

BEFORE THE CONSUMER GRIEVANCES REDRESSAL FORUM
MADHYA GUJARAT VIJ CO LIMITED
CORPORATE OFFICE, 2ND FLOOR SP VIDYUT BHAVAN,
RACECOURSE, VADODARA 390 007

Subject	Consumer Grievances Complaint No.MG-II-26-2010.11
Complainant	M/s. Twib Chem Industries at Plot No.109/1 GIDC Estate, Nandesari, Dist: Vadodara
Respondent	----
Date of hearing	14.10.2010

QUORUM	NAME
Chairman	Shri K M Dave, MGVCL
Member	Shri K R Shah, MGVCL
Independent Member	Shri M J Vaidya, Vadodara

The complaint dated 31.08.2010 is against the theft of energy u/s The Electricity Act, 2003 of the above complainant.

The Forum Members present at the hearing considered contention of complainant's application. Forum has perused the section 126 of The Electricity Act, 2003 and also the chapter 3 of GERC Notification No.4 of 2004. The latter clause is quoted hereunder:

- q) The Consumer shall not be entitled to approach the Forum in the following cases:*
- i) in cases where proceedings in respect of the same matter and between the same Complainant and the Licensee, are pending before any court, tribunal, 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; and*
 - ii) in cases which fall under the Sections 126, 127, 135 to 139, 152 and 161 of the Act.*

In view of the above discussion, the Forum is of the opinion that this complaint cannot be dealt with by this Forum. Cases booked under section 126 falls into realm of judicial courts.

ORDER

This Forum directs the Madhya Gujarat Vij Co Limited to guide the complainant of prescribed procedures, regulation and provisions of The Electricity Act, 2003 and GERC Regulations for redressal of grievances against supplementary bill issued under section 126 of The Electricity Act, 2003.

(K R Shah)
Member

(M J Vaidya)
Independent Member

(K M Dave)
Chairman

PS :

If the complainant is not satisfied with the order of this Forum, the complainant may approach the Ombudsman, Gujarat Electricity Regulatory Commission, 1st floor, Neptune Tower, OPP: Nehru Bridge, Ashram Road, Ahmedabad 380 009 in accordance with Chapter-5, Clause No.13 of GERC Notification No.4 of 2005.

Procedure to make representations before Ombudsman***

1. Representation should be in writing duly signed by the complainant with his name and address.
2. Representation should be supported with affidavit.
3. True copy of order of Forum and original complaint made before Forum should be attached. Enclosed documents should be certified copies of the original documents.
4. The representation before Ombudsman should be submitted within 30 days from the date of order of Forum.
5. Copy of representation should be submitted at the office of Ombudsman. Copy of representation should be submitted to all respondents.
6. If the complainant is required to pay any amount according to the order of Forum, one-third of such amount should be deposited by complainant and proofs should be attached along with the representation.
7. The matter should not be pending before the competent Forum or any other court, tribunal, arbitrator or any other authority.
8. All representations should be with a sufficient cause, reasonable diligence causing the consumer prima facie loss and damages / inconvenience.
9. Representation may be submitted in English or Gujarati language

*** <http://www.gercin.org/docs/Cosumer%20Grievances/Procedure/Procedure.pdf>