

**Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)**

DFR No. 1684 of 2010

Dated :15th December, 2010

**Present: Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson
Hon'ble Mr. Rakesh Nath, Technical Member
Hon'ble Mr. Justice P.S. Datta, Judicial Member**

M/s. Aditya Cement

... Appellant(s)

Versus

Chhatisgarh State Electricity Regulatory Commission & Anr. Respondent(s)

Counsel for the Appellant(s): Mr. Raunak Jain & Ms. Puja Priyadarshini

Counsel for the Respondent(s): Mr. Anand K. Ganesan & Ms. Swapna Seshdri

ORDER

We have the learned counsel for the parties.

A letter, which has been sent by the Secretary to the Appellant conveying the decision of the Commission to the effect that Appellant has to approach the Consumer Grievance Forum to resolve the billing dispute, which is challenged in this Appeal.

Admittedly without entertaining the petition filed by the Appellant and without hearing the Appellant, the Commission has directed the Appellant through the letter to go to the Consumer Forum because this is related to the billing dispute.

A perusal of the letter, which is impugned in this case as well as the petition filed before the Commission would indicate the decision taken by the Commission to the effect that the Petitioner has to approach the Consumer Grievance Forum through the prayer in the petition is relating to the

interpretation of Regulation. We are to hold that the interpretation of the Regulation could be given only by the Commission and not by the Grievance Cell. Therefore, it would be appropriate to direct the Commission to take up the petition filed by the petitioner and deal with the matter and decide the same in accordance with law, by giving reasons after hearing the parties.

In the meantime, it is open to the Petitioner to approach the Commission for any interim relief and in that event the Commission may consider the same and pass the necessary order.

With these observations, DFR No. 1684 of 2010 is disposed of.

(Justice P.S. Datta)
Judicial Member

(Rakesh Nath)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson

vs/gb