

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

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**Case No. CGRF(NUZ)/061/2005**

- Applicant : M/s. Saif Agricultural  
Implementation Industry,  
P.O. Uppalwadi, Ind. Estate,  
Pili Nadi, Kamptee Road,  
Nagpur.
- Non-Applicant : The Nodal Officer,  
Executive Engineer,  
Civil Lines Division,  
Nagpur representing the MSEDCL.
- Quorum Present : 1) Shri S.D. Jahagirdar, IAS (Retd),  
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 20.10.2005)**

The present grievance application has been filed on 26.09.2005 in the prescribed schedule "A" on 26.09.2005 as per Regulation 6.3 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum &

Ombudsman) Regulations, 2003 here-in-after referred-to-as the said Regulations.

The grievance of the applicant is in respect of non-execution of the Electrical Inspector's Order dated 03.06.2003 passed in the applicant's complaint case No. 1/2003-2004. The applicant has also claimed compensation to tune of Rs.50,000/- against harassment caused to him by the non-applicant.

Before filing the present grievance application the applicant had approached the Internal Grievance Redressal Unit headed by the Executive Engineer (Adm) in the office of Superintending Engineer, NUC, MSEDCL, Nagpur under the said Regulations for redressal of his grievance. However, this Unit did not provide any remedy to him within the prescribed period of two months. Hence, the present grievance application.

The matter was heard by us on 19.10.2005 on which date both the parties submitted their respective arguments.

After receipt of this grievance application, the non-applicant was asked to furnish before this Forum his parawise remarks on the applicant's application in terms of Regulations 6.7 & 6.8 of the said Regulations. Accordingly, he submitted his parawise remarks on 10.10.2005 a copy of which was given to the applicant's nominated representative and he

was given opportunity to offer his say on this parawise report also.

The applicant's case has been represented by his nominated representative one Shri D.D. Dave.

It is the contention of the applicant's representative that the applicant received an energy bill dated 12.03.2003 for the period from 31.01.2003 to 28.02.2003 in which an arrear amount of Rs. 55,114.56 was shown as recoverable for the first time. This arrear amount pertained to the period from 01.02.1999 to January, 2003 during which the applicant's meter, being meter number 10107970, was found by the Testing Division to be running slow by 59.45%. The applicant made payment of Rs. 5000/- against this bill with a view of avoid the threat of disconnection of supply. The applicant lodged a dispute, being dispute number 1/2003/2004, with the Electrical Inspector, Nagpur under provision of section 26 (6) of the Indian Electricity Act, 1910 against the arrear bill. The Electrical Inspector decided this dispute and passed an order, being order dated 03.06.2003, to the effect that the applicant should be charged only for 3453 units as against 20727 units and that the applicant's energy bill for the remaining 17274 units should be cancelled. He further ordered that the amount of Rs.5000/- already paid by the applicant earlier should be adjusted as a credit in the applicant's revised bill to be issued by the non-applicant. According to the applicant's representative, the non-applicant utterly failed to execute and comply with the order passed by the Electrical

Inspector and that this has been causing huge mental torture to the applicant who is a small industrial entrepreneur. According to him, the non-applicant has kept the matter pending deliberately and that no plausible explanation has been given for not complying the orders issued by the Electrical Inspector.

He prayed that the non-applicant be directed to execute the order passed the Electrical Inspector immediately. He also requested for awarding payment of compensation to the tune of Rs.50,000/- against harassment caused to the applicant.

He added that the applicant was compelled to close his industry because of non-decision on the part of the non-applicant.

The applicant's representative has produced copies of the following documents in support of his contentions.

- 1) The applicant's complaint dated 22.07.2005 filed before the Internal Grievance Redressal Unit under the said Regulations.
- 2) The applicant's application dated 17.11.2003 addressed to the Executive Engineer, Civil Lines Division, MSEB, NUZ, Nagpur in respect of the non-decision of the Executive Engineer inspite of Electrical Inspector's order dated 03.06.2003.
- 3) The applicant's application dated 07.08.2003 addressed to the Electrical Inspector, Nagpur requesting for interference in the matter.

- 4) The Electrical Inspector Nagpur's order dated 03.06.2003 passed in the complaint case no. 1/2003/2004.
- 5) The applicant's application dated 29.04.2003 addressed to the Electrical Inspector, Nagpur on the similar subject.
- 6) The applicant's application dated 21.04.2003 addressed to the Executive Engineer Civil Lines Division, MSEB, Nagpur.
- 7) Letter cum-notice dated 21.04.2003 issued by the applicant to the non-applicant for withdrawal of un-lawful assessment charged to the applicant in his energy bill for February, 2003.
- 8) The applicant's application dated 28.03.2003 addressed to the Executive Engineer, MSEB, Nagpur for withdrawal of improper arrear bill of Rs.55,114.56.
- 9) MSEB's duplicate bill dated 24.03.2003 for Rs.7000/-.
- 10) The applicant's energy bill dated 12.03.2003 for the period from 31.01.2003 to 28.02.2003 for Rs.57,110/- showing inclusion of arrear amount of Rs.55,114.56.
- 11) Testing report dated 31.07.1999 of the applicant's meter, being meter no. 6010107970 in which his meter is shown to be running slow by 59.45%.

The applicant's representative lastly prayed that his grievance in question may be removed by passing a law based judgment.

The non-applicant has stated in his parawise report that the applicant's meter was tested on 30.07.1999 and it was found that the same was running slow by 59.45 %. Accordingly assessment was carried out and an amount of Rs.55,114.56 was charged to the applicant for the period from 01.02.1999 to January, 2003 during which the applicant's meter was found to be running slow by 59.45 %. This amount was included in the applicant's energy bill for February, 2003.

He further stated that being aggrieved by this action of the non-applicant, the applicant filed a dispute before the Electrical Inspector, Nagpur. The relevant case number before the Electrical Inspector was 1/2003-2004. The Electrical Inspector decided the dispute and passed an order, being order dated 03.06.2003. It was directed by the Electrical Inspector that the applicant should be charged only for 3453 units as against 20727 units and further that the applicant's energy bill for remaining 17274 units should be cancelled. He also directed that the amount of Rs. 5000/- already paid earlier by the applicant should be adjusted as a credit amount in the revised bill to be issued by the non-applicant. He further contended that since the decision of the Electrical Inspector was not acceptable to him, an appeal has been filed before the Minister of State (Energy), Govt.of Maharashtra and further that this appeal is still pending.

The non-applicant vehemently argued that the entire matter is subjudice and hence the present grievance application can not be entertained by this Forum.

The non-applicant has produced the applicant's C.P.L. for the period from September 1997 to February 2005 and also a copy of the Electrical Inspector's Order dated 03.06.2003.

We have carefully gone through the documents produced by both the parties and also all submission made before us by both of them.

The first and foremost point to be decided in this case, according to us, is about the prime-facie maintainability of the present grievance application looking to the circumstances of the case and also the legal position.

There is no dispute that the Electrical Inspector did pass an order, being order dated 03.06.2003 thereby ordering the relief as mentioned in his order. There is also no dispute that the Electrical Inspector's order is challenged in appeal by the non-applicant before the State Government. Even the applicant's representative admitted before us that such an appeal has been filed by the non-applicant and that he is aware of it. He also stated that hearing of this appeal was fixed at Mumbai on 04.08.2004. However, he could not attend the hearing because of late receipt of intimation about the date of hearing.

The applicant's stress is on execution of the order passed by the Electrical Inspector. He also submits that the matter is being prolonged un-necessarily and un-lawfully by the non-applicant. He further submits that this Forum has the necessary jurisdiction to go into this matter and give a

direction to the non-applicant for execution of the Electrical Inspector's Order in view of powers vested in it under the said Regulations.

However, we are unable to accept the contentions of the applicant's representative for the following reasons.

The legal provision contained in section 36 of the Indian Electricity Act, 1910 provides for an appeal before the appropriate Govt. against the decision of an Electrical Inspector. The order dated 03.06.2003 passed by the Electrical Inspector in the instant case has been challenged in appeal under section 36 (2) of the Indian Electricity Act, 1910 by the non-applicant before the appropriate appellent authority.

It is also pertinent to note that the main cause of action in this case has arisen prior to coming into force of the Electricity Act, 2003. Hence, legal provisions contained in the Indian Electricity Act, 1910 are very much applicable to the instant case. Since a legal appeal is already pending before the State Govt. in terms of section 36 of the Indian Electricity Act, 1910, it will not be appropriate for this Forum to entertain the present grievance application. This is also necessary to avoid any legal complications.

The request of the applicant's representative to compel the non-applicant to execute the Electrical Inspector's order cannot be accepted by us in view of pendency of a legal appeal before an appropriate legal authority.

Looking to the circumstances of the case and in view of the legal provisions mentioned above, this Forum can



not be construed to have jurisdiction to entertain this grievance application.

In the light of above, we are inclined to hold and do hold accordingly that the present grievance application cannot lie before this Forum in the circumstances of the case.

The same is, therefore, disposed off, it being not prima-facie maintainable.

Sd/-  
(Smt. Gouri 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.**