

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

**Case No. CGRF/AZ/AUC/750/2019/
Registration No. 2019070017**

Date of Admission : 09.07.2019

Date of Decision : 09.07.2019

Shri. Pankaj Trilokchand Pande, : COMPLAINANT
Gut No.141, In Chawada Comp
-Beed Bypass Satara, Aurangabad-431001
(Consumer No. 490011701041)

VERSUS

Maharashtra State Electricity Dist. Co. Ltd.,: RESPONDENT
through it's Nodal Officer, EE(Admn),
Urban Circle, Aurangabad.

The Addl. Executive Engineer,
Chawani, Sub Division, Aurangabad

For Consumer : Shri H.A.Kapadia
For Licensee : Shri. S.K.Chinchane
Addl. EE, Chawani Sub-Dn.

CORAM

Smt. Shobha B. Varma, Chairperson
Shri Devendra R.Jaiswal, Tech. Member/Secretary
Shri Vilaschandra S. Kabra Member.

CONSUMER GRIEVANCE REDRESSAL DECISION

The applicant Shri. Pankaj Trilokchand Pande, Gut No.141, In Chawada Comp -Beed Bypass Satara, Aurangabad-431001 is a consumer of Mahavitaran having Consumer No. 490011701041. 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 09.07.2019.

The brief facts of the dispute are as under:-

- 1) Gut No. 141, admeasuring area 56000 Sq.ft, situated Beed By-pass Road is the property owned by the complainant. With a view to start Mangal Karyalaya, the petitioner has constructed office in 200 Sq.Ft area & left the remaining space for various functions. On application submitted by the petitioner of single phase connection, on 18.06.2005, it was released with tariff category LT II A & consumer No.490011701041.
- 2) Petitioner alleges irregularity in issuance of bills by the Respondent. That, the complainant submitted application for issue of three phase connection & it was released with 10 Kw load on 21.02.2009 & consumer No.490011905011.
- 3) Up to May 2018, there was no bill dispute. On dt.04.07.2018, the petitioner has received bill for the amount of Rs. 1,16,620/- including bill adjustment of Rs.1,07,621.91 Ps.
- 4) On 13.07.2018 the petitioner submitted application to the Respondent with a request to provide details of bill adjustment & showed his readiness to pay the current bill.

- 5) On 17.07.2018, reminder letter was sent by the petitioner to the Respondent. On constant pursuance, the Respondent by letter No.2163, communicated that on the basis of inspection dt.09.01.2018, the debit adjustment amount was added. However, details of assessment were not provided.
- 6) That, the petitioner was under threat of disconnection of electric supply & was not aware about grievance redressal mechanism of MSEDCL, hence approached to permanent Lok Adalat at Aurangabad in August 2018. The said complaint was registered as dispute No. 81/18.
- 7) That, as per directions of Permanent Lok Adalat, the petitioner has deposited Rs. 60000/- in order to avoid disconnection of electric supply.
- 8) That on getting knowledge of Redressal Mechanism as per Electricity Act, 2003, the petitioner has withdrawn the petition from Permanent Lok Adalat & has challenged the debit adjustment bill of Rs. 1,07,622/- for June 2018, on the ground, there was no provisional assessment. The action violates section 126(1) of the Electricity Act, 2003.
- 9) That, hearing was not taken place. Final assessment bill is not received till today. Hence, the petition is filed with a prayer that:-
 - 1) To direct the Respondent to withdraw adjustment bill Rs. 1,07,622/-.
 - 2) Not to take coercive action.
 - 3) To issue revise bill on deducting interest & DPC charges.
 - 4) To provide CPL.
 - 5) To grant suitable compensation.

- 10) Following preliminary points arose for our consideration & we have heard C.R. Shri. Kapadia .

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) 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.”

- 12) 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.”*
- 13) In this case, the communication Dt. 13.07.2018 & 17.07.2018, letters, were issued by the petitioner to MSEDCL for getting particulars & for filing appeal. On 21.07.2018 by letter, the MSEDCL provided particulars, to the petitioner. On 31.08.2018, the petitioner has submitted petition before Permanent Lok Adalat & sought interim order. The Respondent has filed say. On 03.05.2019, that petition was withdrawn.
- 14) The above communication is not under provision of R 6.2, MERC Regulation (CGRF & Ombudsman) 2006.

- 15) The petitioner has challenged the bill on the ground that Section 126 of Indian Electricity Act 2003 is not attracted.
- 16) 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.
- 17) As, such, the present petition be returned to the petitioner to file it before IGRC. We accordingly answer point No.1 in the negative.
- 18) **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 part to record finding on this point at this stage. We answer the point No.2 accordingly.
- 19) 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/-
Shobha B. Varma
Chairperson

Sd/-
Devendra R. Jaiswal
Member / Secretary

Sd/-
Vilaschandra S.Kabra
Member