceedings before any Court , tribunal or arbitrator

or any other authority, or a decree or award or a final order has already been passed by any such court, tribunal arbitrator or authority .-----

4] Thus, we are of the opinion that this Forum cannot go into merits of the case as the grievance cannot be entertained.

This matter could not decide within stipulated time as the parties want to produce some documents.

Hence the order.

### **ORDER**

1] The grievance application of the consumer is hereby dismissed as not maintainable.

2] The interim order passed on 28/4/17 has been already discontinued after 31/5/2017 also does not survive now.

Date: 09/06/2017.

(Mrs.S.A.Jamdar)  
Member  
CGRF, Kalyan.

(A.M.Garde)  
Chairperson  
CGRF, Kalyan

### **NOTE**

a) The consumer if not satisfied, may file representation against this order before the Hon. Ombudsman within 60 days from the date of this order at the following address.

*“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission,606/608, Keshav Bldg, Bandra Kurla Complex,Mumbai 51”.*

b) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or

c) delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” at the following address:-

“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”

d) It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.