

**CONSUMER GRIEVANCE REDRESSAL FORUM**  
(Established under the section 42 (5) of the Electricity Act, 2003)  
**MAHARASHTRA STATE ELECTRICITY DISTRIBUTION COMPANY LTD.**  
**JALGAON ZONE**  
Office of the  
Consumer Grievance Redressal Forum  
AjanthaChauphuli, Old M.I.D.C.  
Jalgaon 425 003

No./ CGRF /JLGZ/JLG Circle/JLG UCR Dn/03-2016-17/ **No 00044** Date: **11 JUL 2016**  
(BY R.P.A.D.)

Hearing for Admission of the Grievance

Date of Submission : 16/06/2016  
Date of Decision : 08/07/2016

To.

1. M/s. Heramb Polypack ,  
Prop: Shri Nandkumar Gopalrao Bendale  
381, Meherun ,Shirsoli Road  
Jalgaon 425003.  
(Consumer No. 110018036797)
2. Executive Engineer & Nodal Officer ,  
Maharashtra State Electricity Distribution Co LTD  
Circle office, Jalgaon
3. Executive Engineer ,  
Maharashtra State Electricity Distribution Com. Ltd.  
Division office, Jalgaon UCR



Complainant

Distribution Company

**DECISION**

M/s. Heramb Polypack , Jalgaon . L.T Industrial consumer ( hereafter referred as the Complainant) of the Maharashtra State Electricity Distribution Company Ltd. ( hereafter referred as the Distribution Company) has filed a complaint regarding excessive bill issued in November 2014 for September 2012 to August 2014 on the basis of wrong Multiplying Factor (MF) . The grievance was submitted to the Internal Grievance Redressal Cell of the Distribution Company . But not satisfied with decision of the IGRC , the consumer has submitted a representation to the Consumer Grievance Redressal Forum in Schedule "A" on 16/06/2016 inwards under no. 62.

After preliminary scrutiny of the documents , it was revealed that the complainant has already filed , on the same subject matter a writ petition no. 3259 of 2016 with civil application no. 4466 of 2016 to the Hon'ble Aurangabad Bench of Bombay High Court . The grievance therefore prima facie is liable for rejection in view of the regulation 6.7 (d) of the MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 .However it was decided by the Forum to give opportunity to the complainant to put up his arguments . Hence the complainant was asked to appear before the Forum on 05/07/2016 at 12.30 a.m.. at the CGRF Office, Jalgaon along with copies of the petitions filed with the High Court and a notice to that effect was sent to the complainant and the concerned officers of the Distribution Company.

Shri Shashikant Dinkar Vadodkar represented on behalf of the complainant.

**Background of the case in Brief :**

1. The main grievance is regarding raising of excessive bill of Rs. 11,58,595.49/- in November 2014 for the period September 2012 to August 2014 and on the basis of wrong Multiplying Factor (MF).
2. The complainant submitted the complaint in this regard to the Internal Grievance Redressal Cell of the then Distribution Franchisee ( Crompton Greaves Ltd.) on 01/08/2015 . Copy of this application is also submitted to the Executive Engineer , MSEDCL , Jalgaon Division on 17/08/2015. But there was no decision provided by the IGRC of the Crompton Greaves Ltd. There is nothing on the record to show

what follow up was made by the complainant with the Crompton Greaves Ltd. or MSEDCL after submission of the grievance in August 2015.

3. Meanwhile the agreement for Franchisee with Crompton Greaves Ltd ended and the work of distribution came back to the MSEDCL. The complainant has filed the grievance to the Internal Grievance Redressal Cell at the Jalgaon Circle of the MSEDCL on 15/03/2016. The IGRC heard the case on 11/04/2016 and decided the same on 21/04/2016 and the decision was conveyed by a letter dated 22/04/2016.
4. However it is noticed that the complainant filed a writ petition in the Aurangabad Bench of Bombay High Court on 16/03/2016 (i.e. on the next day of submitting the grievance to the IGRC) along with Civil Application on 22/03/2016 for direction in the said writ petition. The same are registered by the Hon'ble Bench under WP No. 3259 of 2016 and C.A. No. 4466 of 2016 and the following order has been passed on 5<sup>th</sup> April 2016:

*"Mr. Barde, learned counsel appearing for petitioner submits that according to respondents an amount of Rs. 11,58,000/- is due towards to the petitioner. The same is disputed by the petitioner. Grievance application filed by the petitioner is not decided by respondent No. 2 and any time respondent would disconnect the electricity supply of the petitioner concern.*

*In the meantime, no adverse action be taken against the petitioner on the condition that it deposits Rs. 5,00,000/- (Rupees Five Lakhs) with respondent – authority within three days from today."*

5. It is seen from the decision of the IGRC, MSEDCL that the complainant has not informed the IGRC during the hearing on 11/04/2016 or earlier about filing of the case with the Bombay High Court.
6. The complainant has made the CGRF as the respondent number 2 in the petition to the Hon'ble High Court and prayed for "issuing appropriate writ order, direction or any other order in the nature of writ, the Hon'ble High Court may be pleased to direct the respondent number 2 to decide grievance application filed by petitioner on 01.08.2015 for consumer no. 11001803679798"
7. However the record of the Forum shows that complainant has not submitted any application to its office on 01.08.2015. The complainant also could not show acknowledgement of the receipt of any such application by the office of the Forum. It seems that the complainant has treated the application dated 01/08/2015 submitted to the IGRC of Crompton Greaves Ltd as the application submitted to the CGRF. Hence the complainant has misrepresented the facts.

8. In case of non-redressal of the grievance by the Forum, an option was open to the complainant to approach the Electricity Ombudsman in view of regulation 17.2 of the MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 which provides as under :

*"Any consumer, who is aggrieved by the non-redressal of his Grievance by the Forum, may make a representation for redressal of his Grievance to the Electricity Ombudsman within sixty (60)-days from the date of the order of the Forum.*

*Provided that the Electricity Ombudsman may entertain a representation after the expiry of the said period of sixty (60) days if he is satisfied that there was sufficient cause for not filing it within the said period."*

But it is seen that the complainant has not resorted to this remedy and approached the Hon'ble High Court.

9. First application of the complainant received by the Forum is on 16/06/2016 i.e. after the case is admitted in the High Court.
10. The regulation 6.7 (d) of the MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 mandates that the Forum shall not entertain a Grievance :

*:"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 been passed by any such court, tribunal, arbitrator or authority."*

11. The complainant has argued that the grievance submitted under the petitions to the High Court are only for expediting the hearing by the Forum and restraining the Distribution Company from disconnection. But the plain reading of the contents of the petitions and the order it is revealed that the complainant has disputed the amount of excessive bill of amount of Rs. 11,58,595.49/- raised by the Distribution Company in November 2014 for the period September 2012 to August 2014 and the subject matter of the petitions filed with Hon'ble High Court and this Forum are the same.
12. As such the Forum can not entertain this grievance at this stage and is unable to pass any order in this regard.

After considering the representation submitted by the complainant and records available, the grievance is decided with the observations and directions as elaborated in the preceding paragraphs and the following order is passed by the Forum.

## ORDER

1. The Forum can not entertain this grievance and pass any order in view of the petition filed by the complainant with Hon'ble Aurangabad Bench of Bombay High Court on the same grievance.
2. If aggrieved by the non-redressal of his Grievance by the Forum, the appellant may make a representation to the Electricity Ombudsman, 606, 'KESHAVA', Bandra Kurla Complex, Bandra (East), Mumbai 400 051 within sixty (60) days from the date of this order under regulation 17.2 of the MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006.



— Sign —

(RAJAN S. KULKARNI)  
Member

— Sign —

(D.K.MOHOD)  
Member-Secretary

— Sign —

(SURESH P.WAGH)  
Chairman

Consumer Grievance Redressal Forum, Jalgaon Zone

### Copy for information and necessary action to:

1. Chief Engineer, MSEDCL, Jalgaon Zone, Jalgaon.
2. Superintending Engineer, MSEDCL, Jalgaon Circle, Jalgaon.
3. Jr. Law Officer, MSEDCL, Jalgaon Zone, Jalgaon

— Sign —

Member-Secretary/Executive Engineer  
MAH. STATE. ELECT. DIST. CO. LIMITED  
Consumer Grievance Redressal Forum  
Jalgaon Zone, Jalgaon