

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

( Case No: CGRF/ AZ / Aur / R / 393 / 2012 /26 )

Date of Filing: 25.07.2012  
Date of Decision: 28.08.2012

01) Pepsico India Holding Pvt. Ltd.,  
Plot No.D-7, MIDC Industrial Area,  
Paithan Tq. Paithan  
Dist. Aurangabad.  
(Consumer No. 493019040750 ).

V/s

02) The Superintending Engineer, Respondent No.1  
Nodal Office, Rural Circle, MSEDCL,  
Aurangabad.

**Coram:**

Shri V.B. Mantri	President
Shri V.S. Kabra	Member
K.S.Narwade	Member/Secretary

Heard the submissions of the representative of the complainant.  
Heard the Nodal Officer. The Nodal Officer has submitted reply to the application.

The main contention of the applicant is that the complaint was posted for framing of points in controversy. It was not posted for hearing. The complainant thereby remained absent, as presence of the complainant was not required for framing of issues. The absence of the complainant was not intentional. Hence, the matter may be restored for its disposal on its merit.

The Nodal Officer submitted that, this Forum has no powers to restore the matter under MERC Regulations 2006. The application is required to be dismissed.

There is no dispute that, the grievance is not heard and decided by this Forum on its merit. The entire object of this Forum is to hear and to redress the grievance rather than to adjudicate. The dismissal of complaint is on technical ground than on its merit. It is desirable that the grievance be appreciated and it should be considered rather than its disposal on technical

ground, it is not intentional absence. Hence considering the contents of the application, considering the objections raised. This Forum is of the opinion that ,the complaint of grievance should be heard and thereby should be restored on its original place. This Forum therefore proceed to pass the following order.

ORDER

- 01) The application is hereby allowed.
- 02) The complaint bearing case No.CGRF/AZ/Aur/R/382/2012/15 which came to be dismissed in default on 07.06.2012 is hereby restored to its original place.
- 03) Inform the parties to the proceedings.
- 04) Posted the matter for hearing on 11.09.2012

Sd/-  
(V.B.Mantri)  
Chairperson

