BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
AURANGABAD ZONE, AURANGABAD.

Case No. CGRF/AZ/AUC/734/2019/19
Registration No. 2019040110

Date of Admission : 24.04.2019
Date of Decision : 21.05.2019

Shri. Avijit Anandmohan Ghorai, : COMPLAINANT
Flat No.2, CTS No.4315 Spandan Sankul,
Johariwada ,Aurangabad
(Consumer No. 490013360445)

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 H.A.Kapadia

For Licensee : Shri. Kulkarni
Addl. EE, Shahaganj Sub-Dn.

CORAM

Smt. Shobha B. Varma, Chairperson

Shri Laxman M. Kakade, Tech. Member/Secretary

Shri Vilaschandra S. Kabra Member.

CONSUMER GRIEVANCE REDRESSAL DECISION

The applicant Shri. Avijit Anandmohan Ghorai, Flat No.2, CTS No.4315 Spandan Sankul, Johariwada,Aurangabad is a consumer of Mahavitaran having Consumer No. 490013360445. 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.

The brief facts of the petition are as follows:-

1) The petitioner consumer is having single phase Residential electric connection at his residence on aforesaid address, which was released in November 2015. The petitioner is carrying out art work on jewellery from his residence only.

2) On Dt.19.07.2018 the Respondent inspected the premises of the petitioner & prepared inspection report. According to petitioner, he was absent; signature of his worker was taken on it. The copies inspection report & other relevant documents are not provided to him, inspite of his request.

3) On Dt.08.09.2018 letter of provisional assessment bill & bill of Rs. 68,290/- under section 126 of Indian Electricity Act, 2003 (hereinafter for short purposes referred as (I.E. Act, 2003) was received to the petitioner.

4) On Dt.10.09.2018 & on Dt.11.09.2018, the petitioner has visited the office of the Respondent for obtaining copies of relevant documents i.e. Spot inspection report, Panchnama etc for submitting protest letter,

however, the concern officer was not available & so the petitioner could not get the copies.

5) On Dt.12.09.2018, the petitioner wrote a letter about non acceptance of the bill & to provide documents to submit her protest.

6) On Dt.19.09.2018, the petitioner has lodged his grievance before Permanent Lok Adalat, Aurangabad & it was withdrawn on Dt. 15.04.2019.

7) On Dt.30.03.2019, final bill under section 126 was issued by the Respondent. According to petitioner before receiving final bill, grievance was already filed by him before Permanent Lok Adalat & thereafter it was withdrawn, so this forum has jurisdiction to try the dispute.

8) On Dt.23.04.2019 present grievance is filed, praying not to disconnect the electricity supply, to set aside the bill under section 126 of I.E. Act, 2003 & to provide relevant documents & pay compensation Rs. 15000/- for unfair practice & Rs.10000/- for mental agonies.

9) The dispute is admitted subject to hearing on preliminary points of without approaching to IGRC, dispute before this forum is hot maintainable & on the point of jurisdiction. On issuing notice, the Respondent has filed their say on these points at (P.No.23,24), raising following contentions:-

1) That, the consumer without submitting his grievance before IGRC Cell, directly filed application before this Forum. Hence, under R.6.2 of MERC Regulations (CGRF & Electric Ombudsman) 2006, it is not maintainable. That under R.6.5 without undergoing process of IGRC, the dispute is not admissible.

2) It is submitted that, the consumer had filed dispute before permanent Lok Adalat dispute No. 95/18 & withdrawn it. There was no threatening of disconnecting electric supply. Hence, it is requested not to admit the grievance.

10) Following preliminary points arose for consideration & we have heard C.R. Shri. Kapadia & Additional Executive Engineer, Shri. Kulkarni Sandeep for Respondent.

Sr.No.	PRELIMINARY POINTS	ANSWER
1	Whether present dispute is admissible before this Forum?	No.
2	Whether this Forum has jurisdiction to try the dispute	To be decided by IGRC
3	What order ?	As per final order

11) **Point No.1:-** On spot inspection Dt.19.07.2018 by the Respondent, at the residence i.e. flat No2, Spandan Sankul , Johriwada Aurangabad provisional assessment bill with letter Dt. 28.08.2018 (P.No.15 & 16) was issued by the Respondent & admittedly was received to the petitioner on Dt. 08.09.2018. Final bill (P.No.20 & 21) was issued on Dt. 30.03.2019.

12) The C.R. H.A. Kapadia has submitted that one letter Dt.12.09.2018 (Produced at P.No.17) was issued by the petitioner & received to the Respondent on Dt.14.09.2018, acknowledgement is on the same letter. According to Mr. Kapadia that itself is deemed complaint before IGRC, as intended under Regulation 6.2 of MERC Regulations (CGRF & Ombudsman), 2006.

13) Rule 6.2 of MERC, Regulations (CGRF & Ombudsman) 2006, provides as under:

"A consumer with a Grievance may intimate the IGR Cell of such Grievance in the form and manner and within the time frame as stipulated by the Distribution Licensee in its rules and procedures for redressal of Grievances.

Provided that where such Grievance cannot be made in writing, the IGR Cell shall render all reasonable assistance to the person making the Grievance orally to reduce the same in writing.

Provided also that the intimation given to officials (who are not part of the IGR Cell) to whom consumers approach due to lack of general awareness of the IGR Cell established by the Distribution Licensee or the procedure for approaching it, shall be deemed to be the intimation for the purpose of these Regulation unless such officials forthwith direct the consumer to the IGR Cell."

14) In order to decide on this point, it is necessary to reproduce following portion from the letter Dt.12.09.2018 issued by the petitioner.

"Since the assessment bill is not accepted to me, I once again request you to provide all required documents in order to submit my protest letter against the assessment bill."

15) On scrutiny of the contents of the above said letter, it is clear that, this particular letter was issued only for obtaining relevant documents , in order to submit objections against the provisional bill under section 126 of I.E.Act,2003 issued by the Respondent & not the intimation of grievance of the petitioner. As such the letter Dt.12.09.2018 is not deemed complaint as laid down. R.6.2 of MERC Regulations (CGRF &

Ombudsman) 2006. Fact remains that, since, thereafter the present consumer on Dt.19.09.2018 lodged his grievance through his representative before Permanent Lok Adalat, hence can't be said as not having general awareness of IGRC.

16) R.6.7 of MERC Regulation(CGRF & Ombudsman) 2006,lays down as under:

" The Forum shall not entertain a Grievance:

a) unless the consumer has complied with the procedure under Regulation 6.2 and has submitted his Grievance in the specified form, to the Forum;

b) unless the consumer is aggrieved on account of his Grievance being not redressed by the IGR Cell within the period set out in these Regulations;

c) unless the Forum is satisfied that the Grievance is not in respect of the same subject matter that has been settled by the Forum in any previous proceedings; and

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 award or a final order has already been passed by any such court, tribunal, arbitrator authority."

17) Learned C.R. Shri. H.A. Kapadia has pointed out to us ratio laid down in the case M/s Tapadia Diagnostic Centre V/s. The Superintending Engineer, Representation No.54/2015, decided by Hon'ble Ombudsman, Nagpur Dt.04.09.2015. Though, in that case, the Forum has informed the appellant to approach IGRC, by moving an application in form X & it

was under challenge , however on the point of such communication, observation are not made by Hon'ble Ombudsman, but the dispute was decided before Ombudsman, as such it does not enlight on the present point.

18) In this case, since the consumer without undergoing process of submitting application to IGRC, approached to this forum directly, hence the dispute can't be entertained under R.6.7 of MERC Regulations (CGRF & Ombudsman)2006.

19) As, such , the present petition be returned to the petitioner to file it before IGRC. We accordingly answer point No.1 in the negative.

20) **Point No.2:-** Since, we are returning the petition to present it before IGRC, it is for the IGRC to decide the point of jurisdiction. Hence, we feel that, it is not proper on our port to record finding on this point at this stage. We answer the point No.2 accordingly.

21) Considering the aforesaid discussion, we proceed to pass following order in reply to point No.3.

ORDER

1) The petition is hereby returned to the present petitioner, to present it before IGRC, Cell for adjudication of the dispute.
2) No order as to cost.

Sd/-	Sd/-	Sd/-
Shobha B. Varma	Laxman M. Kakade	Vilaschandra S.Kabra
Chairperson	Member / Secretary	Member