

(A Govt. of Maharashtra Undertaking)

CIN : U40109MH2005SGC153645

PHONE NO. : 25664314/25664316

FAX NO. 26470953

Email: [cgrfbhandupz@mahadiscom.in](mailto:cgrfbhandupz@mahadiscom.in)

Website: [www.mahadiscom.in](http://www.mahadiscom.in)

Consumer Grievance Redressal Forum

“Vidyut Bhavan”, Gr. Floor,

L.B.S.Marg,Bhandup (W),

Mumbai – 400078.

---

REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/

Date

Case No. 100/2016

Hearing DT

**In the matter of administrative complaint regarding working of IGRC& Utility**

**M/s. Eternity Mall Premises Co-op.Society Ltd.,**

**- Applicant**

**Vs.**

**M.S.E.D.C.Ltd., Gadkarii sub division - Respondent**

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri. Anil P. Bhavthankar, Chairperson, CGRF, Bhandup.
- 2) Shri. R.S.Avhad, Member Secretary, CGRF, Bhandup.
- 3) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Appellant

No One present.

C - On behalf of Respondent

Shri. R.B.Kore, Addl. Executive Engineer,Gadkari sub division

**Consumer No.000019053720**

1.Above named consumer has filed this complaint against respondent utility alleging that earlier dispute was raised by the consumer eternity Mall Premises cooperative society before this Forum bearing consumer No.000019053720 -528/2014 deciding on 17.04.2014. The said dispute was filed by consumer Ms. Cinemax Cinema India Pvt. Ltd., before this Forum .As per implementation of this order the Forum directed for refund

of security deposit with interest and rejected the prayer of consumer for recovery of charges. Thereafter this consumer filed complaint in profarma no. 'A' on dated 09.02.2016 and made allegation against IGRC that he filed original complaint before IGRC on date 13.05.2015 and raised the dispute against the respondent utility. According to consumer the IGRC cell issued notice but no hearing was conducted. Thereafter the consumer was never called by IGRC nor informed about the decision. The present consumer filed his complaint before this Forum in schedule 'A' initially on 09.02.2016 and 15.02.2016 and raised the dispute against the respondent utility for improper functioning and pray that non following the practice direction and proper procedure by IGRC. After filing the said complaint before this Forum it appears from the record that the dispute raised by consumer beyond the period of limitation as consumer not filed this dispute after date of decision of IGRC within 2 month. The consumer also filed his complaint and referred earlier decision of this Forum which is consumer complaint 528/2014 after the period of 2 years.

2. It is also found that grievance raised by consumer does not fall within the per view of jurisdiction of this Forum as this Forum cannot decide or to take administrative action against IGRC officer. The provision of entertaining dispute by this Forum as defined under Regulation are as below 2.1(c) "Grievance" means any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which has been undertaken to be performed by a Distribution Licensee in pursuance of a licence, contract, agreement or under the Electricity Supply Code or in relation to standards of performance of Distribution Licensees as specified by the Commission and includes inter alia (a) safety of distribution system having potential of endangering of life or property, and (b) grievances in respect of non-compliance of any order of the Commission or any action to be taken

in pursuance thereof which are within the jurisdiction of the Forum or Ombudsman, as the case may be IGRC decision in complaint no 5426/2015 dispute raised by M/s. Eternity Mall premises cooperative society Vs Gadkari Sub Division dated 28.10.2015. The deposit of 18050/- vide receipt No, 878998 amount deposited by M/s. Cinemax India Pvt. Ltd., on 14.06.2006. The respondent utility authority Thane II division Executive Engineer was directed to verify the record and update the security deposit and interest payable after due confirmation of this record. Instead of approaching the proper consumer who deposited that security amount this consumer filed this complaint before this Forum which is outside per view of jurisdiction and definition of dispute defined under the statute.

3. It appears that the consumer gone to the extent of filing grievance directly before Hon'ble Ombudsman misleading information that his complaint not deciding the 2 month as Hon'ble Ombudsman passes order and directing this Forum to decide the dispute within the period of 45 day form receiving of this order.
4. Accordingly the order is received on 28.09.2016 notice was issued to the respondent utility and also to the consumer and matter was fixed for hearing and reply on date 20.10.2016.
5. On 13.10.2016 & 20.10.2016 the matter is place before me with record. It appears that consumer who made grievance against which earlier orders by this Forum not concern as report indicates consumer complaint 528/2014 by M/s. Cinemax Cinema India Ltd., towards security amount deposit and interest is payable by order dated 14.06.2006. After verification of record it appears to me that this consumer being adversely defected unnecessarily made allegation against the IGRC official and also raised similar dispute of

allegation against officer of this Forum. The altitude is unwarranted and unjustified.

6. Coming on merit it appears to me that the dispute raised by this consumer before IGRC and also before this Forum not fall within the per view of jurisdiction enabling this Forum to decide the dispute as per Regulation. Hence consumer complaint devotes from merit no prima facie case is made out. Hence consumer complaint stands dismissed.

### **ORDER**

1. The consumer complaint 100/2016 is stands dismissed.

Both the parties should be informed accordingly.

Proceeding close.

The compliance should be reported within 45 days.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup.

Note:

1) If Consumer is not satisfied with the decision, he may file representation within 60 days from the date of receipt of this order to the Electricity Ombudsman in attached "Form B".

Address of the Ombudsman  
The Electricity Ombudsman,  
Maharashtra Electricity Regulatory Commission,  
606, Keshav Building,  
Bandra - Kurla Complex, Bandra (E),  
Mumbai - 400 051

2) If utility is not satisfied with order, it may file representation before the Hon. High Court within 60 days from receipt of the order.

(I Agree/Disagree)

(I Agree/Disagree)

**DR. ARCHANA SABNIS**  
**MEMBER**  
**CGRF, BHANDUP**

**SHRI. ANIL P. BHATHANKAR**  
**CHAIRPERSON**  
**CGRF, BHANDUP**

**SHRI. R.S. AVHAD**  
**MEMBER SECRETARY**  
**CGRF, BHANDUP**

**OFFICE NOTE**

**Date 08/03/2016**

\*\*\*

**Subject:- Application of Eternity Mall premises Co-op Society Ltd  
Eternity Mall Teen Hath Nakka , Thane**

In connection with above subject, application of above referred name received this office vide RPD. The date on application is 09/02/2016 and 15/02/2016 in which Pramod Mhatre and Deepak Dhameeiyee as consumer representative name mention. There is signature at the place of consumer but name not mention. The connection sr. No 000019053720 in the name of cinema cinemas India Private Ltd Sanction load 147 KW. The electric connection was used or common utility in the Eternity commercial complex at Teennath Naka Thane (west) supplied by Maharashtra Electricity Distribution Company Ltd

The matter in this case decided by forum in case no 528/2014 again review application 15/07/2016. The again application on dated 10/12/2015 and case register as 634/2015. The forum decide the matter on dated 19/01/2016

The applicant complaint about working Gadkari Sub division and IGRC Thane which is not come under dispute which can entertained by Forum, Hence the application may be reject as applicant repeated sent letter to Forum after inform to approaching proper authority. In this matter ask for administrative action against utility which is beyond forum Jurisdiction

Member secretary  
CGRF

Hence put up before forum for approval

Dr. Sabnis  
Member

A Bhavtankar  
Chairman