

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

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**Case No. CGRF(NUZ)/084/2010**

Applicant : M/s. Ashutosh Casting Limited,  
F-9/17, MIDC Area,  
Hingna Road,  
NAGPUR.

Non-applicant : MSEDCL represented by  
the Nodal Officer-  
Superintending Engineer,  
Nagpur Urban Circle,  
Nagpur.

Quorum Present : 1) Shri. Shivajirao S. Patil  
Chairman,  
  
2) Adv. Smt. Gouri Chandrayan,  
Member,  
  
3) Smt. Kavita K. Gharat  
Member Secretary.

**ORDER (Passed on 05.03.2011)**

The present grievance application is filed by M/s. Ashutosh Casting Limited F-9/17, MIDC Area, Hingna Road, Nagpur on 28.10.2010 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 here-in-after referred-to-as the said Regulations.

1. The applicant's case in brief is that Hon. Appellate Tribunal of Electricity decided appeal no. 135/2007 on 12.05.2008 by modified clause no. 7.4 (g) of the MERC's tariff order dated 18.05.2007 vide which Hon. Commission had allowed the consumers the period of six months for their stabilization of the production who have increased their contract demand after billing month of December 2005. Though the judgment is specific in its application and calculation of ASC who have increased their contract demand after the billing month of December 2005. The instant grievance application is filed by the applicant against the order dated 18.08.2010 passed by IGRC, MSEDCL, Nagpur Urban Zone, Nagpur.

Though the order passed by Hon. Appellate Tribunal of Electricity in appeal no. 135/2007 passed on 12.05.2008 is not applicable to applicant, MSEDCL made it applicable to them by misconceiving the same. MSEDCL had wrongly raised debit bill against them for Rs.12,73,063/- and latter brought down to Rs. 5,93,446/- which is also not acceptable. Therefore the applicant approached to IGRC. As the application was rejected by IGRC, MSEDCL. The applicant presented present application. In this application applicant prayed for

- 1) To direct MSEDCL to the effect that regular energy bills submitted by MSEDCL for the period from May 2007 to June 2008 are not to be revised as at the relevant bills were submitted to them, after application benchmark consumption for the

month of December 2005 (during the reference period of January 2005 to December 2005) were paid by applicant before due dates.

2) To declare that the order passed by IRGC is not tenable and therefore it may be quashed and set-aside.

2. The non-applicant filed reply and submitted that in the similar matter MSEDCL submitted writ petition no. 4655/10 MSEDCL V/s. M/s. Nidhaye Engineering Company Pvt. Ltd, Nagpur and stay is granted by Hon. High Court of Judicature at Bombay bench at Nagpur. The non-applicant submitted that the stay order is extended by Hon. High Court from time to time and said writ petition is now fixed for hearing on 01.03.2011. As the matter is subjudice before Hon. High Court, therefore, this Forum has no jurisdiction to decide the present matter.

3. Forum heard the arguments of Mr. Thakre, General Manager, of the applicant, so also heard arguments of Mr. M.S. Kele, Superintending Engineer and Smt. Janorkar, Dy. Manager (Finance & Accounts).

4. Forum perused entire record and specifically stay order of Hon. High Court. It is noteworthy that the non-applicant had produced certified copy of writ petition no. 4655/10 MSEDCL V/s. Nidhaye Engineering Company and Hon. Electricity Ombudsman. Both the parties frankly

admitted before the Forum that facts of the present case and facts of the matter pending and stated by Hon. High Court are identical, so also one of the same. Certified copy of order of Hon. High Court shows that matter is stayed in writ petition no. 4655/10 by Hon. High Court as per interim order since 23.11.2010 and stay granted by Hon. High Court is latter on extended from time to time till 01.03.2011.

5. As similar matter is subjudice before Hon. High Court. Therefore this Forum has absolutely no jurisdiction to decide the present grievance application. It is noteworthy that the present grievance application is registered before this Forum on 28.10.2010. Needless to say that the Forum has to dispose of the matter within two months from the date of institution. Forum had granted adjournment in this matter at several times because there was the stay of Hon. High Court and due to that reason Forum could not decide the matter within a period of two months. But now it not desirous to keep matter un-necessary pending for a larger period. Therefore the Forum is passing the order without touching to the merits of the matter.
6. For these reasons Forum hold that as the matter is stayed in similar case by Hon. High Court, this Forum has no jurisdiction at this juncture/moment. Therefore it

is necessary to dispose of the matter without touching to merits of the case. Hence the Forum order.

**ORDER**

As the Forum has no jurisdiction to decide the present grievance application at this moment, therefore it is disposed of.

Sd/-	Sd/-	Sd/-
(Smt.K.K.Gharat)	(Smt.GauriChandrayan)	(ShriShivajirao S.Patil)
MEMBER	MEMBER	CHAIRMAN
SECRETARY		