

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

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**Case No. CGRF(NUZ)/048/2007**

Applicant : Shri Jagdish Shamsunder Gupta  
At Ram Bhandar, Pratapnagar,  
NAGPUR.

Non-applicant : MSEDCL represented by  
the Nodal Officer-  
Executive Engineer,  
Congressnagar Division, NUZ,  
Nagpur.

Quorum Present : 1) Shri S.D. Jahagirdar,  
Chairman,  
Consumer Grievance Redressal  
Forum,  
Nagpur Urban Zone,  
Nagpur.

2) Shri S.J. Bhargawa  
Executive Engineer &  
Member Secretary,  
Consumer Grievance Redressal  
Forum, Nagpur Urban Zone,  
Nagpur.

**ORDER (Passed on 24.09.2007)**

The present grievance application has been filed on 03.09.2007 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 allegedly erroneous interest amount of Rs.91,174=26 charged in his energy bill for the month of May, 2007. He has requested this Forum to revoke recovery of this interest amount.

Before approaching this Forum, the applicant had filed his complaint on the same subject matter of the present grievance before the Internal Grievance Redressal Cell (in short the Cell) under the said Regulations. The Cell, upon enquiry and hearing, informed the applicant by its letter, being letter no. 5380 dated 27.08.2007, that since the applicant has accepted the liability of payment of theft assessment amount of Rs.1,34,402/- and also paid this amount, he will have to pay the aforesaid amount of interest also. The applicant's request was rejected by the Cell. It is against this order of the Cell that the applicant has filed the present grievance application.

The matter was heard on 21.09.2007.

Following are some of the facts of the case:

The applicant is a consumer of the non-applicant Company and running a commercial establishment known as M/s. Ram Bhandar. He was served with energy bill dated 15.01.2003 which included theft assessment amount of Rs.1,62,233/- besides the current bill amount of Rs.31,658.92. The applicant paid the current bill amount of Rs.31,658.92/-. The applicant subsequently received the next energy bill in March 2003 which also showed inclusion of arrear amount of Rs.1,62,696.98/-. Upon inquiry by the applicant with the non-applicant, he came to know that the arrear amount in question pertains to theft assessment since theft of electricity was detected. Thereupon, the applicant filed a complaint, being complaint no. 137/2003, before

the District Consumer Grievance Redressal Forum, Nagpur hereinafter referred to as the District Forum under the provisions of Section 12 of the Consumer Protection Act, 1986. The applicant's complaint came to be dismissed on 21.05.2004 by the District Forum. Being aggrieved by the District Forum's order, the applicant filed an appeal being appeal No. 1152/2004, under Section 15 of the Consumer Protection Act, 1986 before the Consumer Disputes Redressal Commission, Maharashtra State, Mumbai hereinafter referred to as the State Commission. The State Commission, by its order dated 27.06.2005, allowed the applicant's appeal and quashed the District Forum's order. The State Commission remanded the matter back to the District Forum for decision afresh with a direction to the District Forum to dispose of the complaint within a period of two months. Maintenance of Status-quo is also ordered by the State Commission till the decision. As on today the matter is still pending for decision before the District Forum. In the mean time, upon the applicant's request, the non-applicant allowed the applicant to pay the outstanding amount of Rs.1,34,402/- in installments. Accordingly, the theft assessment amount has since been fully paid by the applicant. An interest amount of Rs.91,211.30 had accrued to the applicant because of non-payment of the arrear amount towards theft assessment from January 2003 till July 2007. Hence, the non-applicant included this interest amount in his energy bill for May, 2007. The applicant is aggrieved by the levy of interest amount in question.

The applicant's contention is that he has already paid the entire outstanding arrear amount of Rs.1,34,403.08/- as per the non-applicant's notice. The original notice dated 03.11.2006 served on him

did not make a mention of any amount of interest payable by the applicant. He, therefore, expressed his inability to make payment of this interest amount. According to him, the non-applicant cannot charge this interest amount to the applicant. He, therefore, requested that recovery of the interest amount may be revoked.

The non-applicant, on his part, submitted that there is no justification to claim waiver of the interest amount. The applicant had accepted the liability of payment of amount of Rs.1,34,402/- and also paid it. Hence, he will have to pay the interest amount also. The applicant has no legal right to ask for waiver of this interest amount. He also made a mention of the litigation made by the applicant before the District Forum and the State Commission. According to him, the applicant's liability of making payment of the theft assessment amount has not been set aside by any Forum or authority or court and as such the applicant will have to pay the interest amount.

Before going into the merits or de-merits of the case, it is necessary to decide whether the present grievance application is prima-facie admissible before this Forum.

The record shows that the original amount in question pertains to theft assessment and the interest amount disputed by the applicant is also a part of it. The applicant has also fully paid the arrear amount in question and he is now disputing before this Forum payment of interest accrued thereon. It is also not disputed that the applicant had filed a complaint before the District Forum under Section 12 of the Consumer Protection Act, 1986 and that this complaint came to be dismissed by the District Forum. It is also an admitted position that the appeal filed by the applicant before the State Commission

against the District Forum's order was allowed by the State Commission and the matter was remanded to District Forum for decision afresh. Thus, the main subject matter of theft assessment amount or the arrear amount is still pending decision before the District Forum.

As laid down in Regulation 6.7 of the said Regulations, 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 this legal position, the present grievance application, subject matter of which is still pending in the proceedings before the District Forum in terms of the State Commission's order, cannot be entertained by this Forum.

Moreover, this Forum is of the prima-facie view that the grievance referred to this Forum falls within the purview of offences and penalties as provided under Sections 135 to 139 of the Electricity Act, 2003. Hence, the same shall be excluded from the jurisdiction of this Forum as per Regulation 6.8 of the said Regulations. The interest amount, payment liability of which is disputed by the applicant is a part of the theft assessment.

In the light of above legal position, the present grievance application cannot be admitted by this Forum.

Question of going into merits or demerits of the case, therefore, does not arise.

The grievance application thus stands disposed of accordingly.

Sd/-  
**(S.J. Bhargawa)**  
Member-Secretary

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.