

**MAHARASTRA STATE ELECTRICITY DISTRIBUTION CO. LTD.**

**KONKAN ZONE RATNAGIRI**

**Consumer Grievances Redressal Forum Ratnagiri**

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**Consumer case No. -25/2014**

**Date :- 25.09.2014**

**Grahak Panchyat Ratnagiri  
Sadachar Mandir,Shere Naka,Zadgaon  
Ratnagiri,Tal & Dist.Ratnagiri**

**Complainant**

**V/S**

**Executive Engineer  
Maharashtra State Elec.Dist.Co.Ltd.  
Ratnagiri**

**Opposite Party**

**Quorum of the Forum**

- 1) Mr. D. S. Jamkhedkar  
Chairman**
- 2) Mr. V.B.Jagtap.  
Secretary Member**

**On behalf of consumer**

- 1) Shri. Vinay Vasant Paranjape  
(Representative)**
- 2) Shri. Shashiknat Yashwant Vadiya**

**On behalf of opposite party**

- 1) Shri. A.W.Mahajan,  
Executive Engineer, Ratnagiri**

## **Maharashtra State Electricity Regulatory Commission Consumer Grievance Redressal Forum and Ombudsman Regulation 2006 Vide Clause No.8.2**

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A registered consumer organization namely 'GRAHAK PANCHAYAT RATNAGIRI' (here in after referred to as " Consumer Organization ) has approached this Forum for getting redressed the grievance of the Ex- consumers of opponent Mahavitrان, to whom opponent is under an obligation to refund the security deposit amount, as their supply has already been disconnected.

The consumer organization had moved Executive Engineer Mahavitrان on 20.01.2014 for getting the grievance redressed but in vein. It is on this background the organization has moved this Forum for getting the relief.

The organization has come out with the grievance that there are umpteen Ex-consumers whose supply had been permanently disconnected by the opponent long back and though their security deposit amount should have been refunded earlier, they have been stranded for years together without any just and proper reason. The applicant has also annexed the list of several consumers who have still not been paid back the security deposit amount.

The Consumer organization has requested this Forum to direct the opponent to refund the aforesaid amount without any further delay.

The opponent Mahavitrان was called upon to submit it's say by serving a notice the say has been filed by Mahavitrان on 14/11/2014.

The Main plank of the contentions of opponent is that the consumer organization cannot file any such grievance on behalf of several consumer as there is no such provision in the defining clause S.2(15) of the Electricity Act 2003. So at the outset the petition is without any 'Locus- standi' and the same be rejected.

It is submitted that a petition was filed before M.E.R.C. by this consumer organization through it's representative bearing No. 59/2011 with a prayer to include consumer organization in the defining clause of Electricity Act 2003. A hand was laid on the similar provision in consumer protection Act 1986 in which consumer organization is allowed to put the grievance on behalf of consumer in general but this request was turned down by commission and petition came to be rejected.

With this background, it is submitted that the petition be rejected.

In view of these submissions, the matter was heard by the Forum.

Shri. Paranjape offered his submissions on behalf of the consumer organization . The gamot of his submission was that under the Consumer Protection Act 1986, the word 'Complainant' includes consumer organization and there is no

such provision under the Electricity Act 2003. He further urged that in view of this, in consistency and in the interest of the consumers the consumer organization be allowed to put up the grievance of consumers at large. He sought assistance of the provision of S.173 of Electricity Act 2003 to make submission that in case of inconsistency the provisions of Consumer Protection Act 1986 should prevail. He also relied on the judgment handed down by Electricity Ombudsman in Rep. No. 10/2010 on 05.03.2010.

With this background, he urged that petition be held as tenable in law and the suitable direction be issued to Mahavitrans to refund the security deposit amount.

The Executive Engineer of Mahavitrans Shri. Mahajan advanced submissions on behalf of Mahavitrans. He relied on the order passed by MERC in 59/2011 and submitted that the very submission to include consumer organization in the defining clause S. 2 (15) of Electricity Act 2003, made by this organisation has been turned down by commission and as such it is not possible for organization to represent consumers before this Forum.

He urged that decision of Electricity Ombudsman relied upon by the other side has no relevance in the present case. With these submissions, he prayed for rejection of the petition.

In view of the rival submissions following points arise for our consideration and we have given findings against each of them for the reasons given below.

No.	Points	Findings
1.	Whether consumer organization has 'Locus standi' to file this petition.	No
2.	What order	As per final order

### **Reasons**

#### **Point No. 1 :-**

To find out whether consumer organization could approach this Forum for setting the grievance of consumers at large, we will have to take into consideration the various provisions of Electricity Act.2003.

At the outset the defining clause S.2(15) of Electricity Act does not include or does not give right to the consumer organization to put up the grievance of Electricity consumers before the Forums akin to the provision under the

Consumer Protection Act 1986. The commission has also turned down the request of consumer organization to cloth them with any such right.

According to Forum, the Electricity Act 2003 is self sufficient Legislation and there is no need to import any provisions from the different Acts. and to do the job x 'x' of legislators The legislators in their wisdom have not included consumer organization in the defining clause S.2(15) of Electricity Act and we cannot challenge the wisdom of the Legislators. On these lines alone, the commission in para 12 of the order has made relevant observations and also observed that in such situation consumer organization could very well put up the grievance of the consumer before consumer courts established under Consumer Protection Act 1986 by taking assistance of the provision of S. 42(8) of Electricity Act 2003.

It is more than certain that the Forums established under the Electricity Act 2003 is not the only Forum available to the consumer to get redressed the grievance but the other avenues open to him like civil court, consumer court under Consumer Protection Act 1986 could also be approached by him. So the consumer organization could very well go to civil court under representative suit or before the Hon'ble High Court under Public Interest Litigation to get their general grievance redressed.

In any case, it is not possible to import and legislate and then to allow petitioner to get the grievance redressed.

I this respect we also cannot ignore the provision of S.174 of Electricity Act which speaks of the overriding effect of the provision of Electricity Act 2003.

Under these circumstances, we are of the reasoned view that the Forum may exceed jurisdiction, if any such interpretation is allowed. The facts of the case before the Electricity Ombudsman were on different line.

In view of the specific provisions under the Electricity Act 2003 and it's overriding effect, the request of the petitioner cannot be taken into consideration.

With this background, we hold that petitioner has no 'Locus Standi' to file this petition and answer the point in the negative.

### **Point No.2:-**

In the result, the petition fails and deserve rejection. Hence we proceed to pass following order.

## **Order**

**1) Petition stands rejected with no order as to costs. .**

**2) In case consumer desires to appeal against this order he should file his appeal to the following addresses.**

**Secretary,  
Electricity OMBUDSMAN,  
Maharashtra State Electricity Regulatory Commission,  
606/608, Keshava Building,  
Bandra Kurla Complex,  
Mumbai – 400 051.  
Phone No.022 – 2659 2965.**

**Shri. D.S.Jamkhedkar  
Chairman ,C.G.R.F.  
Konkan Zone**

**Shri. V.B.Jagtap  
Ex.Engineer,C.G.R.F.  
Konkan Zone**

**Date : 15.01.2015**

**Place : Ratnagiri**