

CONSUMER GRIEVANCE REDRESSAL FORUM

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Case No.: 27/2018

Date of Grievance: 12 /12/2018 **Date of Order:** 23/01/2019

Yash Agro Milk & Milk Products, S.No. 633, Tal-Phaltan, Dist-Satara.,

Applicant (Hereinafter referred to as consumer)

Versus

Executive Engineer M.S.E.D.C.L., Division, Phaltan.

Opponent (Hereinafter referred to as Licensee)

Quorum

Chairperson

Mr. B. D. Gaikwad

Member

Mr. S. K. Jadhav

Member Secretary

Mr. M. A. Lawate

Appearance:-

For Consumer: - 1-Mr. N. S. Shinde (Consumer of Yash Agro Milk & Milk Products)

For Respondent: - 1- Mr. N. B. Kale, Add. Executive Engineer, Sub-Division, Phaltan U.

ORDER (Date:- 23/01/2019)

- The Complainant above named has filed present Grievance under regulation 6.4
 Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal
 Forum & Electricity Ombudsman)Regulations 2006, Hereinafter referred to as
 Regulation of 2006.
- 2. The consumer above named is having consumer No. 202680042499. It is three phase Industrial connection and date of connection is 04/11/2015. The inspection of said connection was done on 09/04/2018 and it was found that in the meter there was zero

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- voltage to one phase from Nov 2016 to April 2018. The reading of the meter was 67% of actual usage of electricity. Therefore 33% bills of actual usage were not issued and it is amounting to 88110 units. The difference bill comes to Rs. 709931.00.
- 3. According to the consumer the meter was properly checked before installing the same at the premises of consumer and at that time there was voltage at all three phases. The meter reading was being taken every month and officials of MSEDCL did not inform anything regarding alleged defective reading of the meter. The consumer has paid all the bills issued regularly. The consumer is unable to pay difference bill of said huge amount. The MSEDCL could have informed said defective reading in 2016 itself. There is no any mistake or fault on the part of consumer on the contrary; MSEDCL has issued notice to disconnect the supply of electricity, if said difference bill is not paid within 15 days. If supply is disconnected consumer would suffer irreparable loss which cannot be compensated in terms of money. The consumer prays for setting aside said difference bill.
- 4. The respondent has filed say sating that there was inspection of the electric meter of the consumer on 9.4.2018 and it was noticed that there was zero (0) voltage to one phase of the meter. The said fact was brought to the notice of the representative of the consumer. The previous record was checked in the office and it was noticed that from November 2016 to April 2018, there was zero voltage for one phase of the meter and 33% less recording of the units was found. The bills of 67% of actual usage of the electricity were given to the consumer. In this way bill of 88,910 units amounting to Rs. 7,09,931.62/- was not given to the consumer. The consumer is liable to pay difference bill issued to the consumer. The Internal Grievance Redressal Cell Satara has rejected the grievance of the consumer has not paid the same and filed complaint before District Consumer Forum Satara. The respondent thereby submits that present grievance may be rejected.
- 5. We have heard the representatives on both the parties and perused the documents on record. The only point which can arise for our consideration is whether present grievance is maintainable in view of regulation No 6.7 of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006. The regulation 6.7(d) reads as under –

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" (d.) where a representation by the consumer, in respect of the same Grievance is pending in any proceeding's 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"

6. In the case in hand there is no dispute that the consumer has submitted complaint before District Consumers Forum at Satara and said complaint bears No.CC/242/2018 and same is pending before the said forum. It may be noted that even interim order dated 5.7 .2018 is passed in favor of the consumer restraining MSEDCL from disconnecting the electric supply of the consumers till filing of say by MSEDCL. It means said complaint is pending before the said forum. In our opinion present grievance is therefore not maintainable before this forum as per regulation No. 6.7(d) of the said regulations. Under these circumstances it will not be just and proper to proceed with this grievance. It may be noted that there is concurrent jurisdiction to the consumer's forum as well as this forum to decide the present dispute. As the complaint is pending before said consumer's forum, we are unable to go in to the merit of the present grievance. We are of the considered opinion that the present grievance is liable to be dismissed. It must be noted while passing final order that as per regulation No. 21.7.6 of MERC (Electricity supply code and other condition of supply) Regulations 2005; the consumer was certainly entitled for the reliefs in this grievance. As per the said Regulations if the meter has stopped recording, the consumer will be billed for the period for which the meter has stopped recording, up to maximum period of 3 months, base on the average meted consumption for 12 months preceding the 3 months prior to the month in which the billing is contemplated. However we unable to give said relief to the consumer because said compliant is pending before District Consumer Forum, Satara We therefore pass following order.

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ORDER

- 1- The present grievance is rejected.
- 2- No order as to cost.

Member/Secretary

CGRF, BMTZ, BARAMATI

S.K. Jadhav Member

CGRF, BMTZ, BARAMATI

Chairperson CGRF, BMTZ, BARAMATI

Note:- 1) This representation could not be decided within the period of two months as MSEDCL and Consumer have requested for adjournments.

2) The Consumer if not satisfied may file representation against this order before Hon'ble Ombudsman within 60 days from date of this order at the following address.

Office of the Ombudsman, **Maharashtra Electricity Regulatory Commission,** 606/608, Keshav Building, BandraKurla Complex, Bandra (East), Mumabi-51.