

Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No. **K/DOS/40/1039/2015-16**

Date of Grievance: 06/04/2015

Date of order : 06/05/2015

Total days : 30 days.

IN THE MATTER OF GRIEVANCE NO. K/DOS/40/1039 OF 2015-16 IN RESPECT OF NRC LIMITED, VILLAGE MOHONE, TAL. KALYAN, DISTRICT-THANE PIN- 421 102 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING NON COMPLIANCE OF ORDER OF THIS FORUM IN GRIEVANCE NO.1026.

NRC Limited,

Village Mohone, Tal. Kalyan,

District-Thane.

Consumer No. 020169009628 HT

.... (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-

Shri Killedar -General Manager

Shri Tulsidas Manager-

For Licensee:

Shri Lahamge-Nodal Officers & Exe. Engineer,

Shri Kale-Dy. Executive Engineer.

(Per Shri Sadashiv S.Deshmukh, Chairperson)

1] This grievance is brought before us by consumer on 6/4/2015, contending that consumer received bill for February 2015. It's due date of payment was 26/3/2015 and quantum of current bill shown as Rs.24,96,990/- and Licencee issued notice dated 31/3/2015 u/s. 56(1) of Electricity Act, clarifying that said current bill be paid within 15 days otherwise supply will be disconnected. Consumer filed grievance about the said notice and independently filed this application, alleging that though this Forum decided its grievance No.K/E/732/867/2013-14 dated 29/10/2013 and directed to

refund additional 2% extra units on energy consumed, is not totally complied and direction is sought for adjusting the said amount in the bill of February 2015 and to issue correct bill. Further prayed for restraint order against Licencee for disconnecting consumer's supply till refund is adjusted. Quantum of refund is now just made limited to 21,22,280/- which is the amount not yet considered and calculated.

2] This being a grievance towards non compliance of previous order. It is being dealt further, but for the sake of convenience it is allotted with the Grievance No. K/DOS/40/1039/2015-16.

The copy of grievance application and its accompaniments sent to Nodal Officer vide this office letter No. EE/CGRF/Kalyan 062 dated 6/4/2015 and matter was fixed on 10/4/2015.

On 10/4/2015, both sides attended and filed reply and contended that in respect of said order of this Forum already writ petition No.671 of 214 is filed and Hon'ble High Court dealt it, passed order up to 18/2/2015 and concession given to consumer to pay the arrears of bill by cheque of Rs.30,00,000/- and balance amount of Rs.75,00,000/- in three equal installments. On this ground, it is contended that as matter is pending and subjudice in the High Court, this application is not tenable.

3] We heard both sides. It is a fact that this grievance is brought before us pertaining to non compliance of order passed by this Forum in Grievance No. K/E/732/867/2013-14 decided on 29/10/2013. It is also a fact that against this order already Licencee filed Writ Petition No. 671 of 2014 and Hon'ble High Court from time to time passed orders in the said matter as prayed by Licencee and even by consumer. At the time of admission of Writ Petition, Licencee was directed to deposit in the High Court the amount involved in the matter. Subsequently after quantum was deposited consumer objected there about the amount quantified, hence direction was given by Hon'ble High Court to this Forum to work out the figures which is worked

out and submitted to the Hon'ble High Court. It is claimed that Licencee though deposited the amount and consumer was given liberty by Hon'ble High Court to withdraw 50% of it by giving bank guarantee. It remained standstill and in that regard submissions were made before the Hon'ble High Court. Further it is submitted that though Licencee deposited the amount, consumer was yet to pay the arrears of current bills and said amount was of heavy. Hence, before the Hon'ble High Court, that was pleaded and Hon'ble High Court on 18/2/2015 allowed the consumer to handover the cheque of Rs.30,00,000/- to the Licencee and to pay the balance arrears of Rs.75,00,000/- in three monthly installments @ Rs.25,00,000/- per month each. Accordingly, this is progress of the matter. At this juncture, the General Manager of consumer contended that though Hon'ble High Court initially granted stay conditionally to the order of this Forum, the condition was not complied by the Licencee in time and further after calculation of amount by this Forum as directed by the Hon'ble High Court, amount still due, covering the period after the said calculation and without considering the said due amount which is calculated by consumer to the tune of Rs.22,22,280/- consumer is being asked to pay dues. Accordingly, it is contended that order of this Forum is not stayed and it is not being implemented hence relief be granted.

4] In the light of aforesaid facts we perceived the factual aspects that Hon'ble High Court not only admitted the matter but granted the stay. The Hon'ble High Court further directed this Forum to quantify the amount which is also done and that Licencee was directed to deposit the amount which is deposited. In favour of consumer, even towards disconnecting the supply relief is granted as submitted by Officers of Licencee. Accordingly, towards recovery calculations of amount involved and arrived at the order of this Forum is dealt and being dealt by the Hon'ble High Court. Matter is accordingly totally within the powers of Hon'ble High Court and said matter is actively subjudice before the Hon'ble High Court. It is not possible for this

Forum to pass any order pertaining to the matter which is being dealt by the Hon'ble High Court. In this light, we find, this matter needs to be disposed off.

Hence the order.

ORDER

Grievance application disposed off.

No any relief can be granted as matter is subjudice before the Hon'ble High Court. Party is at liberty to place appropriately before the Hon'ble High Court the aspect which it is agitating now if amount fit.

Dated: 06/5/2015.

I agree

I agree

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

(Chandrashekhar U.Patil)
Member Secretary
CGRF,Kalyan

(Sadashiv S.Deshmukh)
Chairperson
CGRF, Kalyan