

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

Case No. CGRF(NUZ)/0131/2006

- Applicant : Shri Masudkhan Bahadarkhan
Khan, Near Raut Vachnalaya,
Talsibag Road,
Nagpur.
- Non-Applicant : The Nodal Officer-
Executive Engineer,
MAHAL Division,
Nagpur representing the MSEDCL.
- Quorum Present : 1) Shri S.D. Jahagirdar,
Chairman,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.
- 2) Smt. Gouri Chandrayan,
Member,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.

ORDER (Passed on 19.06.2006)

The present grievance application is filed before this Forum on 31.05.2006 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.

The grievance of the applicant is in respect of excessive energy bill for Rs. 14,523/- issued way back in May, 2001 and in respect of charging of interest thereon in his subsequent energy bills.

Before approaching this Forum, the applicant had filed a complaint before the Internal Grievance Redressal Cell as per the said Regulations raising therein this grievance.

The Internal Grievance Redressal Cell, upon hearing the matter, replied the applicant by its letter, being letter no. 3387 dated 19.05.2006, that the applicant did not pay his energy bills regularly although they were issued as per metered readings from January 2001 and onwards and as such interest on un-paid arrear amount was rightly charged from time to time in his energy bills.

Being aggrieved by this decision of the Internal Grievance Redressal Cell, the applicant has filed the present grievance application.

The matter was heard by us on 19.06.2006.

A copy of the non-applicant's parawise report dated 14.06.2006 addressed to this Forum by the non-applicant in terms of the said Regulations was given to the applicant's nominated representative on 19.06.2006 before the case was taken up for hearing and he was given opportunity to offer his say on this parawise report also.

The applicant's case was presented before us by his nominated representative one Shri H.B. Khan. The Nodal Officer presented his case on behalf of the non-applicant Company.

The contention of the applicant's representative is that an excessive energy bill of Rs. 14,523/- was issued to the applicant in May-2001 and that charging of interest subsequently was also not proper &

correct. He has requested that interest charged on this un-paid amount subsequent to May-2001 be waived.

The non-applicant has submitted that the applicant had filed a complaint before the District Consumer Disputes Redressal Forum, Nagpur hereinafter referred-to-as the District Forum in the year 2001 in respect of the same subject-matter and that the applicant subsequently withdrew his complaint filed by him before the District Forum. He has produced a copy of the order dated 12.02.2002 passed by the District Forum in support of this contention.

He has further stated that the applicant was paying his energy bills regularly up to May, 2001. However, he did not pay his energy bill for Rs. 14,623.29 issued in the month of May 2001. The applicant was also not paying his energy bills regularly subsequent to May, 2001 and hence interest as per rules was rightly charged to the applicant in his current bills. He has also stated that the applicant has given an undertaking in writing on 18.03.2006 on a stamp paper that the latest energy bill of Rs. 17,472.17 for the month of February, 2006 was acceptable to him and that he was willing to pay 10,000/- on the same day i.e. on 18.03.2006 and that the balance amount of Rs. 7472.17 would be paid in April, 2006. He added that although the applicant paid an amount of Rs. 10,000/- on 18.03.2006, he did not pay the balance amount of Rs. 7,472.17 so far. The Nodal Officer submitted that there is no substance in the present grievance application.

In the present case, it is a matter of record that the applicant had filed a complaint, being complaint no. UTP282/2001, before the District Forum. It is also a matter of record that this complaint was withdrawn by him and accordingly an order, being order

dated 12.02.2002, came to be passed by the District Forum. It is pertinent to note that a specific mention has been made in this order to the effect that a pursis was filed by the applicant stating that he had filed a Civil Suit against the opposite party in the Civil Court and as such he does not want to proceed before the District Forum.

It is, therefore, clear that this subject matter of the present grievance is pending a Civil Suit before a Civil Court. On questioning the applicant's representative on this point, he expressed his total ignorance about pendency of such a Civil Suit.

As laid down in Regulation 6.7 of the said Regulations, the Forum shall not entertain a grievance where the 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. Hence, it is clear that this Forum cannot entertain the applicant's grievance application because the subject matter of this grievance is pending in a Civil suit before a Civil Court as admitted himself by the applicant before the District Forum while withdrawing his complaint.

He had also given a written undertaking on 18.03.2003 accepting the liability of payment of the accumulated arrear amount. Not only this but he had also paid an amount of Rs. 10,000/- as a part payment. There is, therefore, no substance in the present grievance otherwise also.

Moreover, the applicant is challenging his energy bill of May, 2001 and interest thereon in the year 2006. Regulation 6.6 of the said Regulations stipulates that the Forum shall not admit any

Grievance unless it is filed within two (2) years from the date on which the cause of action has arisen. Hence, on this count also, the applicant's grievance applicant cannot prima-facie be entertained by us.

In the result, the applicant's grievance application stands disposed of as not entertainable.

Sd/-
(Smt. Gauri Chandrayan)
MEMBER

Sd/-
(S.D. Jahagirdar)
CHAIRMAN

**CONSUMER GRIEVANCE REDRESSAL FORUM
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO LTD's
NAGPUR URBAN ZONE, NAGPUR.**

**Member-Secretary
Consumer Grievance Redressal Forum,
Maharashtra State Electricity Distribution Co.Ltd.,
Nagpur Urban Zone, NAGPUR.**