



**CONSUMER GRIEVANCE REDRESSAL FORUM
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION COMPANY LTD.
KOLHAPUR ZONE, TARABAI PARK, KOLHAPUR**

Con. Comp. No. 122/ 2011-12/601

Date : 13.10.2011

JUDGMENT

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| 1) M/s. Manidhari Strips Pvt. Ltd.
(Now known as Manidhari Realtors Pvt.Ltd.)
Solapur and Yashwant Mill Compound,
Akkalkot Road, Solapur | | Appellant |
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V/s

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| 1) Executive Engineer Cum Nodal Officer
M.S.E.D.C.L. Circle Office,
Urja Nagar, Murarji Peth, Solapur | | Respondent |
| 2) Executive Engineer,
M.S.E.D.C.L. Urban Division,
Urja Nagar, Murarji Peth, Solapur. | | |

- Corum -**
- 1) Shri G. B. Pankar, Member Secretary
 - 2) Shri G.C. Lele, Member

**MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
(Consumer Grievance Redressal Forum & Electricity Obudsman):
Regulation 8.2 of Regulation 2006**

Judgement by Shri G. B. Pankar, Member Secretary, C.G.R.F. Kolhapur :

The appeal against the Order dated 24.8.2011 passed by I.G.R.C. Solapur is received on 2.9.2011 at C.G.R.F. Kolhapur. While going through the documents submitted by the applicant, the hearing regarding admission of appeal on point No. 6.7 (d) of C.G.R.F. and Ombudsman Regulations 2006 is kept on 20.9.2011. Both the parties as above are called for hearing.

During the hearing on date 20.9.2011 at Kolhapur, Shri Kanhayalal Agrawal, Director of the Firm on behalf of the petitioner, is present. Shri Nakate, Executive Engineer cum Nodal Officer, I.G.R.C. Solapur and Shri Kolap, Executive Engineer (U) Division, Solapur are present from Respondent.

During the hearing, Shri Agrawal explained that they have applied for temporary connection 15 KW on date 18.5.2009 at Urban Sub Division Solapur Office.

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The existing premises/ land of Solapur and Yashwant Sahakari Soot Mill has been purchased through auction from the Maharashtra State Co-operative Bank Ltd. In spite of follow up from our side, M.S.E.D.C.L. has not released the connection. A Writ Petition has been filed in Hon'ble High Court, Bombay vide writ petition No. 102 of 2010. Hon'ble High Court heard on interim relief and has issued the Order dated 2nd March, 2010 to release connection after furnishing corporate guarantee of entire amount towards compliance of MSEDCL's circular No. 53 dated 7th May 2007. Due to non-compliance of Order by MSEDCL, Solapur, Contempt Petition No. 75 of 2010 has been filed and decided by Hon'ble High Court on date 1st February 2011. Shri Agrawal further requested to admit the grievance as Hon'ble High Court has decided the matter and allow to continue the detailed hearing in this matter.

Shri Nakate, Executive Engineer contended that there are huge arrears on the said premises of Solapur and Yashwant Sahakari Soot Mill and civil suit is pending at Solapur Court. Shri Nakate, Executive Engineer further contended that as per direction by Hon'ble High Court, Bombay on date 2nd March, 2010, the petitioner has not complied in toto MSEDCL's Circular No. 53 of 7.5.2007 by paying initially the amount as per 10.5 of Supply Code and then furnishing of corporate guarantee for balance amount. Hence, the electricity connection is not released. The grievance of the applicant is already decided by the Hon'ble High Court, Bombay.

The Forum has not allowed the further hearing as the matter is limited to admissibility of grievance only. Member Secretary of the Forum reads out the provisions of CGRF & Ombudsman Regulations 2006 point No. 6.7 (d) -

“ The Forum shall not entertain a grievance where a representation by the consumer in respect of the same grievance is pending in any proceedings before any court, tribunal or arbitrator or any other authority or a decree or award or a final order has already been passed by any such court, tribunal, arbitrator or authority “.

In view of the Hon'ble High Court Bombay's Orders dated 2nd March 2010 and 1st Feb. 2011 in this matter and the provision 6.7 (d) of CGRF & Ombudsman Regulations 2006, the Forum passes following Order.

ORDER

- 1) The grievance is not admitted in view of the Provisions 6.7(d) of CGRF & Ombudsman Regulations 2006.
- 2) The applicants / aggrieved persons by this Order are having right to prefer appeal within 60 days from the date of this order before the Hon. Ombudsman at ' Keshwa ' Bandra Kurla Complex, Bandra (E) Mumbai.

Date :

(G. B. Pankar)
Member Secretary

Shri G. C. Lele, Secretary :

