

**Maharashtra State Electricity Distribution Co. Ltd.'s
Consumer Grievance Redressal Forum
Nagpur Urban Zone, Nagpur**

Case No. CGRF(NUZ)/75/2015

Applicant : Shri Narayan Kothiram Bawne,
Bastarwadi, Matachouk,
Prem Nagar,
Nagpur – 440 002.

Non–applicant : Nodal Officer,
The Superintending Engineer,
(Distribution Franchisee),
MSEDCL,
NAGPUR.

Quorum Present : 1) Shri Shivajirao S. Patil,
Chairman.

2) Adv. Subhash Jichkar
Member.

3) Shri Anil Shrivastava,
Member / Secretary.

ORDER PASSED ON 1.4.2015.

1. The applicant filed present grievance application before this Forum on 1.4.2015 under Regulation 6.5 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as Regulations).

2. In main grievance application, applicant also claimed interim relief under regulation 8.3 of the said regulations.

3. Applicants case in brief is that he filed complaint case No. 565/07 before District Consumer Forum Nagpur. It is decided as per judgement dated 1.4.2008. That order was challenged before the State Consumers Disputes Redressal Commission Nagpur in first Appeal No. A/568/08. The said appeal was decided on 1.12.2014. Said order of State Commission was challenged by the applicant by filing revision petition No. 402/15 before National Consumers Disputes Redressal Commission and now the said matter is pending before National Commission.

4. On 5.3.2015, Non applicant disconnected his supply without issuance of statutory notice under section 56 of Electricity Act 2003. Therefore he claimed interim relief to reconnect his supply.

5. As the matter was urgent and interim relief was claimed, matter was fixed for hearing on the point of interim relief on 1.4.2015 at 1.20 P.M. Shri Dahasahastra, Officer of SPANCO was present. Shri Rody was present for M.S.E.D.C.L. Applicant was present in person.

6. Forum heard the arguments of both the sides on the point of interim relief and perused the record.

7. Record shows that applicant and one Shri Narendra Bawne, filed complaint No. 565/07 before District Consumers Forum and it was partly allowed as per order dated 1.4.2008.

Thereafter M.S.E.D.C.L. filed first appeal No. A/568/08 before State Consumer Disputes Redressal Commission, Maharashtra Nagpur Circuit Bench Nagpur against applicant and Shri Narendra. Said appeal was allowed as per order dated 1.12.2014 and order passed by District Consumer Forum was set aside and complaint is already dismissed. Applicant challenged said order of Consumers Disputes Redressal Commission Nagpur by filing revision petition No. 402/05 and it is pending before National Consumers Forum.

8. According to Regulation 6.7(d) of the said regulations 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 final order has already been passed by any such Court, Tribunal, Arbitrator or authority.

9. As we have already discussed above, the matter is decided by District Consumers Forum. Furthermore, matter is also decided by State Consumer Disputes Redressal Commission Nagpur and now the matter is pending before National Consumers Disputes Redressal Commission New Delhi, and therefore according to regulation 6.7 (d) of the said regulations, this Forum can not entertain the grievance and this Forum has absolutely no jurisdiction and therefore grievance deserves to be dismissed.

10. As Forum can not entertain the grievance, there is no question of granting any interim relief. Therefore we have no right to grant any interim relief.

11. So far as prayer of the applicant about interim relief is concerned, he is at liberty to approach National Consumers Disputes Redressal Commission, New Delhi, where the matter is subjudice. Hence the following order :-

ORDER

1. Grievance application is dismissed.

Sd/-
(Anil Shrivastava)
MEMBER
SECRETARY

Sd/-
(Adv. Subhash Jichkar)
MEMBER

Sd/-
(Shivajirao S. Patil)
CHAIRMAN