

**(A Govt. of Maharashtra Undertaking)**  
**CIN : U40109MH2005SGC153645**

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Consumer Grievance Redressal Forum  
"Vidyut Bhavan", Gr. Floor,  
L.B.S.Marg, Bhandup (W),  
Mumbai – 400078.

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

Date

**Case No. 553**

Hearing Dt. 22.04.2015

**M/s. Mahalaxmi Nagari Sahkari Sanstha Sector No. 2 Nerul - Applicant**

Vs.

**M.S.E.D.C.L. Nerul Sub Division**

- Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

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

B - On behalf of Appellant

- 1) Shri. Sambaji Adalalrao – Consumer

2) C - On behalf of Respondent

- 1) Shri. C.V. Rokade, Addl. Executive Engineer, Nerul Sub Division

**ORDER 07/05/2015**

1. Above named consumer complaint is filed against respondent utility alleging that earlier this Forum had allowed the complaint of consumer Shri. Ashok Kadag, occupant of Gala No. 5 M/s. Mahalaxmi Nagari Sahakari Sanstha Sector No. 2 Nerul in Case No. 537/2014 on 02.05.2014. Hearing of the said case was made before Forum and judgment and order was pronounced on 31.05.2014. Accordingly it appears that the complaint of consumer was allowed and utility was directed to give him electricity connection immediately after compliance of all

required formalities such as payment of service connection charges and security deposit.

2. After passing this order compliance was done by utility. Now the present consumer Shri. Sambhaji Adhalrao filed this complaint alleging that he had raised several strong objections against old consumer Shri. Ashok Kodag in this case. He also placed various documents and objections raised by him before IGRC. He has raised an objection that occupation of Gala No. 5 by old consumer Shri. Ashok Kodag was illegal and he is in forceful possession. There is no allotment letter issued by society to him for occupation of shop premises and there was strong dispute about possession. However being dissatisfied with the order passed in this complaint of Shri. Ashok Kodag by this Forum on 31.05.2014, this objection is filed by Shri. Sambhaji Adhalrao by way of Revision application on 22.07.2014.
3. After filing this application Secretary CGRF, Bhandup issued notice returnable on 09.02.2015.
4. After service of notice to utility, Executive Engineer Nerul Sub Division filed the reply. Thereafter it appears that no notice was given to Shri. Ashok Kodag. Therefore notice was also given to old consumer in case No. 537 directing why connection which is allowed on his complaint should not be cancelled and withdrawn.
5. He also appeared and filed his reply stating that in his complaint earlier Forum had already considered objection raised by him. The Forum decided all the issue finally and gave proper hearing and relying upon legal opinion and the documents filed by old consumer Shri. Ashok Kodag. Therefore the revision application liable to be dismissed with cost.

6. At the hearing we have given full opportunity to revision applicant Shri. Sambhaji Adhalrao. He realized and filed various documents which were already filed by him in earlier consumer Case. He raised strong objection and made weird allegations against Forum and requested to withdraw and cancel electricity connection given to old consumer Shri. Kodag.
7. Utility justified the order passed by the Forum and has already complied the same.
8. The revision applicant Shri. Sambhaji Adhalrao filed bunch of documents. It is revealed that Gala No. 5 as per documents filed by him was earlier allotted to Smt. Lata Adhalrao, wife of revision applicant. She appeared and filed separate application alleging that Gala no. 5 is allotted to her and old consumer Shri. Kodag was not given any possession. All the documents filed are false as there is complaint filed by Shri. Kodag in Nerul Police Station against which criminal complaint case is pending against the revision application Dist. Court, Thane. There is litigation between Mahalaxmi Nagari Sahkari Sanstha Sector No. 2 Nerul and various occupants of Gala No. 5,6,7,8,& others. There present question of possession considered by the court.
9. We have given full opportunity to revision applicant Shri. Sambhaji Adhalrao and his wife Smt. Lata Adalrao who claimed to be owner of Gala No. 5 on basis of documents filed by her.
10. We also gave opportunity to Shri. Ashok Kodag to file his say and document.
11. On hearing the arguments of revision applicant and his wife we have minutely perused document filed by Lata adalrao and M/s. Mahalaxmi Nagari Sahakari Sanstha Sector No. 2 Nerul.

12. It appears that the dispute about lawful possession and title of shop owners are in serious in dispute against which various litigations are pending in a court of law.

13. So following point raised for consideration before as.

1. Whether this Forum has power to entertain dispute by way of revision or review under section 91 of CGRF and MERC Regulation, Ombudsman Rule 2006.
2. Whether revision application is tenable. What order?
3. After perusing earlier order passed by Hon'ble Forum dated 31.05.2014 in Case No. 537/2014 it appeared that the present dispute raised by Shri. Sambhaji Adhalrao by way of revision application dated 22.07.2014 which is not within limitation.
4. It appears that there is no important document of such nature or any of such order which was not placed earlier before the Forum are now filed by this revision applicant Shri. Sambhaji Adhalrao.
5. So far as the power of the Forum is concerned, it is provided under section 19 (1) of consumer Rules amended. There is absolutely no power conferred upon the Forum to consider revision application and review application, enabling giving relief against an application under revision and review.
6. This Forum has come to conclusion that applicants have no power to review and reconsider earlier order passed in favor of old consumer Shri. Ashok Kodag in case no 537/2014. Therefore Forum is incompetent to entertain such dispute. Hence we proceed to pass following order.

#### **ORDER**

Revision/review application filed by Shri. Sambhaji Adhalrao stands dismissed with no cost

Both the parties be informed accordingly.

Proceedings closed.

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

Note:

- 1) If Consumer is not satisfied with the decision, it may proceed within 60 days from 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.

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

**ANIL P. BHAVTHANKAR**  
**CHAIRPERSON**  
**CGRF, BHANDUP**

**S.B.BHALSHANKAR**  
**MEMBER SECRETARY**  
**CGRF, BHANDUP**