



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
Ph- 2210707, Fax – 2210707, E-mail : cgrfkalyan@mahadiscom.in

---

No. **K/E/1007/1218/2015-16**

Date of Grievance: 11/03/2016

Date of order : 16 /03/2016

Total days : 06 days.

**IN THE MATTER OF GRIEVANCE NO. K/E/1007/1218 OF 2015-16 IN RESPECT OF M/S. GURERA SYNTHETICS PVT.LTD., D-6/2, MIDC, PHI, DOMBIVLI ( E ) REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING BILLING DISPUTE.**

M/s. Gurera Synthetics Pvt. Ltd,  
D-6/2,  
MIDC, PH-I,  
Dombivli ( E ).

.... (Hereafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution  
Company Limited through its  
Executive Engineer, MSEDCL,  
Kalyan Circle-1,Kalyan

.... (Hereinafter referred as Licensee)

Appearance : For Consumer– In person & Shri B.R.Mantri - CR

For Licensee: Shri Kale- EE-cum-Nodal Officer, KC-I

(Per C.U.Patil-Executive Engineer – cum- Member Secretary )

Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003 (36/2003). Hereinafter for the sake of brevity referred as 'MERC'. This Consumer Grievance Redressal Forum has been established as per the notification issued by MERC i.e. "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers vide

powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is referred as 'Regulation'.

Further the regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission. Hereinafter referred as 'Supply Code' for the sake of brevity. Even, regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply & Determination of Compensation) Regulations, 2014.' Hereinafter referred 'SOP' for the sake of convenience (Electricity Supply Code and other conditions of supply) Regulations 2014'.

The consumer M/s. Gurera Synthetics Pvt. Ltd ( HT consumer No-020129002400 ) has submitted its grievance in schedule-A dated 10/3/2016 which was registered by allotting No. K/E/1007/1218 of 2015-16 dated 11/3/16 and the hearing was scheduled on 1/4/16 at 12:30 hrs.

In the present case, the grievance regarding the assessment of Rs. 20,93,918/- ( approximately ) given by Licensee to the consumer for the period January 2007 to August 2007 against 17 % less metering as per the MRI analysis is brought by the consumer before this Forum including the prayer for the stay order for the recovery of above disputed arrears till the final decision / order by CGRF in the matter.

In the above matter, the consumer and his CR previously approached to the Forum on 9/3/16 for availing the interim order to avoid any sort of disconnection which Licensee was to initiate for recovery of the assessed bill. The matter was scrutinized on 9/3/16 and it was observed by the Forum that the grievance is having some reference of Hon'ble Civil Court and its order. In the letter of Suptd. Engineer, Kalyan Circle-I bearing No. 1808 dated 12/6/15 addressed to the consumer, the reference of Hon'ble Civil Court and its order is incorporated. Hence, it was suggested to the consumer to

produce the copy of the said order. However, the CR did not turn up with the said order and approached to IGRC.

However, the consumer later on approached to this Forum with schedule-A as mentioned above and the hearing was scheduled on 1/4/16 at 12:30 hours. The letter for hearing vide No. 100 dated 11/3/16 was served to the Nodal Officer of Kalyan Circle-I with copy to the consumer. The Regular hearing was scheduled without giving the status of “ Emergent hearing ” as the consumer and CR both neglected to produce the copy of the above referred Hon’ble Court’s order. Without going through the contents of the said order of the Court, it was not possible for this Forum to take the decision towards emergent hearing. Hence, regular hearing was processed.

However, the consumer with his CR approached to the Forum on 15/3/16 stating that without waiting for the complete procedure of CGRF and its order, the Officers of the Licensee have disconnected their supply. Hence, they urged to intervene the matter and to issue the suitable appropriate order for reconnection of the supply. The Forum insisted again to the consumer to produce the copy of the above referred order of the Court and sufficient time was given to him for producing the said order. The copy of the said order was produced by the consumer at the time of hearing.

After going through the withdrawal application filed by the consumer / Plaintiff in Spl. Civil Suit No.256/2007 before the Hon’ble Civil Court S.D., Kalyan, at Exh.36 and the relevant order dated 09/03/2015, following facts are noted by this Forum:

The consumer / plaintiff prayed as under:

..... a] The plaintiff desire to withdraw the above suit to file the same at the appropriate Forum of MSEDCL.

..... b] Permission may be granted to file the above suit at appropriate Forum of MSEDCL.

The Advocate for the defendant ( MSEDCL ) has taken following objection :

The application is not maintainable. Admittedly Court has no jurisdiction. Hence no permission regarding such prayer be granted. Hence application be rejected.

**The Hon'ble Civil Judge, S.D., Kalyan passed the order on 09/03/2015 vide Exh.36 in Spl. Civil Suit No.256/2007 which is reproduced below:**

*This is the application filed by the plaintiff to withdraw the suit on the ground that this Court has no jurisdiction to entertain the suit against the defendant subject to condition to allow the plaintiff to move respective authority on same cause of action.*

*The Ld. defence counsel gave his say on the application itself stating that such conditional withdrawal cannot be allowed and objected the maintainability of the application.*

*Admittedly, the proceeding came to be filed in the year 2007. Since then the plaintiff did not take steps in this regard. The conduct of the plaintiff is sufficient to make it clear that the plaintiff kept the matter pending before this Court having knowledge that this Court has no jurisdiction to entertain this suit. In such situation, the plaintiff cannot be allowed to file the proceeding before competent authority on the same cause of action. Therefore, this application to the extent of allowing the plaintiff to file present proceeding before the competent authority on the same cause of action is rejected. The plaintiff is simply permitted to withdraw from the said proceeding. Accordingly, the plaintiff is allowed to withdraw the suit. No order as to costs.*

Taking in to consideration, all the above points, more specifically the order of the Hon'ble Civil Court dated 9/3/15, this Forum cannot entertain the present grievance application of the consumer.

At the time of hearing, the CR has interpreted the word “Competent Authority” as MSEDCL’s Officials. CR further stated that CGRF is not a competent authority and hence he can file his grievance application before CGRF. The CR made contradictory statements regarding the word “Competent Authority.”

In the withdrawal application of Civil Suit, the consumer prayed for permission from the Hon’ble Civil Court for filing the referred suit at appropriate Forum of MSEDCL and the Hon’ble Court in its order rejected prayer of consumer to file present proceedings before the Competent Authority on the same cause of action.

Hence, the illogical arguments presented by CR are not accepted by this Forum.

Moreover, Clause 6.7 ( d ) MERC (CGRF & EO ) Regulations, 2006 which is reproduced below, does not allow the Forum to entertain the grievance when the order has already been passed by any Court .

**6.7 The Forum shall not entertain a grievance -**

( a ) ....

( b ) ....

( 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

( 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 been passed by any such Court, Tribunal, Arbitrator or Authority.

In the present case, the grievance regarding the assessment of Rs. 20,93,918/- ( approximately ) given by Licensee to the consumer for the period January 2007 to August 2007 against 17 % less metering as per the MRI

analysis is “ **again** ” brought by the consumer before this Forum. However, the permission is already denied by the Hon’ble Civil Court as decided in its order dated 09/03/15 in Spl.Civil Suit No. 256/2007.

It is surprising to note that IGRC has not taken any cognizance in its order 901 dated 11/3/16 of the above order of Hon’ble Civil Court though the reference of said order is already reflected in the Licensee’s letter No.1808 dated 12/6/15 addressed by SE, Kalyan Circle-I to M/s Gurera Synthetics.

Taking into consideration all the above points and without going through the merits of the grievance application, this Forum is of the opinion that the grievance application of the consumer cannot be entertained now considering the order of the Hon’ble Civil Court vide which the consumer is now NOT permitted to approach to any Competent Authority for his “ same ” grievance.

In view of the above, it is also not required now to conduct any hearing scheduled on 1/4/2016.

Hence, the order.

### **ORDER**

The grievance application of the consumer is hereby rejected.

Date: 16/03/2016.

**I agree**

( Mrs.S.A.Jamdar )  
Member  
CGRF,Kalyan

(Chandrashekhar U.Patil)  
Chairperson-cum- Member Secretary  
CGRF,Kalyan

**\*\* ( In the sitting of Forum, the Chairperson is not available. As per MERC Regulations (2006), Clause 4, the technical member shall be the Chairperson of such sitting in which Chairperson is not available and hence in the present case, the technical member performed the role of Chairperson of the Forum ).**

#### **NOTE**

- a) The consumer if not satisfied, may file representation against this order before the Hon. Ombudsman within 60 days from the date of this order at the following address.

*“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”.*

- b) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or
- c) delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” at the following address:-  
“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”
- d) It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.

