

CONSUMER GRIEVANCE REDRESSAL FORUM  
M.S.E.D.C.L., PUNE ZONE, PUNE

Case No. 29/2019	Date of Grievance	: 02.05.19
	Hearing Date	: 23.05.19
		11.06.19
		09.08.19
		21.08.19
		24.09.19
	Date of Order	: 04.11.19

**In the matter of accumulated bill regarding change in tariff.**

M/s. Reliance Communications Ltd., ---- APPELLANT  
Plot No.T-23, Opp. MCCIA,  
MIDC, Telco Road, Bhosari,  
Pune -411026.

(Consumer No. 170149024940 )

VS

The Superintending Engineer, ---- RESPONDENT  
M.S.E.D.C.Ltd.,  
Ganeshkhind Urban Circle,  
Pune.

Present during the hearing:-

**A] - On behalf of CGRF, Pune Zone, Pune.**

- 1) Shri. A.P. Bhavathankar, Chairman, CGRF,PZ, Pune
- 2) Mrs. B.S. Savant, Member Secretary, CGRF, PZ, Pune
- 3) Mr. Anil Joshi, Member, CGRF, PZ. Pune.

**B] - On behalf of Appellant**

- 1) Mr.Praksh T.Chavan, Consumer Representative
- 2) Mr.Mandar M.Nandgirikar, \_\_\_\_\_"
- 3) Mr.Naser A.Gaffar,\_\_\_\_\_"

**C] - On behalf of Respondent**

- 1) Mr. Kishor Patil, EE, GKUC, Pune
- 2) Mr. Sameer R.Chavan, Legal Advisor, GKUC, Pune.

Further order in Case No.29/2019 M/s.Reliance Communication Pvt.Ltd. on 21.4.2019. The Interim order was passed by this Forum in favour of consumer directing to deposit balance principal amount in 8 equal monthly installments alongwith current bill and comply the order. Thereafter the matter was fixed for further hearings on various dates. The matter was again heard by this Forum giving opportunity to consumer and his representative and the Respondent Utility official on 11.6.2019. It is submitted by consumer representative that the consumer was already approached to National Company Law Appellate Tribunal and initiated requested proceedings. Special officer appointed on 18.5.2018 by order of NCLAT in case & it is also further submitted that the matter is subjudice before Aptel and hearing is fixed on 24/9/2019. A similar issue is also pending before Hon. High Court, Nagpur Bench. The consumer has filed the separate application on 21.6.2019 informing that in view of the order passed by National Company Law Appellate Tribunal. In favour of this consumer all the proceedings opening claiming, Assets and liabilities having beneficial interest against this consumer are stay during moratorium period and the hearing was fixed on 21.8.2019 after informed by the same on 15.5.25018. Thereafter the matter was again call to fix on 24.9.2019. The consumer representative were appeared and filed application on 16.9.2019 informing that professional resolution was passed in favour of consumer in a matter pending CP (IB) 1387 (MB/2017 ) by order dtd.21.6.2019. The matter is heard by the Forum and the common order passed on dtd. 15.5.2018& it is informed to this Forum, copy of order placed on record I have minutely perused.

The relevant part of the said order and also gone through the copy of list of creditors. It is found by me at Sr.No.1136 list of creditor filed by the consumer NCLAT proceeding that MSEDCL shown as party amount claimed Rs. 2,51,14,344/-. The status of amount pending for verification as shown in the defaulter Credit list. The paragraph which is relevant and binding on this Forum in CP No.1387 of 2017 which reads as under :

**CP 1387/2017 : NCLT Mumbai Bench order dt.15.05.2008.**

- i) That this Bench hereby prohibits the Institution of suits or continuation of pending suits or proceedings against the corporate debtor including execution of any judgment, decree or order in any court of law, tribunal, arbitration panel or other authority, transferring, encumbering, alienating or disposing of by the corporate debtor any of its assets or any legal right or beneficial interest therein, any action to foreclose, recover or enforce any security interest created by the corporate debtor in respect of its property including any action under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, the recovery of any property by an owner or lessor where such property is occupied by or in the possession of the corporate debtor.
- ii) That the supply of essential goods or services to the corporate debtor, if continuing, shall not be terminated or suspended or interrupted during moratorium period.
- iii) That the provisions of sub-section (1) of Section 14 shall not apply to such transactions as may be notified by the Central Government in consultation with any financial sector regulator.
- iv) That the order of moratorium shall have effect from 15.05.2018 till the completion of the corporate insolvency resolution process or until this Bench approves the resolution plan under sub-section (1) of section 31 or passes an order for liquidation of corporate debtor under section 33, as the case may be.
- v) That the public announcement of the corporate insolvency resolution process shall be made immediately as specified under section 13 of the Code.
- vi) That this Bench will appoint Interim Resolution Professional after having taken confirmation from Resolution Professionals intended to be appointed by this Bench.

In view of the said order passed by the higher competent authority and the matter is already stated by NCLT Mumbai Bench is binding on this Forum. In this circumstance I have no other option to stay the proceeding as per direction given in the order. As such this Forum became functusofficio officers and cannot finally adulate this matter unless further directions are given by NCLT Mumbai Bench.

In the safer interest of justice both the parties are directed to approach before NCLT Mumbai Bench in filed by consumer and confirmed the status.

The time limit of 60 days prescribed for disposal of the grievance could not be adhered due to submission of consumer made during the instructions given at the time of hearing by the Forum.

Hence I am inclined to stay order of this proceeding before the Forum and proceed to pass further order:

### **ORDER**

1. In view order of order passed by National Company Law Tribunal Mumbai in CP IB No.1387/2017. Hence all the proceedings pending before this Forum are hereby stayed until further order.
2. No order as to the cost.
3. Parties be informed accordingly.
4. The Licensee is directed to report the compliance within one month from the date of this order.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Pune Urban Zone, Pune 4<sup>th</sup> Nov. - 2019.

**Note:-**

- 1) If Consumer is not satisfied with the decision, he may file representative within 60 days from date of receipt of this order to the Electricity Ombudsman in attached "Form B".

Address of the Ombudsman  
The Electricity Ombudsman,  
Maharashtra Electricity Regulatory Commission,  
606, Keshav Building,  
Bandra - Kurla Complex, Bandra (E),  
Mumbai - 400 051.

- 2) If utility is not satisfied with order, it may file representation before the Hon. High Court within 60 days from receipt of the order.

I agree / ~~Disagree~~—

I agree / ~~Disagree~~

Sd/-  
ANIL JOSHI  
MEMBER  
CGRF:PZ:PUNE

Sd/-  
A.P.BHAVTHANKAR  
CHAIRPERSON  
CGRF: PZ:PUNE

Sd/-  
BEENA SAVANT  
MEMBER- SECRETARY  
CGRF:PZ:PUNE