

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/751/905 of 2013-14

Date of Grievance: 10/01/2014

Date of order : 26/03/2014

Period Taken : 76 days.

**IN THE MATTER OF GRIEVANCE NO. K/E/751/905 OF 2013-14 IN  
RESPECT OF NRC LIMITED, VILLAGE MOHONE, TAL. KALYAN,  
DISTRICT-THANE PIN- 421 102 REGISTERED WITH CONSUMER  
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN  
REGARDING ILLEGAL AMOUNT OF PROMPT PAYMENT.**

NRC Limited,  
Village Mohone, Tal. Kalyan,  
District-Thane.

Consumer No. 020169009628

.... (Hereafter referred as consumer)

Versus

Maharashtra State Electricity Distribution  
Company Limited through its

Executive Engineer, Kalyan -Circle-1, Kalyan .... (Hereinafter referred as Licensee)

Appearance : For Consumer -Shri Mantri, and General Manager

Shri Killedar-Consumer's Representative

For Licensee - Shri Lahange- Nodal Officer and Executive  
Engineer,

Shri A.M.Kale and Barambhe - Asst. Engineer

Shri Sakpal-Accountant.

(Per Shri Sadashiv S.Deshmukh, Chairperson)

1] 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, (36/3003). Hereinafter it is referred as 'Regulation'. Further the regulation has been made by MERC i.e.

‘Maharashtra Electricity Regulatory Commission (Electricity Supply Code and other conditions of supply) Regulations.

2] This grievance is brought before us by consumer on 9/1/2014, alleging that though consumer as per the order passed by this Forum in Grievance No. 867 dated 2/9/2013. Licencee was to pay appropriately an amount of Rs.1.2 crores and in spite of such amount due, Licencee issued bill for the month of November 2013 in December 2013, which is for Rs. 43 lakhs and thereafter issued notice u/s. 56(2) on 23/12/2013. It is contended that when order of this Forum itself is not honoured, amount due is not paid by Licencee without considering the said amount, from Licencee demands is raised. If, it would have been considered, then there could not have been any need for issuing notice of disconnection on the ground of non payment of the bill for the month of November-2013. Even bill of December 2013, is also added to it.

3] On receiving grievance application, it was sent to the Nodal Officer along with accompaniments of it vide this Forum’s letter No. EE/CGRF/Kalyan 008 dated 10/1/2014.

In response to the said notice, Licencee appeared and filed reply on 15/1/2014 and thereafter from time to time, submissions are made.

4] This matter is taken up for final hearing. We heard both sides at length. At this stage, following factual aspects are disclosed:

a] Consumer is having supply to it’s industrial unit and consumer filed grievance before this Forum bearing No. 867 which is decided on 2/9/2013 and as per the said order Licencee was to pay amount. Consumer calculated the due amount to the extent of Rs.. 1.2 crores or odd. Then consumer approached the Hon’ble MERC as order of this Forum is not implemented by Licencee. That matter is pending.

b] On behalf of Licencee, already writ petition bearing Stamp No.35065 of 2013 presented and prior to it in the High Court, consumer has filed Caveat No. 6224 of 2013. The said writ petition was pending for admission and till then this grievance is brought before us and it was agitated that matters are taken to those respective

authorities i.e. MERC and Hon'ble High Court by the consumer and Licencee respectively. Considering the pendency of those matters, both sides during hearing, made submissions and as per their submissions they were to maintain the status as it is without going for any coercive action of disconnection.

c] On last date, Licencee placed before this Forum the order of Hon'ble High Court in Writ Petition No.671/2014 dated 12/3/2014, before us wherein as prayed by Licencee, relief is granted against the consumer i.e. staying order of Forum. That order is conditional, the Hon'ble High Court directed the Licencee to deposit the amount directed by this Forum within two weeks of said order. After depositing of it , consumer is at liberty to withdraw 50% of the said amount on furnishing the Bank guarantee of any Nationalised bank and said bank guarantee shall be kept alive during the pendency of hearing and final disposal of the petition. Accordingly, now it is brought before us by the Licencee that as per direction of Hon'ble High Court, towards it's compliance cheque dated 24/3/2014 for Rs.1,24,60,390/- is deposited in the Hon'ble High Court on 21/3/2014. Accordingly, it is contended that Hon'ble High Court granted stay which is now effective.

d] Consumer's manager made submissions that so-called compliance now, shown is not correct, amount deposited is not total as per the calculation arrived at, by the consumer and provided before this Forum and hence, it is claimed that said stay is not operative as condition is not fulfilled.

5] Considering the aforesaid factual aspects, the question comes up before us whether this Forum can pass any order. It is a fact that consumer approached this Forum, disputing bill for the month of November and December 2013 and contended that in the said bill deductions ought to have been shown, of the amount which was to Hon'ble MERC as matter is within the jurisdiction of MERC and still that matter is pending before MERC. Secondly, consumer filed Caveat Application before Hon'ble High Court bearing No. 6024/2013, perceiving that Licencee may file Writ Petition. Accordingly Licencee filed Writ Petition which was allotted Stamp No.35065 of 2013 and subsequently, it is admitted and numbered as Writ Petition No. 671/2014 and in the said matter Hon'ble High Court pass the order on 12/3/2014, granting conditional stay. As noted above Licencee came up with contention that as per conditional stay order, conditions are fulfilled and amount is deposited. Though consumer is now disputing that deposit is not complete, but we are to find out whether this Forum has

jurisdiction to consider that aspect of execution. We find when matter is finally decided, by this Forum in Grievance No. 867 dated 29/10/2013, and as soon as matter is taken to MECR and order is passed by Hon'ble High Court, admitting the writ, this Forum cannot enter into that aspect of execution of order passed by this Forum in Grievance Application No. 867. Accordingly, we find, we are not able to express any opinion, we cannot give any finding on so-called contention of consumer that there is no compliance of stay order passed by Hon'ble High Court. We find, appropriately, consumer is take that matter before Hon'ble High Court. Now we find, as order passed by this Forum is being dealt at MERC and Hon'ble High Court. This grievance can be decided by this Forum.

6] This matter could not be decided within prescribed time as both sides were to make their position clear as they had approached Higher Forums. When, order of Hon'ble High Court is produced this matter is being decided.

Hence the order.

### **ORDER**

Grievance brought before us pertaining to non compliance of the order passed by this Forum in grievance No. 867 dated 29/10/2013, is already pending before the Hon'ble MERC and order itself challenged before Hon'ble High Court. This grievance cannot be dealt by this Forum.

Dated:26/03/2014.

I agree

I agree

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

**(Chandrashekhar U.Patil)**  
**Member Secretary**  
**CGRF,Kalyan**

**(Sadaashive S.Deshmukh)**  
**Chairperson**  
**CGRF, Kalyan**

**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 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”*

- c) 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.