

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

91 CIVIL APPLICATION NO. 3527 OF 2021
IN PIL/5/2021

THE MAHARASHTRA ELECTRICITY REGULATORY COMMISSION THRU ITS
SECRETARY

VERSUS

CHAMBER OF MARATHWADA INDUSTRIES ASSOCIATION THRU
PRESIDENT SATISH SUDHAKARRAO LONIKAR AND ANOTHER

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Advocate for Applicant : M/s. Deepa Chavan a/w Raindra Chille, i/b Mr P P
Uttarwar.

Advocate for the Respondent No. 1 : Mr. Kishor C Sant

GP for Respondent No. 2 : Mr. D.R. Kale.

A.S.G. for Respondent No. 3 : Mr. Talhar Ajay G.

CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.

DATE : 15.03.2021.

PER COURT :

The matter is moved by the respondents basically as ad interim order is passed on 15.01.2021.

2. We have heard M/s. Deepa Chavan the learned advocate for the applicant and Mr. Sant learned advocate for the respondent No. 1. The applicant has pointed out the Rules framed by the Central Government under Section 176 of the Electricity Act. The Rules viz. Electricity (Amendment) Rules 2020 came into force from 31.12.2020. Reliance is placed on Rule 15 of the said Rules which reads thus :

“15. **Grievance redressal mechanism** : (1) The distribution licensee shall establish Consumer Grievance Redressal Forum (CGRF) under sub-section (5) of section 42 of the Act at different levels to cater the needs of the sub-division, division,

circle, zone, company level. The forum shall be headed by an officer of the licensee of appropriate seniority. The forum shall consist of officers of the licensee and have not more than four members as consumer and prosumer representatives. The Appropriate Commission shall nominate one independent member who is familiar with the consumer affairs. The forum may be assigned different types of grievances depending on the nature of the grievance and the level at which it can be best resolved.

Provided that the manner of appointment and the qualification and experience of the persons to be appointed as member of the forum and the procedure of dealing with the grievances of the consumers by the Forum and other similar matters would be as per the guidelines specified by the Commission.

(2) The licensee shall specify the time within which various types of grievances by the different levels of the forums are to be resolved. Normally, a grievance shall be decided within a period of thirty days and in any case not exceeding forty five days from the date of receipt of such grievance. The consumer aggrieved by the decision of sub-divisional or divisional or circle forum will have the option to approach the company level forum before making an appeal to the Ombudsman.

(3) If a consumer's grievance is not redressed by the company level forum within the specified time or the consumer is not satisfied with the disposal of his grievance, he will be free to approach the Ombudsman appointed by the Commission.

(4) The distribution licensee shall give wide publicity of the

forum office, its complete address, contact details and procedure for registration of grievances through print and electronic media and notice boards of its various offices and also intimate the same to the consumers through electricity bills.

(5) The distribution licensee shall set up a mechanism for monitoring of the grievances redressal.

(6) The licensee will send quarterly reports to the Ombudsman and to the Commission, in respect of standards of performance, other performance parameters and consumer grievances related information showing the extent to which the time schedule has been followed in redressing the consumer grievances.

(7) The performance of CGRF shall be monitored by the Commission.”

3. The matter would require in depth consideration. There are other issues also raised in the present P.I.L. The forum for redressal of grievances of the consumers is to be constituted in accordance with the provisions of Section 42(5) of the Electricity Act and Regulation 4.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulation, 2020. The non-formation of the forum for redressal of consumer grievances would create impediment in settlement of disputes between the consumer and the licensee. Considering the larger interest, we modify the order dated 15.01.2021, more particularly para 4 of the said order. Para 4 of the said order stands modified as under :

“The Forum for redressal of consumer grievance constituted by the respondents shall be subject to the decision in the present P.I.L.”

4. It is also pointed out that grievance with regard to the limitation and the cause of action as agitated in the present Writ Petition is also subject matter of consideration before the Nagpur Bench in Writ Petition No. 7900/2017. The provisions assailed in the present regulations and the regulations 2006 appear to be *peri materia*. It is for the parties to take appropriate steps if they so desire to club the matters.

5. In view of the aforesaid order passed Civil Application No. 3527/2021 stands disposed of.

(SHRIKANT D. KULKARNI, J.)

(S. V. GANGAPURWALA, J.)

mkd/-