

ग्राहक गा-हाणे निवारण मंच
महाराष्ट्र राज्य विद्युत वितरण कंपनी मर्यादित
औरंगाबाद परिमंडळ,औरंगाबाद.

Old Power House Premises, Dr.Ambedkar Road, Aurangabad. Phone: 0240 - 2336172

No,CGRF/AZ/U / 202 / 2009 / 36 /

Date :-

To,
The Executive Engineer (Administration)
O/O Superintending Engineer ,
O&M Urban Circle , M.S.E.D.C.L.,
Aurangabad.

Sub:- Forwarding of grievance in respect **Mrs. Chandrakala K.Navandar**, Behind Hotel Nandanvan, Station Road, Aurangabad.

Dear Sir,

Please find enclosed herewith a copy of the grievance application received by the Forum from **Mrs. Chandrakala K. Navandar**, Behind Hotel Nandanvan, Station Road, Aurangabad.

You are requested to submit your para wise reply on the grievance within 15 days from the date of receipt of this letter along with related documents.

The hearing in this matter is kept on **21/04/2009 at 12=00 Hrs.**

Encl: As above

Member/Secretary
CGRF(AZ) MSEDCL
Aurangabad.

Copy to:-
Mrs. Chandrakala
K.Navandar, Behind Hotel Nandanvan,
Station Road, Aurangabad.

**BEFORE THE CONSUMER GRIEVANCE REDRESSAL
FORUM
AURANGABAD ZONE, AURANGABAD**

(Case No: CGRF/ AZ / U / 202 / 2009 / 36)

Date of Filing: 06.04.2009

Date of Decision: 15.05.2009

Mrs. Chandrakala K.Navandar
Behind Hotel Nandanvan
Station Road, Aurangabad.,

Consumer Complainant.

V/s

Maharashtra State Electricity Distribution Co.Ltd.
Urban Circle **Aurangabad.**

The Distribution Licensee.

Coram:

Shri V.A.Hambire **President**

Shri H.A.Kapadia **Member**

Shri P.A.Sagane **Member secretary**

Sub:- Grievance under the Maharashtra Electricity Regulatory Commission, (Consumer Grievance Redressal Forum and Ombudsman) Regulations 2006.

The consumer complainant, **Mrs. Chandrakala K.Navandar** , r/o "Do Mitra Bunglow, Station Road, Aurangabad has filed this grievance in Annexure "A" before this Forum on **06.04.09**, under Regulation No. 6.10 of the Regulations 2006. The grievance of the consumer was registered at in this office at Sr.No. 202/2009/36 and the same was forwarded to the Nodal Officer, (Adm.) in the office of the Superintending Engineer, O&M Urban Circle, Aurangabad and hearing in the matter was kept on 25/02/2009

The grievances of the consumer , as per consumer, is as under:-

1. The Distribution Licensee has released three single phase electricity connection bearing consumer Nos. 490010809620, 490010809573 and 490010809638 which stands in the name of the consumer complainant . The electric supply where the above connections were given was used by one Mrs. Suchitra Kanade who challenged the bills issued by the Distribution Licensee (Formerly M.S.E.B.) by filing special civil suit bearing No.35/1997 before Hon'ble Jt.C.J.S.D. at Aurangabad. The said dispute was decided and the judgment in the matter was passed on 28.10.2002 in which the said suit was decreed in favor of Mrs. Suchitra Kanade. The consumer contended that she has received legal notice dt.24.03.2009 from Distribution Licensee through its Advocate Shri Keval H. Dongre asking her to pay amount of Rs. 28668/ towards arrears against consumer No. 490010809620. Aggrieved by this notice , the consumer filed this complaint in the Forum and requested the Forum to quash the said notice and set aside the arrears mentioned against her name for all the above referred three consumer numbers.
2. On 21.04.2009, i.e. on the date of first hearing , consumer representative Shri Vikas Navandar was present. Nodal officer shri G.S.Rathore was present on behalf of Distribution Licensee. He filed reply on the grievance of the consumer and stated that since the consumer has not paid the arrears amount standing in the name of above three consumer numbers, notice for payment of same was issued to the consumer which is correct and requested the Forum to direct the consumer to pay the same. Since the reply filed by the Nodal officer did not contained anything about the legal suit filed and the judgment in the matter thereof, the Nodal officer was asked to submit details about further proceeding in the said matter before the next hearing which was kept on 28.04.2009. .
3. On 28.04.09 , consumer representative and Nodal officer were present. Nodal officer filed an application for adjournment of hearing stating that he has yet not received details about the action taken by the concerned official of the Distribution Licensee in this matter. Forum reluctantly granted the request of the Nodal officer and directed him to submit his reply before next hearing which was kept on 05.05.2009.

4. On 05.05.09, both the parties were present. Nodal officer did not file any reply. Consumer representative filed copy of another notice issued by Distribution Licensee through its Advocate Shri Pravin D.Sangvikar asking her to pay amount (Not mentioned in the notice) against consumer 490010809611. The Nodal officer, on asking about this notice, told that he was unaware of how this notice was issued and was unable to explained anything about the same. On hearing both the parties, the matter was kept for decision.
5. We have gone through the documents filed by both the parties. We have also gone through the judgment passed by the Hon'ble Jt. Civil Judge (S.D.) Aurangabad in Special suit No. 35/1997 dt.28.10.2002. On going through the said documents, we observed that the Hon'ble court has passed order in the said matter , that the Distribution Licensee(Formerly MSEB) cannot claim any amount towards arrears against above referred consumer numbers. The decree in respect of above case was also passed in favor of Mrs. Suchitra Kanade who was the plaintiff & user of electricity for the above said consumer numbers which stands in the name of consumer complainant. The Nodal officer could not file any documents to prove that any appeal has been filed against the said order nor could submit any document in proof that the said matter is pending before any authority.

In view of above observations, we are of the opinion that both the legal notices issued by the Distribution Licensee are incorrect and bad in eye of law.

Hence following order.

ORDER

1. **The legal notices dt.24.03.2009 & 25.03.2009 issued by the Distribution Licensee are incorrect and stands quashed**

The D.L.& the consumer shall comply with the above order and report compliance to the Forum.

Inform the parties and close the case.

(H.A.Kapdia)
Member

(P.A.Sagne)
Member Secretary

(V.A.Hambire)
President

202/36

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औरंगाबाद परिमंडळ, औरंगाबाद.

जुने पावर हाऊस परिसर.डॉ.बाबासाहेब आंबेडकर रोड, मिल कॉर्नर, औरंगाबाद. - ४३१ ००१, दुरध्वनी व फॅक्स -०२४० - २३३६१७२.

Case No.(Case No: CGRF/AZ/U/202/2009/36/

Date:-

To,

1. **The Executive Engineer (Adm.)**
O/O Superintending Engineer
O & M , Urban Circle, M.S.E.D.C.L.
Aurangabad.
2. **Mrs. Chandrakala K.Navandar**
“Do Mitra”, Behind Hotel Nadanvan
Station Road, Aurangabad

Sub: Grievance incase No. (Case No:CGRF/ AZ/ U/202/2009 /36)

Please find enclosed herewith a copy of order passed by the Forum in the case mentioned above.

The consumer, if not satisfied with the decision of the Forum , is at liberty to make a representation to the Electricity Ombudsman, the contact details of whom is as under, within a period of 60 days from the date of this order.

Encl: A/A

Contact Details of Electricity Ombudsman:

The Electricity Ombudsman
Maharashtra Electricity Regulatory Commission
606-608, Keshava Building
Bandra-Kurla Complex, Mumbai 400 051
Tel.No. 022-26590339

Copy submitted with respect to:-

The Chief Engineer(AZ)
MSEDCL, Aurangabad.

