

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM ,
AURANGABAD ZONE, AURANGABAD

Case No. CGRF/AZ/AUR/U/326/ 2011/06

Date of Filing: 09.02.2011

Date of Decision: 09.05.2011

M/s COSMO FILMS LIMITED,
B-14/8 & 9, MIDC Area, Bajaj Nagar,
P.O.B.No. 964, Waluj
Aurangabad.
(Consumer No. 490019004195)

Consumer Complainant.

V/s

Maharashtra State Electricity Distribution Co. Ltd.
O&m Urban Circle, Aurangabad.

Coram:	Shri V.B.Mantri	President
	Shri V.S.Kabra	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 has filed his grievance in Annexure "A"
before this Forum on 09.02.2011 under Regulation No. 6.10 of the
Regulations referred to above. A copy of the grievance was forwarded
on 09.02.2011 to the Nodal Officer and Executive Engineer (Adm) in
the office of the Superintending Engineer, O&M Urban Circle,
Aurangabad with a request to furnish his response on the grievance
emergency hearing for (Interim Relief) in the matter was fixed on
11.03.2011

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The consumer Cosmo Film, has presented its Grievance/complaint to the effect that, Bench Mark consumption for ASC calculations should be considered as 20,24,680 units instead of 15,36,480 units and the ASC charges be revised accordingly. The excess amount recovered from complainant be refunded along with interest from the date of payment as per Section 62(6) of Electricity Act and further claimed damages.

2. The Nodal Officer appeared for respondent D.L. and submitted reply to the complaint. The Nodal officer has also taken preliminary objection regarding maintainability of the grievance.
3. This Forum heard submissions of both the parties.
4. It revealed that the present grievances were clubbed with another grievances in one and the same complaint. Hence in order to sort out the grievance specifically and to make it simple and separate, this Forum was pleased to direct to bifurcate the grievances so that the questions involved in the grievances could be decided separately & independently by considering objections for the same.
5. The record speak that, the consumer had filed its complaint before the Internal Consumer Grievance Forum. The said Forum was pleased to decide the grievance on 22.10.2010.
6. It is the grievance of the consumer as is made out in para No.12 of the complaint that, the IGR Cell Aurangabad has decided the grievance exparte. The IGR did not assign reason for its decision. The decision of IGR should be therefore set aside & grievance of the consumer may be allowed.
7. We perused the order passed by the I.G.R. on 22.10.2010. It reveals that, the matter was posted before the IGR on 15.05.2010. The consumer sought adjournment for hearing on that date. The matter was therefore posted on 04.06.2010. The hearing was again adjourned on 04.06.2010 at the request of consumer. The dates of hearings 25.08.2010 & 20.10.2010 were communicated to consumer by issuing letters. It is not clear as to whether the adjourned dates 25.08.2010 & 20.10.2010 were given to the parties on the date of hearing or not. In case such dates would have given on the date of hearing, then there would not have any question arise for communicating the dates by letters. It further reveals that, the IGR was pleased to decide the grievance without hearing of submissions of the consumer. The order passed by the IGR thereby appears to be the order without hearing of the consumer. Such order can not be said be judicious order. It further reveals

that the IGR did not consider case and documents of the parties. Hence such order can not be said to be good order in law. The said order as such is required to be set aside. The matter is required to be remitted back to IGR Cell. The IGR Cell shall proceed to hear both parties and should decide the grievance by considering documents submitted by the parties. The parties be directed to appear before IGR on _____. The IGR shall proceed to decide the grievance as expeditiously as possible with these reasons & observations, this Forum proceed to pass the following order.

ORDER

1. The grievance is hereby allowed as follows.
2. The order passed by the IGR on 22.10.2010 is hereby set aside.
3. The matter is hereby remitted back to IGRC Aurangabad.
4. The IGR shall proceed to hear both the parties and by considering documents, proceed to decide the mater as expeditiously as possible.
5. Both parties to appear before IGR on 17/June/2011.
6. No order as to the costs.
7. The consumer is at liberty to file his fresh complaint in case its grievance is not redressed at the hands of IGRC on remand.

(V.S.Kabra)
Member

(P.A.Sagane)
Member/Secretary

(V.B.Mantri)
Chairperson

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