

(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. 622**

Hearing Dt. 16.12.2015

**In the matter of express feeder of consumer No. 0286590399540**

**M/s. Green Valley Homes Developers**

- Applicant

Vs.

**M.S.E.D.C.L. Vashi Circle.**

- Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

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

B - On behalf of Appellant

- 1) Shri. V.A.Kamanna – Consumer Representative

C - On behalf of Respondent

- 1) Shri. S.S.Patil, Executive Engineer, Vashi Circle, Nodal Officer.

**ORDER (10/4/2015)**

1. Above named consumer has filed this complaint against Respondent utility, against order issued by IGRC No. 3920 dtd. 22.08.2014.
2. Consumer had requested for transfer of his connection from express feeder to non express feeder and change of tariff from HT II E to HT II non continuous. Consumer has alleged that Respondent utility recovered charges

against the wish of consumer and charged for supply from express feeder. The consumer is having supply for Mall from express feeder, bearing consumer No. 0286590319540 At Station Road, Kharghar, Navi Mumbai. It is also alleged that the supply connected to the mall is not continuous and there were failure in supply during the period from June 2014 to 24.11.2015 21.

3. Consumer prayed for refund of the charges recovered by utility towards charges for supply from express feeder with interest. Consumer grievance filed with IGRC as case No.88/2014 was decided by IGRC after hearing on 23.07.2014 and order was passed on 22.08.2014. Respondent utility submitted that the supply was given to mall on express feeder. The express feeder supply was given as per letter dated 16.07.2012 of the consumer. Connection was released by Additional Executive Engineer, Koperkhairne on 30.07.2012 to substation 33/11KV sector No. 02 Kharghar.
4. Being dissatisfied by the order of IGRC, the consumer filed this complaint before Forum. After filing the said complaint on 07.11.2015 office issued notice to the Respondent utility. Respondent utility appeared and filed its say stating that earlier case filed by Green Valley Home Developers bearing no 566/2014 was already considered by this Forum and order was passed on 10.04.2015. Utility also enclosed copy of order passed by this Forum. It is contention of Respondent utility [Regulation clause 6.7(c) that *The Forum shall not entertain a Grievance:(c) unless the Forum is satisfied that the Grievance is not in respect of the same subject matter that has been settled by the Forum in any previous proceedings; and The grievance against the order of IGRC was challenged by the consumer in case no 566/2014. Therefore the*

*grievance having same cause of action cannot be entertained by Forum, hence liable to be dismissed with cost.*

5. Denying the allegations of consumer without prejudice, Respondent utility stated that the supply was given to the consumer with his consent vide letter dated 26.07.2012 on express feeder 33/11KV sector 2, Kharghar, Sub Division. Tariff was charged as HT II as per consumption recorded. In spite of order and observation made by IGRC and CGRF, the consumer did not apply for conversion of supply through non express feeder; which is required as per guidelines and Circular, to appropriate Authority. Till the time there is no such application, express continuous feeder tariff is applicable and Respondent utility entitled to recover charges. There is no question of any threat/compulsion or refund. Hence consumer complaint should be dismissed with cost.
6. After perusing the rival contentions of consumer and respondent utility, following points arose for our consideration:
  1. Whether consumer is entitled for any relief as claimed by him.
  2. Whether second complaint of consumer is maintainable and can be entertain by this Forum.
  3. What order?

### **Reasons**

7. We heard the consumer representative on 26.11.2015 and 16.12.2015. We have also considered the reply of utility and nature of grievance. Admittedly, as per copy of judgment passed by this Forum in case No. 566/2015 in which complaint filed by M/s. Green valley Homes Developers against respondent utility was already considered and order was passed.

8. The cause of action arose in this complaint was reconsidered by IGRC in case No. 28/2014. The issue raised in this an the earlier complaint is similar.
9. The complainant raised objection against Mr. Suraj Chokraborty that he was not appointed to appear before this Forum. But it is on record that he was given Power of Authority to appear.
10. We thus called for original record of case 566/2015. On verification it is seen that Form "A" is duly signed by consumer and his representative. Therefore there is no substance found in allegation made by consumer.
11. Secondly, the Forum verified the record and the issues earlier raised in complaint No. 566/2015. It is seen that the consumer number, name and issues are same.
12. It is submitted by respondent utility officer that earlier complaint was decided by this Forum. We have perused all records and proceedings of earlier case, copy of order and original records of the issue raised by consumer in this complaint.
13. We have gone through the provisions of Regulation 6.7(c), which state that CGRF shall not entertain a grievance in respect of same subject matter which has been settled earlier. Therefore we hold that this complaint of the consumer is not maintainable.
14. We found that the allegations made by consumer are without any substance. The consumer is required to file the proceedings before appropriate authority against order of Forum, subject to period of limitation. In this case there is no fresh cause of action. Findings given by this Forum in earlier case are binding on both the parties. Therefore the consumer complaint filed by the consumer as case No. 622 is liable to be dismissed. Hence we proceed to pass the order as follows:

**ORDER**

1. The consumer complaint No. 622/2015 stands dismissed.

Proceedings closed.

Both the parties be informed accordingly.

Compliance should be reported within 45 days.

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.

**I Agree/Disagree**

**I Agree/Disagree**

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

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

**RAVINDRA S. AVHAD  
MEMBER SECRETARY  
CGRF, BHANDUP**