



**Consumer Grievance Redressal Forum, Kalyan Zone**  
**Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301**  
**Ph: – 2210707 & 2328283 Ext: - 122**

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**ORDER IN THE MATTER OF GRIEVANCE NO.K/E/624/742 OF**  
**2012-13 OF SOU. SAWITRI S. ARORA & SURESH D. ARORA,**  
**ULHASNAGAR REGISTERED WITH CONSUMER GRIEVANCE**  
**REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT**  
**EXCESSIVE ENERGY BILL**

**M/s. Sawitri S. Arora &**  
**Suresh D. Arora,**  
**Plot No. 827, Near Bk. 1720,**  
**Harijanpada,**  
**Ulhasnagar.**

**Here-in-after**  
**referred**  
**as Consumer**

**Versus**

**Maharashtra State Electricity Distribution**  
**Company Limited through its**  
**Dy. Executive Engineer,**  
**Sub-Division – V, Ulhasnagar.**

**Here-in-after**  
**referred**  
**as Licensee**

1. This Consumer Grievance Redressal Forum has been established under "Maharashtra Electricity Regulatory Commissioner (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievance of

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consumers. The regulation has been made by the Maharashtra Electricity Regulatory Commission vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, 2003 (36 of 2003).

2. The consumer is being I. P. Consumer of the licensee is billed as per industrial tariff. Consumer registered grievance with the forum on 27/06/2012 for Excessive Energy Bill and wrongly charging u/s 126 of Electricity Act.

The details are as follows –

Name of the consumer :- M/s. Sawitri S. Arora & Suresh D. Arora

Address : As given in the title

Consumer No : LT IP – 021510982913 & 021514463503

Reason of dispute : Excessive Energy Bill

3. The set of papers containing above grievance was sent by forum vide letter No.EE/CGRF/Kalyan/0530 dated 28/06/2012 to Nodal Officer of licensee. The licensee filed reply vide letter No. SE/KC-II/Tech/3405 dated 19/07/2012 through Nodal Officer Kalyan Circle - II.
4. We the Members of the Forum heard both sides in the meeting hall of the Forum's office on 20/7/2012. Licensee represented by Nodel Officer Shri Giradkar, Shri Perekar, Dy. Ex. Engineer and Shri Manish, the representative of consumer attended but on 01/08/2012 consumer sought adjournment and though

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adjourned to 14/08/2012 none for consumer attended on that  
day.

5. This consumer though having I.P. connections found routing supply through other electrical meters which were connected to the main meter. This was noticed during inspection by officer of Licensee on 12/04/2012. On the basis of the said report order of provisional assessment is passed u/s 126 of Electricity Act on 17/4/2012. Further final order under the said section passed on 18/07/2012. However, the consumer has approached this Forum before passing the final order i.e. on 27/06/2012. Matter was scheduled to be heard on 20/07/2012.
  
6. Accordingly this matter was taken up for hearing and during the course of hearing officer of Licensee contended that present aspect is falling under section 126 of Electricity Act, provisional assessment order and final orders are passed as per section 126 and hence course available is by way of appeal u/s 127 of Electricity Act. Further it is contended even the consumer has approached the said Appellate Authority u/s 127 making the grievance that officers of Licensee are not accepting deposit of half of the bill under dispute which is a condition precedent for filing an appeal. It is further stated that receiving message orally to that effect from the Appellate Authority amount is allowed to be deposited and it is deposited. Further it is claimed that even subsequently consumer has filed appeal before the Appellate Authority on

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17/07/2012 and notice towards it dated 01/08/2012 served on the officer of Licensee. Accordingly it is now submitted the matter is subjudice before the Appellate Authority as per the provisions of MERC regulation this Forum has no jurisdiction. On behalf of consumer appearance was not there on 01/08/2012 and 14/08/2012 and in the light of the submissions made by officer of Licensee we are clear that the matter has already reached Appellate Authority u/s 127 and when matter is dealt under section 126, now this Forum has no jurisdiction. Accordingly, complaint is to be dismissed for want of jurisdiction.

### **ORDER**

Grievance application is hereby dismissed for want of jurisdiction.

The Consumer can file representation against this decision with the Hon. Electricity 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".*

Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or delay in compliance of this decision issued under "Maharashtra Electricity Regulatory Commission

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Regulation 2003" at the  
following address:-

*"Maharashtra Electricity Regulatory Commission,13th  
floor, World Trade Center, Cuffe Parade, Colaba,  
Mumbai 05"*

Matter could not be decided within sixty days as some other heavy matters were to be dealt and completed in time.

<b>(Mrs.S. A. Jamdar)</b>	<b>(R. V. Shivdas)</b>	<b>(Sadashiv S. Deshmukh)</b>
<b>Member</b>	<b>Member Secretary</b>	<b>Chairperson,</b>
<b>C.G.R.F. Kalyan</b>	<b>C.G.R.F. Kalyan</b>	<b>C.G.R.F. Kalyan</b>