

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

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

Date :

Case No. 395

Hearing Dt. 22/09/2011

Shri Nathuram Balaram Tatkare

- Applicant

Vs.

MSEDCL, Panvel

- Opponent

Present during the hearing

A] - On behalf of CGRF, Bhandup

- 1) Shri S. D. Madake, Chairman, CGRF Bhandup.
- 2) Shri R.M Chavan, Member Secretary, CGRF, Bhandup.
- 2) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B] - On behalf of Applicant

- 1) Shri Nathuram Balaram Tatkare – Consumer

C] - On behalf of Opponent

- 1) Shri Kachre, Ex. Engr. Nodal Officer Vashi circle.
- 2) Shri B.R. Kadam, Dy. Ex. Eng. Panvel Sub division.
- 3) Shri R.P. Nakhawa, A.A., Panvel Sub division

Preamble: -

Aggrieved by unaccounted bill for ` 23,290/-, dtd. 07/06/2011 on account of change of use, the consumer has filed this complaint before this Forum.

Applicant Say: -

The consumer, M/s. Yog Electricals, having consumer no. 02810161442/2 is using electricity since last few years. Consumer is holding permanent Registration certificate of Govt. of Maharashtra, Director of Industries. It is alleged by the consumer that the Flying Squad of the utility has wrongly charged the complainant under section 126 of Electricity Act 2003 for an amount of ` 23,290/-.

It is contention of the consumer that since the consumer is registered with Directorate of Industries, he should be charged electricity as per Industry & not at commercial rate. He wanted relief from the Forum for cancellation of bill dtd. 07/06/2011 & directions to the utility to issue bills as per previous tariff i.e. Industrial rate.

Utility's Say :-

On the behalf of MSEDCL Shri Kachare, the Nodal officer along with Shri B.R. Kadam, Dy. Ex. Eng. Panvel Sub division, Shri R.P. Nakhawa, A.A., Panvel Sub division were present to represent the case.

It was submitted by the utility that since the same subject matter is subjudical before PWD Electrical (Govt. of Maharashtra) the complaint should be dismissed.

Observation :-

Issues for consideration before the Forum:

- 1) Whether consumer should be charged at Industrial rate.
- 2) Whether this Forum has jurisdiction to entertain this complaint.
- 3) The Forum is of the view that as the matter is subjudiced before the appropriate Appellant authority, the Chief Engineer PWD (Electrical) hence this Forum cannot entertain the complaint as per

MERC (Electricity Ombudsman & CGRF) Regulations 2006, therein regulation 6.7 d which read as :

6.7 The Forum shall not entertain a grievance :-

d) 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 a final order has already passed by any such Court, tribunal, arbitrator or authority.

Hence complaint stands dismissed & closed.

ORDER

The complainant has already approached to the applet authority under section 127 of EA 2003 and hence matter is subjuised and could not entertained for proceeding; therefore considering the MERC (EO & CGRF) Regulations 2006 there in 6.7 d the complaint stands dismissed.

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 30/09/2011.

DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP

S. D. Madake
CHAIRMAN
CGRF, BHANDUP

R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP