



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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IN THE MATTER OF GRIEVANCE NO. K/E/331/372 OF 2009-2010 OF SHRI TIKAMDAS AHUJA ULHASNAGAR - 1 , REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT EXCESSIVE ENERGY BILL.

Shri Tikamdas Ahuja
6, Saikripa Apartment,
Near Sadhubella High School,
Ulhasnagar - 1

(Here in after
referred to
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its Dy. Executive
Engineer, Ulhasnagar Sub/Dn No. I

(Here in after
referred to
as Licensee)

- 1) Consumer Grievance Redressal Forum has been established under regulation of "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers. This regulation has been made by the Maharashtra Electricity Regulatory Commission (MERC) vide powers

conformed 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 a Three phase LT consumer of the Licensee. The Consumer is billed as per commercial tariff. The consumer registered grievance with the Forum on 31/03/2010 regarding the Excessive Energy Bill. The details are as follows: -

Name of the consumer : Shri Tikamdas Ahuja

Address: - As above

Consumer No : 021510313949

Reason for Dispute : - Regarding Excessive Energy Bill

- 3) The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/144, dt. 31/03/2010 to the Nodal Officer of the Licensee, and the Licensee through Dy. Executive Engineer MSEDCL Ulhasnagar Sub/Dn No. I filed reply vide letter No. DYEE/Sub.Dn.Camp-I/194, dt. 13.04.2010.

- 4) The original hearing was fixed on 19/04/2010 but the same was postponed on 26/04/2010. The Member Secretary and Member of the Forum heard both the parties at length on 26/04/2010 @ 15.00 Hrs. in the meeting hall of the Forum's office. Shri Tikamdas Ahuja Consumer, Shri V. D. Kale Nodal Officer - Incharge, Shri Manish Dakare Jr. Engr., Mrs. S. J. Patil Asstt. Acctt., Representatives of the licensee, attended hearing. Minutes of the hearing including the submissions made by the parties are recorded and the same are kept in the record. Submissions made by the parties in respect of grievance since already recorded in detail, will be referred to avoid repetition.

5) The complaint in brief is as follows :

That the complainant/consumer who is an Advocate is the owner of office premises on the ground floor in Saikripa Apartment bearing office No. 5. He is having electricity connection bearing consumer No. 021510313949 and his meter No. 8206143294. He further states that licensee treated his office as commercial establishment and issued excessive electricity bills for the period from September 1997 to December 1998 which is neither legal nor proper.

6) It is the contention of complainant/consumer for getting relief regarding this huge amount he approached Civil Judge Jr. Division (C.J.J.D.) Ulhasnagar and filed R.C.S. No. 75/99 in which he prayed for relief regarding the huge bills. According to the complainant the Hon. C.J.J.D. Ulhasnagar was pleased to direct the licensee (dependent) to restore the electricity supply to his premises on charging 20% of the disputed bill and also directed the complainant to pay the current bills. The complainant/consumer further states that on payment of 20% of the disputed amount the licensee (dependent) restored the supply to his shop premises.

7) The complainant/consumer further states that even after the restoration of electricity supply the licensee issued him current bills alongwith arrears and interest thereon. According to the complainant/consumer he is neither liable to pay this arrears nor liable to pay interest or DPC as claimed by licensee. He further states that currently his shop premises is without electricity supply.

8) It is also contended by the complainant/consumer that he has also requested the licensee to reduce the load from 5.1 KW to 3 KW since he requires less power but the licensee did not heed to his request.

- 9) The complainant/consumer further states that since the licensee failed and neglected to correct the bills he is constrained to file this complaint and prayed as under :
- i) To direct licensee to rectify the bills.
 - ii) To direct licensee to pay compensation of Rs. 5000/- to complainant for mental agony.
- 10) On the contrary licensee argued that :
- i) The complainant/consumer is having arrears of electricity bill and that the dispute is pending before the C.J.J.D. Ulhasnagar. They have further contended that as per the directions of the Hon. Court Ulhasnagar he has paid 20% of the disputed amount and reconnection charges. It is the contention of the licensee that they have repeatedly informed the complainant to pay current bill amount regularly leaving the disputed amount since as per the directions of the Hon. C.J.J.D. Ulhasnagar the balance amount is to be decided after final judgment.
- 11) However, the complainant/consumer did not pay the current bills regularly hence his electricity supply of the shop premises was disconnected. On 06/03/2010 vide letter No. DYEE/ULH-1/S/Dn-1/108, licensee had informed the complainant/consumer to pay the balance amount for getting the electricity supply restored.
- 12) We have studied all the documents filed on the records and heard the complainant as well as licensee and concluded that since the complainant had already opted to approach C.J.J.D. Ulhasnagar and filed regular Civil Suit No. 75 of 1999 before approaching to this Forum in respect of identical subject matter and for identical relief which is now pending adjudication before the Hon. Court. This Forum does not have jurisdiction when the matter is pending

in another Court for the same cause of action and matter is sub-judice. Moreover, as per the directives of MERC Regulation 6.7 (d) the Forum shall not entertain a grievance where a representation by the consumer in respect of same grievance is pending in any proceeding before any Court, Tribunal or Arbitration or any other authority.

13) We therefore pass the following order :

ORDER

1) Complaint No. K/E/331/372 stands disposed of.

2) The Consumer can file representation against this decision with the Ombudsman at the following address.

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

Representation can be filed within 60 days from the date of this order.

Date : 03/05/2010

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

(R. V. Shivdas)
Member Secretary
CGRF Kalyan