

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

Case No. CGRF(NUZ)/164/2006

- Applicant : Shri Bapuji M. Patmase,
At Gandhisagar Talaw,
Ruikar Marg, Parsi Aggari,
Near M.M. Boring,
Nagpur.
- Non-applicant : MSEDCL represented by
the Nodal Officer-
Executive Engineer,
Mahal Division, NUZ, MSEDCL,
Nagpur.
- 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.
- 3) Shri S.J. Bhargawa
Executive Engineer &
Member Secretary,
Consumer Grievance Redressal
Forum, Nagpur Urban Zone,
Nagpur.

ORDER (Passed on 07.12.2006)

The present grievance application has been filed on 7.11.2006 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 non-restoration of the applicant's power supply to his commercial service connection, being S.C. No. 410011648375, despite making payment of his energy bill amount of Rs.1109/- on 17.09.1999.

The applicant had earlier approached the Internal Grievance Redressal Cell (in short the Cell) by filing his complaint dated 12.09.2006 on the same subject-matter of his grievance under the said Regulations.

The Cell, upon enquiry and hearing, replied the applicant by its letter, being letter no. 7476 dated 16.10.2006, that the applicant had approached the District Consumer Disputes Redressal Forum herein-after referred-to-as the District Forum and also in appeal to the Maharashtra State Consumer Disputes Redressal Commission, Mumbai here-in-after referred to as the State Commission in respect of his grievance and that the District Forum and also the State Commission have respectively dismissed the applicant's complaint application and the appeal and further that a Civil Suit filed by the applicant in the Civil Court in respect of arrear amount claimed in connection with the applicant's disconnected I.P. connection is still pending. The Cell also held that the applicant should make payment of arrear amount of Rs.1,40,605.73 outstanding against the applicant's disconnected I.P. connection and that, thereafter, he may apply for a new connection for commercial usage. The Cell also observed that the applicant's commercial connection was

disconnected in October, 2003 since it was noticed that the applicant was running his Industrial Unit by taking supply of electricity from his commercial connection. It is against this order of the Cell that the applicant has filed the present grievance application.

The matter was heard by us on 28.11.2006 and 05.12.2006. The applicant's contention is that he was having a commercial service connection, being S.C.No. 410011648375. He had made last payment of his energy bill of Rs.1109/- on 17.09.1999. He added that power supply to this commercial connection was stopped without giving any prior notice to him to that effect. There were no arrears outstanding against this connection and yet, his power supply to this connection came to be disconnected all of a sudden. He stressed that the other service connection, being I.P. service connection no. 410011648367 was taken in the name of Shreeram Repairing Workshop. He added that his commercial service connection, being S.C. No. 4100116483675, was taken in his name and as such the above referred two service connections were not taken in the name of the same person. According to him, the consumer of both these connections was not one and the same.

He lastly prayed that power supply to his commercial service connection, being S.C. No. 410011648375, may be ordered to be restored.

The non-applicant has stated in his parawise report dated 22.11.2006, a copy of which was given to the applicant on 28.11.2006, that the applicant was having a commercial service connection bearing no. 4100116478375 and also I.P. connection bearing no. 410011648367 in the same

premises. The allegation that the I.P. connection was in the name of Shreeram Repairing Workshop has been denied by the non-applicant. He has submitted copies of the CPL pertaining to both these connections. The applicant's commercial service connection came to be disconnected in the month of September, 1999 on account of unpaid arrear amount outstanding against his I.P. connection. The applicant's I.P. connection had gone in arrears and it was disconnected earlier in the year 1996. The applicant had approached the Civil Court against the non-applicant's claim of arrear amount against this connection by filing a regular Civil Suit, being Civil Suit No. 406/1993. This Civil Suit was dismissed by the Civil Court. The Civil Court had directed the applicant to deposit a sum of Rs.10,000/- which the applicant did not pay. Since the applicant was also having in his name a commercial connection which was a second connection in the same premises, this commercial service connection also came to be disconnected on account of arrears outstanding against the applicant's I.P. connection. He added that the applicant approached the District Forum against the action of disconnection of power supply to the applicant's commercial service connection by filing a complaint, being complaint no. 720/1999. The District Forum by its order dated 18.04.2002 dismissed the applicant's complaint application and directed the applicant to approach appropriate Civil Court for redressal of his dispute. The applicant there-upon filed an appeal, being first appeal 867/2002, before the State Commission against the District Forum's order. The State Commission dismissed the appeal. It also observed that the applicant had already

approached the Civil Court and challenged the consumption bill in respect of the applicant's industrial connection and further that this suit is still pending. The applicant's appeal was thus dismissed by the State Commission.

Elaborating these facts, the non-applicant contended that the present grievance application filed by the applicant is full of malafides and that the same may be rejected.

In the present case, it is a matter of record that the applicant had approached the District Forum against the non-applicant's action of disconnection of the applicant's power supply to his commercial connection, being connection no.410022648375. It is also an un-disputed fact that the applicant's complaint was dismissed by the District Forum on 18.04.2002. The District Forum has observed in its order that the matter regarding the non-applicant's claim of arrear amount outstanding against the applicant's disconnected I.P. connection, being connection no. 410011648367, is sub-judice and further that the fact of disconnection of the applicant's power supply to his commercial service connection, being S.C. No. 410022648375, has a direct nexus with the unpaid arrear amount outstanding against the applicant's I.P. connection and as such, it would not be proper to adjudicate upon the applicant's complaint. The District Forum while dismissing the applicant's complaint application directed the applicant to approach appropriate Civil Court for redressal of his dispute. It is also a matter of record that an appeal was filed by the present applicant before the State Commission against the District Forum's order dated 18.04.2002. The State

Commission upheld the District Forum's Order and dismissed to applicant's appeal. A copy of the State Commission's order dated 01.02.2006 has been produced on record by the non-applicant. In view of above, it is clear to us that a final order has already been passed by the Stated Commission in respect of the grievance raised by the applicant in the present application.

As laid down in clause (d) of 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.

Looking to above position, the present grievance application cannot be entertained by this Forum.

The same, therefore, stands disposed off as not entertaintenable in terms of clause (d) of Regulation 6.7 of the said Regulations.

It is also seen that a Civil Suit, being Civil Suit no. 406/1993 was filed by the applicant in the Civil Court against the non-applicant's claim of arrear amount outstanding against the applicant's I.P. connection bearing no. 410011648367. The applicant stated before us during the course of hearing that the Civil Suit was dismissed for his default in appearance in the year 2005. However, the applicant further stated that the Civil Suit has been restored by the Civil Court on the applicant's request. It is thus clear

that the matter regarding the non-applicant's claim of arrear amount outstanding against the I.P. connection is subjudice.

Sd/-	Sd/-	Sd/-
(S.J. Bhargawa)	(Smt. Gauri Chandrayan)	(S.D. Jahagirdar)
Member-Secretary	MEMBER	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.**