



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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IN THE MATTERS OF GRIEVANCES No. K/E/550/648, K/E/551/649,
K/E/552/650

- 1) M/s. Premium Hatcheries & Farm Pvt. Ltd., M/s. Sumangal Hatcheries, M/s. National Poultry Farm & Hatcheries have registered their grievances with the Forum regarding excessive energy bills.
- 2) Being same grievances common hearing was held. Seen order passed in Representation No. 112 of 2010 M/s. Balkrishana Hatcheries V/s. MSEDCL dated 15th September 2010 by Hon. Ombudsman Mumbai. It appears the said order is challenged before the Hon. High Court in Writ Petition No. 2358 of 2011. Hon. High Court while staying the operative order by Hon. Ombudsman dated 15th September 2010 by way of interim order directed to the respondent to charge electricity bill as per industrial tariff.
- 3) The Hon. High Court also gave the reference in this order regarding the order passed by Hon. Division Bench of Hon. High Court dated 23/11/2010 in Writ Petition No. 7884 of 2010.

- 4) The reference is made to this Forum towards the Regulations 2005 of Maharashtra Electricity Regulatory Commission (Consumers Grievance Redressal Forum & Electricity Ombudsman) towards Regulation No. 6.7, Sub-Clause No. 4 which says that the Forum shall not entertain the grievance if the same grievance is pending in any Court.
- 5) Truly speaking it appears as per this Regulation Sub-Clause No. 4 the Forum may not entertain the grievance of the consumer regarding the same grievance which is pending before any other Court. However, in these three cases the question of interpretation of Law as well as question of interpretation as to whether the hatcheries can be covered as industrial or commercial activity for application of tariff in view of the circular issued by the Department dated 20/06/2008 is to be decided.
- 6) Hon. High Court in Writ Petition No. 2358 of 2011 gave directions to the Department till the final disposal of the Writ Petition department should charge and take electricity bills from consumer as per industrial tariff.
- 7) In our humble opinion these three matters as involved the same question of Law and fact, needs to be stayed till the final disposal of Writ Petition No. 2358 of 2011 as the subject matter is sub-judice before the Hon. High Court. Hence order :

O-R-D-E-R

- 1) The grievance application Nos. K/E/550/648, K/E/551/649 and K/E/552/650 are stayed until further orders.
- 2) The Licensee is hereby directed to issue the bills to complainants as per old tariff respectively until further orders.
- 3) The parties 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”.

Date : 02/01/2012

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

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(S.K. Chaudhari)
Chairperson
CGRF Kalyan