



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/556/655 OF 2011-2012 OF EXECUTIVE ENGINEER M.I.D.C. E&M DIVISION MAHAD REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT CHANGE OF TARIFF & EXCESSIVE ENERGY BILL.

Executive Engineer
M. I. D. C. E&M Division
Mahad, Tal : Mahad
Dist : Raigad – 402 201

(Here-in-after
referred
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Superintending Engineer
Pen Circle

(Here-in-after
referred
as licensee)

- 1) Consumer Grievance Redressal Forum has been established under "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 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 a H.T. consumer of the licensee. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on 19/12/2011 for change of tariff & excessive energy bill.

The details are as follows :

Name of the consumer :- Executive Engineer, MIDC E&M Division, Mahad

Address: - As given in the title

Consumer No : - 043019016600

Reason of dispute : Change of Tariff & excessive energy bill

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/0720 dated 19/12/2011 to Nodal Officer of licensee. The licensee filed reply vide letter No. SE/PC/HTB/00139, dated 07/01/2012.
- 4) A hearing was held on 17/01/2012 @ 16.00 hrs. The Member Secretary and Member of the Forum heard both the parties in the meeting hall of the Forum's office. Shri Asalkar, Dy. Engineer representative of the consumer, & Shri B. B. Khandare Nodal Officer, Shri G. A. Mali Jr. Law Officer, Shri L. B. Koli Dy. C.A.O. 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.

- 5) The Executive Engineer M.I.D.C. E&M Division Mahad had filed his grievance with the Forum regarding change of Tariff and excessive energy bill.
- 6) Seen order passed in Representation No. 55 of 2011 MSEDCL V/s. M.I.D.C. dated 07/06/2010 by Hon. Ombudsman Mumbai. It appears that the said order is challenged before the Hon. High Court in Writ Petition No. 9065 of 2011. Hon. High Court while staying the operative order by Hon. Ombudsman dated 07/06/2010 by way of interim order directed to the respondent to charge electricity bill as per industrial tariff HT – IV.
- 7) In this connection Regulation 2005 of MERC towards Regulation No. 6.7 sub-clause No. 4 says that Forum shall not entertain the grievance if the same grievance is pending in any Court.
- 8) It appears that as per this Regulation sub-clause No. 4, the Forum may not entertain the grievance of the consumer regarding the same grievance which is pending before any other Court.
- 9) Taking into consideration the above Regulation, in our humble opinion this matter as involved the same question of Law and fact needs to be stayed till the final disposal of Writ Petition No. 9065 of 2011 as the subject matter is sub-judice before the Hon. High Court. Hence the order :

O-R-D-E-R

- 1) The grievance application is stayed until further orders.

2) The Licensee is hereby directed to issue the bills to complainant as per Interim Order of the Hon. High Court in Writ Petition No. 9065 of 2011 till the final disposal of the matter.

3) The consumer 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”.

4) 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”

Date : 17/01/2012

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

(R.V. Shivdas)
Member Secretary
CGRF Kalyan