

**Consumer Grievance Redressal Forum
Maharashtra State Electricity Distribution Co. Ltd.
Bhandup Urban Zone, Bhandup**

Ref. No. Secretary/MSEDCL/CGRF/BNDUZ/

Date :

Case No. 430

Hearing Dt. 12/03/2012

Mr. Milap Ali Sadia Ali Qureshi.

- Applicant

Vs.

MSEDCL, Sarvodaya S/Dn., Mulund.

- Opponent

Present during the hearing

A] - On behalf of CGRF, Bhandup

- 1) Shri S.K. Chaudhari, Chairman, CGRF Bhandup.
- 2) Shri R.M Chavan, Member Secretary, CGRF, Bhandup
- 3) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B] - On behalf of Applicant

- 1) Shri Shukla, Consumer representative.

C] - On behalf of Opponent

- 1) Shri S.V. Bedagkar, Dy. Ex. Engr., Sarvodaya S/Dn.

ORDER

Shri Milap Ali Sidique Ali Qureshi is a consumer of MSEDCL, under service no. 600000099209 using supply on industrial tariff.

On dtd. 16/07/2005 the utility official as per their say found the pilfergement of electricity at consumers premises and hence lodged police case vide FIR no. 1660/2005 and assessed for theft of energy for

an amount of ` 5,44,557.90 which the consumer had paid. The consumer was not agreed for the theft case filed by the utility, hence the matter was proceeded in Court vide case no. 38/2007. The Hon'ble Court has acquitted consumer from offence under section 135 & 138 of E.A. 2003.

The matter was heard on 12th March 2012 both the parties were present, the documents on record and arguments during the hearing reveals that, the consumer applicant is already acquitted from the offence of theft of electric energy booked under Section 135 & 138 of E.A. 2003 by the utility.

The consumer applicant moved to the Internal Grievance Redressal Cell, Thane for refund of paid money towards civil liabilities. The IGRC order vide its letter dtd. 31st Oct. 2009 to credit the civil liabilities amounting to ` 2,43,520/- and asked the consumer applicant to pay the remaining balance dues excluding the part of theft bill, if any.

On perusal of documents produced by the consumer applicant, Forum observed the consumer has already approached to the High Court through motion 380 of 2007 for refund of theft bill paid to the utility, which shows that the matter is subjudised. As per the MERC (Electricity Ombudsman & CGRF) Regulations 2006 therein Regulation 6.7(d) state as :

Where a representation by the consumer, in respect of the same Grievance, is pending in any proceedings before any court, tribunal or arbitrator or any other authority, or a decree or award or final order has already been passed by any such court, tribunal or arbitrator or any other authority,

The Forum therefore has no any other alternative than to dismiss the case as same representation is pending in the High Court,

No order as to the cost

Both the parties be informed accordingly.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 20/04/2012.

Note : 1) If Consumer is not satisfied with the decision, he may have representation 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 go in writ before the Hon. High Court within 60 days from receipt of the order.

DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP

S. K. CHOUDHARY
CHAIRMAN
CGRF, BHANDUP

R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP