

**BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
AURANGABAD ZONE, AURANGABAD.**

**Case No. CGRF/AZ/AUC/719/2019/04
Registration No. 2019010087**

Date of Admission : 22.01.2019

Date of Decision : 05.03.2019

Shri AB Farukh Mahmood Khan, : COMPLAINANT
CTS No. 7544, Chelipura,
Aurangabad.
(Consumer No. 490011753342)

VERSUS

Maharashtra State Electricity Dist. Co. Ltd., : RESPONDENT
through it's Nodal Officer, EE(Admn),
Urban Circle, Aurangabad.
The Addl. Executive Engineer,
Shahaganj Sub Division, Aurangabad

For Consumer : Shri Akhatr Ali Khan,
For Licensee : Shri Sandip Kulkarni,
Addl. EE, Shahaganj SDn

CORAM

Smt. Shobha B. Varma, Chairperson
Shri Laxman M. Kakade, Tech. Member/Secretary
Shri Vilaschandra S. Kabra Member.

CONSUMER GRIEVANCE REDRESSAL DECISION

1) The applicant Shri AB Farukh Mahmood Khan, CTS No. 7544, Chelipura, Aurangabad is a consumer of Mahavitaran having Consumer No. 490011753342. The applicant has filed a complaint against the respondent through the Executive Engineer i.e. Nodal Officer, MSEDCL, Urban Circle, Aurangabad under Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulation 2006 in Annexure (A) on 22.01.2019.

BRIEF HISTORY & FACTS RELATING TO THE GRIEVANCE:

2) That, Shri AB Farukh Mahmood Khan, CTS No. 7544, Chelipura, Aurangabad is residential consumer having Consumer No. 490011753342. That, the consumer had paid bill for the month of September 2018. That in the month of October 2018 abnormal bill of previous reading 2518, current reading 24679 difference 15161 units for the amount Rs. 1,90,190/- is issued to the consumer.

3) That, the consumer has approached to IGRC on 26.11.2018 and the case No. 85 / 26.11.2018 is admitted by Internal Grievance Redressal Cell (IGRC). That, IGRC has kept fixed hearing on 19.12.2018 and since then further hearing is not taken and the matter is pending with IGRC till today.

4) Additional Executive Engineer, Shahaganj and Assistant Engineer, City Chowk, MSEDCL, Aurangabad are well aware that the case (revision bill) is pending IGRC till today. That, on 19.01.2019 (Saturday) in the evening at about 6 pm Shri Giri, Assistant Engineer, City Chowk Unit has disconnected the supply without giving notice under Section 56 Electricity Act, 2003, even though he was aware about IGRC case.

5) That, entire family of consumer is mentally harassed due to this illegal disconnection without notice and are without electricity since last 4 days.

6) It is prayed that,

A) Interim order of reconnection be issued to give natural justice to the consumer as the supply is disconnected without notice u/s 56 Electricity Act, 2003.

B) Compensation of Rs. 10,000/- be awarded to consumer for mental torture and agony to entire family and medical patent in the house. The family is kept in dark illegally for 4 days.

C) Action be proposed against Shri Giri, Assistant Engineer.

7) The Respondent has submitted say (Page No. 18) & raised following grounds :-

1. Residential connection was released to the complainant on 03.08.2006, 0.3 KW.

2. In October 2018, electricity bill of Rs. 1,88,555/- was issued to consumer for use of 14 months. After raising dispute about it before IGRC dtd 26.11.2018, the concern meter bearing No. 80233741 was sent for testing on 13.12.2018 to regional office. It was tested in presence of consumer & it was found that internal wires were changed & theft of electricity was found committed. According to bill of Rs. 57,710/- was issued to the consumer & sent to consumer on 04.02.2019. Hence, offence under section 135 of IE Act, 2003 was registered. Spot inspection was made on 02.02.2019 & consumption of units was found 183. Complaint may be dismissed.

8) The Respondent has filed application (Page NO. 32) on 11.02.2019 & contended that, in respect of the same subject, the complainant has filed suit in the court of Civil Judge & it is pending, so, therefore complaint may be dismissed.

9) The Respondent in application dtd 25.02.2019 has submitted that, the consumer has deposited compromise amount in theft case Rs. 55,710.00 on 11.02.2019 & Rs. 4000.00 on 25.02.2019.

10) We have perused the application, say & documents placed on record by both the parties. We have heard arguments advanced by both the parties i.e. Complainant's Representative Shri Akhtar Ali Khan and Respondent's Representative Shri Sandip Kulkarni, Additional Executive Engineer, Shahaganj Sub Division. Following points arise for our determination & its findings are recorded for the reasons to follow :-

Sr. No.	POINTS	FINDINGS
1)	Whether the complaint is maintainable ?	No
4)	What order?	As per final order

REASONS

11) **Point No. 1 :-** The complainant has claimed illegal disconnection without notice under section 56 of IE Act 2003 & to reconnect it. Further compensation of Rs. 10,000/- is claimed for mental torture & agonies & for action against Assistant Engineer. The Consumer No. is 490011753342, Residential Address is 7544, Chelipura, Aurangabad.

12) The Respondent Representative has produced on record copy of RCS 116/2019 filed by the complainant against MSEDCL. It is submitted that in view of Rule 6.7 of MERC Regulation 2006 (CGRF & Ombudsman) 2006, the

complaint is not maintainable. The Consumer Representative Shri Akhatar Ali Khan has not disputed the fact of filing suit.

13) Rule 6.7 (MERC (CGRF & Ombudsman) Regulations 2006) prescribes as under:-

“6.7 The Forum shall not entertain a Grievance:

(d) 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.”

14) On perusal of the copy of the plaint (Page No. 44 to 48), it is seen that the suit is pending before Civil Court in respect same Residential premises & same consumer No. referred in above para. So, also relief claimed in the suit is about restraintment against disconnection, which is also claimed in the present complaint. The present complaint is filed on 22.01.2019, whereas the suit appears to be filed on 23.01.2019 in Civil Court at Aurangabad.

15) Considering filing of the Civil Suit regarding present dispute, therefore as per Rule 6.7 of MERC (CGRF & Ombudsman) Regulation 2006, the present complaint is not maintainable. Hence we answer point No. 1 in the negative and proceed to pass following order in reply to point No. 2.

ORDER

- 1) Complaint stands dismissed.
- 2) Parties to bear their own costs.

Sd/-
Shobha B. Varma
Chairperson

Sd/-
Laxman M. Kakade
Member / Secretary

Sd/-
Vilaschandra S.Kabra
Member