

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

Case No. CGRF(NUZ)/060/2005

Applicant : Shri Jagannath Umaji Sontakke,
"Gurukunj"
168, Abhyankar Nagar,
Nagpur-440 010.

Non-Applicant : The Nodal Officer,
Executive Engineer,
Congress Nagar 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 25.10.2005)

The present grievance application has been filed by the applicant on 22.09.2005 in the prescribed schedule "A" 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 excessive billing.

The matter was heard by us on 25.10.2005 when both the parties present made their submissions before us.

The applicant had earlier approached the Internal Grievance Redressal Unit headed by Executive Engineer (Adm) in the Office of Superintending Engineer, NUC, MSEDCL, Nagpur by filing his complaint dated 20.07.2005 under the said Regulations. However, it seems that this Unit did not provide any remedy to the applicant's grievance within the prescribed period of two months. Hence, the present grievance application.

After receipt of this grievance application, the non-applicant was asked to submit 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 25.10.2005. A copy thereof was given to the applicant on 25.10.2005 before the case was taken up for hearing and he was given opportunity to offer his say on this parawise report also.

The main grievance of the applicant is in respect of his energy bill dated 11.01.2001 for Rs.4460/- for the period from 31.10.2000 to 30.12.2000 and also about his subsequent energy bills which, according to him, are erroneous.

It is his contention that his energy bill dated 11.01.2001 for Rs. 4460/- showing consumption of 1113 units was excessive and erroneous. According to him, he was receiving his energy bills alright prior to 31.10.2000. He has

submitted alongwith his grievance application a chart showing the gross amounts of his bi-monthly energy bills right from December, 1998 upto 31.12.2000. This chart shows that the applicant's consumption of power was ranging between 270 and 570 units. Placing his reliance on this chart, he contended that his energy bill for the period from 31.10.2000 to 30.12.2000 showing consumption of 1113 units was abnormal and excessive. He had approached various authorities of MSEB from time to time to get his grievance removed but to no purpose.

He has produced copies of the following documents in support of his contentions.

- 1) His complaint application in the prescribed annexure "X" filed before the Internal Grievance Redressal Unit under the said Regulations alongwith a detailed write-up.
- 2) His disputed energy bill dated 11.01.2001 for Rs.4460/- showing consumption of 1113 units for the period from 31.10.2000 to 30.12.2000.
- 3) His application dated 30.10.1995 addressed to the Assistant Engineer, MSEB, Shankarnagar, Nagpur complaining about the broken glass of his meter, being meter no. 9000843389
- 4) Payment receipt dated 31.10.1995 for Rs.60/-
- 5) Another payment receipt dated 31.10.1995 for Rs.15/-.
- 6) Firm undated quotation no. 762 for Rs. 1000/- given to the applicant by the Jr. Engineer, Kachipura S/stn. MSEB, Nagpur.

- 7) Firm quotation dated 06.02.2001 for Rs.1000/- given to the applicant by the Jr. Engineer Kachipura S/stn. MSEB, Nagpur.
- 8) Payment receipt dated 09.02.2001 for Rs.1000/-.
- 9) His application dated 10.02.2001 addressed to the Executive Engineer, Congressnagar Division, MSEB, Nagpur in respect of excessive electricity bill of Rs.4460/-.
- 10) His energy bill dated 12.05.2001 for the period from 28.02.2001 to 30.04.2001 for Rs.12,970/- showing inclusion of arrear amount of Rs.6345=32/-.
- 11) His application dated 26.05.2001 addressed to the Jr.Engineer, Kachipura Office of MSEB in respect of his disputed excessive energy bill of Rs.4460/-.
- 12) Duplicate bill, being bill no. 0461, dated 14.07.2001 for Rs.12,970/- issued by the non-applicant.
- 13) His energy bill dated 12.07.2001 for Rs.15,740/- for the period from 30.04.2001 to 30.06.2001 showing inclusion of arrear amount of Rs.10,038=59.

Relying on the aforementioned documents, the applicant vehemently contended that none of the MSEB officials explained to him as to how the ultimate bill of Rs.15,740/- dated 12.07.2001 was arrived at. According to him, the mainly disputed energy bill for Rs.4460/- and also his energy bill dated 12.07.201 of Rs. 15,740/- were not only erroneous but they were also improper and unjust.

He further contended that although his dispute was live, his supply of electricity was disconnected on

03.08.2001 and it came to be restored only when he paid the gross amount of Rs.15,740/- on 08.08.2001. He added that he had to suffer a great hardship for a period of five days from 03.08.2001 to 08.08.2001 when he and his family had to live in his house in the dark because of disconnection of power supply during this period. He further submitted that he never received energy bill exceeding Rs.1275/- during a period of 10 years prior to 31.10.2000 and hence, his claims are self-justified.

He prayed that his energy bill in question may be revised and excessive amount recovered from him be refunded to him alongwith interest. He has also claimed compensation of Rs.10,000/- against his mental torture.

The non-applicant has stated in his parawise report that since the applicant did not pay any amount of his energy bills from October, 2000 to May, 2001, his energy bill issued in the month of July,2001 was rightly showing a total amount of Rs.15,740/- as payable by him. He has further submitted that the applicant's grievance pertains to the period from 1995 to 2001. In the year 1995, he had lodged his complaint about broken glass of his meter and against this complaint, certain demand notes were issued with view to resolve his complaint. According to him, the applicant paid the accumulated amount of his energy bills amounting to Rs.15,740/- on 08.08.2001 and that thereafter he has not filed any proceedings for the refund of the alleged excessive amounts charged to him.

The non-applicant vehemently pointed that the applicant had approached the District Consumer Grievance Redressal Forum, Nagpur here-in-after referred-to-as the District Forum by filing his complaint on the same subject-matter and further that this complaint has been dismissed on merits by the District Forum which is a competent Court of Law. According to him, the applicant cannot now approach this Forum, that too, after lapse of almost five years particularly when subject-matter of this grievance has already been settled earlier by the District Forum. The applicant could have gone before the State Commission in appeal against the District Forum's order which has not been done by him during the last five years.

The non-applicant submitted that the present grievance application is not maintainable in view of the position explained by him above.

Commenting upon the applicant's complaint about disconnection of power supply, the non-applicant argued that the action of disconnecting the applicant's power supply was rightly taken in the year 2001 under the provisions of Section 24 of the Indian Electricity Act, 1910 because of non-payment of electricity dues by him.

He also stated that the applicant can not make any grievance about the payment of Rs.1000/- as the cost of meter since the same was charged as prescribed by MERC.

According to him, there is no justification at all in his complaints and that his grievance application may be rejected.

He has produced a copy of the applicant's Consumer Personal Ledger for the period from December, 1997 to August, 2005 in support of his contentions.

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

The first and foremost point to be decided by us in the instant case is about the prima-facie tenability of the grievance application in question looking to the circumstances of the case and also the legal provision.

The non-applicant's stand is that the applicant had approached the District Forum where he raised this very grievance earlier and that his complaint application came to be dismissed by the District Forum, that too, on merits. He therefore, submits that the present grievance application cannot lie before this Forum. In this respect, it is pertinent to note that the applicant has also admitted that his complaint application on the same subject-matter was rejected by the District Forum in the past.

The declaration to be signed by the applicant in schedule "A" meant for the grievance application under the said Regulations consists of item no. 9 (e) under which the applicant is required to disclose whether or not, the subject-matter of the grievance is already decided by any Authority / Court / Arbitrator. This, in turn, implies that the Consumer Grievance Redressal Forums constituted under the said Regulations are prohibited from entertaining any

grievance of consumers if subject-matter thereof is already decided by any Authority/Court/ Arbitrator.

In the instant case, the applicant's complaint on the same subject-matter is already decided by the District Forum under the provisions of Consumer Protection Act, 1986. Thus, the subject-matter before the District Forum and the one before this Forum are one and the same. The applicant has also admitted this factual position. Once a similar subject-matter of a grievance is already decided by any Authority, Court or Arbitrator, this Forum is totally prevented from entertaining the same subject-matter of the grievance again.

In the light of above, we are inclined to hold and do hold accordingly that the present grievance application can not lie before this Forum in view of the circumstances and for the reasons mentioned in the preceding paragraphs.

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

In the light of above, the grievance application in question stands disposed off, it being not tenable before this Forum prima-facie.

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**