

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-30-09.10
Complainant	Shri Chandrakant P Patel C/o Kamdhenu Motors Pvt Ltd., NH No.8, At & Post Chhani, Con No.02101/02143/9
Respondent	NIL
Date of hearing	26.10.2009

QUORUM	NAME
Chairman	Shri S A Pota, MGVCL
Member	Shri K R Shah, MGVCL
Independent Member	Dr R C Desai, Vadodara
Convener	Shri P L Mistry, MGVCL

This complaint dated 25.08.09 is directed against the supplementary bill of Rs.91,548.15 dated 06.09.2001 issued by the MGVCL for using allegedly excess load of 6.627 KW beyond the contract load of 10 KW unauthorizedly.

Today on 26.10.2009, the case of the Complainant Grievance was placed before Consumer Grievance Redressal Forum for deciding the entitlement of this Consumer Grievances Redressal Forum to hear this case.

The facts of the case are as follows. On 6.9.2001, the electrical installation of the complainant was checked by I/c squad of MGVCL and it was found that the complainant was using 6.627 KW load in excess of contract load of 10 KW unauthorizedly. He was, therefore, served with supplementary bill of Rs.91,548.15 for using unauthorized load. The complainant found some discrepancies and approached the MGVCL officers for rectification but without any response. Being aggrieved, the complainant filed a Civil Suit in the Hon'ble court of Civil Judge at Vadodara in Sept 2001.

The Forum Members present at the hearing perused the complaint along with the documents. It was noticed that the complainant has filed a Civil Suit in the Hon'ble court of Civil Judge at Vadodara in Sept 2001. The Forum is restrained to deal with such cases. In this matter, the Forum is guided by GERC Notification No.4 of 2004, clause 7(q)(i) which is reproduced hereunder:

Clause 7(q)(i)

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.

In view of the above discussion, the Forum is of the opinion that without going into the merits of the case, this Forum is not entitled to deal with this case.

ORDER

The Forum is not entitled to deal with this case in view of the above discussion.

(K R Shah)
Member

(Dr R C Desai)
Independent Member

(S A Pota)
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.