

**Consumer Grievance Redressal Forum
Maharashtra State Electricity Distribution Co. Ltd.
Bhandup Urban Zone, Bhandup**

Ref. No. Secretary/MSEDCL/CGRF/BNDUZ/

Date :

Case No. 119

Hearing Dt.14/05/2007 & 21/05/2007

**In the matter of delay in replacement of failed D.T.C. causing production loss
and request for the compensation**

M/s. Pooja Textile, Bhiwandi

- Appellant

Vs.

Superintending Engineer, MSEDCL, Bhiwandi Circle

- Respondent

Present during the hearing

A - On the behalf of CGRF, Bhandup

- 1) Shri S.L. Kulkarni, Chairman, CGRF, Bhandup.
- 2) Shri S.B. Wahane, Member Secretary, CGRF, Bhandup.
- 3) Mrs. Manik P. Datar, Member, CGRF, Bhandup.

B - On the behalf of Appellant

- 1) Shri Pravin D. Thakkar, Proprietor, Pooja Textiles .

C - On the behalf of Respondent

- 1) Shri Barhate, Bhiwandi Circle
- 2) Shri S. Rajendra Prasad, Bhiwandi Circle.

Consumer's Say :

The consumer has put up his grievance with this Forum on 10th April 2007. There was no Internal Grievance Forum at Bhiwandi Circle due to handing the power distribution matters to Torrent Co. since Jan-2007. Hence appellant directly approached this Forum. The hearings were held on 14/05/2007 and 21/05/2007.

M/s. Pooja Textiles runs a power loom industry having consumer No. 013012535427/5. He was getting power from 315 kVA DTC named Raj compound, Divn. 5, Kalyan Road. It tripped on 01/02/2006 which was repaired and installed on 28/04/2006. Again the same transformer failed on 01/07/2006 and was replaced on 30/08/2006. Due to failure of the transformer, supply of his industry was interrupted which resulted into production loss of Rs. 2,94,400/- by way of wages, rent etc. Due to failure of transformer (twice) his factory was closed for 131 days.

He contacted sub-division officer, after the DTC failure. He was told by sub-division office that the spare transformer is available with them for immediate replacement. However he was asked to contact division office as it was monitored by division office. The consumer further alleged that neither the serial number nor the seniority was maintained in issuing the repaired transformers. He pointed out that as per MERC orders prescribing S.O.P., the failed transformer should have been replaced within 24 hrs. in an urban area. He further states that the officials of the utility are framing their own rules and regulations as per their convenience to harass the consumer.

He also states that earlier he was sanctioned a 10 HP load but he submitted an application with necessary documents on 20/01/2007 for enhancement of load to 22 HP. Utility had not taken any cognizance of his application. Therefore, he took the initiative to increase the connected load without the formal sanction. This increased connected load is reflected in his power bills.

Respondents clarification on consumer's grievance :

Utility has accepted that the above transformer at Raj compound failed twice 01/02/2006 and 01/07/2006 and replaced on 28/04/2006 and 30/08/2006 respectively. Utility states that "M/s. Pooja Textile having sanctioned load of 10 HP only. Instead of that he is using 22 HP load which is very high as compared to sanctioned load. All such type of enhancing the load, the load comes under the pilferage of energy. Due to the excess loading of the transformer by unauthorised

drawing of power leads to frequent failure and break down of the transformer. The frequency is so high in Bhiwandi that their replacement/repairs cannot be done within a period of 24 hrs. as prescribed in S.O.P. However, MSEDCL has taken efforts to replace the transformer in minimum time as per availability and maintaining seniority of failed transformers”.

The application letter for enhancement of load submitted by consumer is duly inwards as shown in inward register. But additional load would be released only after the augmentation of 315 kVA transformer at Raj Compound.

In Bhiwandi all the consumers are billed as per connected load to minimize pilferage of energy so the said consumer is also billed as per connected load of 22 HP.

Further, no additional load or new load is sanctioned on 315 kVA at Raj compound transformer from Sept-05 to May-06.

Observations :

It is observed that the connected load on the Raj compound DTC having 315 kVA capacity was in excess of allowable load. Thus, resulting into its frequent failure.

The utility is thus prima facie liable to pay compensation at the prescribed rate for failure to replace the transformer within 24 hrs. in an urban area (utility having admitted to the fact that it took 131 days to replace the transformers, two instances together). However, as the claim for the compensation was not lodged within sixty days from the date of rectification of the deficiency, the same cannot be entertained as per rule 12.2 of standard of performance of distribution licensees, regulation 2005. Hence disallowed.

More over, appellant has demanded for an additional compensation of Rs. 2,94,200/- towards labour charges, rent etc. He has produced some photographs of labour lying idle. These are difficult to believe. The wage receipt of labour do not substantiate the claim without corroborative evidence and hence the claim for compensation cannot be substantiated and proved and hence disallowed.

ORDER

1) The request of the appellant consumer is rejected on the grounds of time barred claim as mentioned in section 12.2 in S.O.P.

2) The S.E. is requested to recommend the case of appellant to enhance the load from existing sanction from 10 HP to connected load of 22 HP to MSEDCL franchisee (Torrent Power Ltd.) since the consumer's application is pending with MSEDCL. Before handing over the power distribution to Torrent.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 31st May 2007.

Note : 1) If Consumer is not satisfied with the decision, he may go in appeal within 60 days from the 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 go in appeal before the Hon. High Court within 60 days from the date of receipt of the order.

MRS. M.P. DATAR
MEMBER
CGRF, BHANDUP

S.B. WAHANE
MEMBER SECRETARY
CGRF, BHANDUP

S.L. KULKARNI
CHAIRMAN
CGRF, BHANDUP

**CONSUMER GRIEVANCE REDRESAL FOURM
MAHARASHTRA STATE DISTRIBUTION COMPANY LTD**

Ph. No. 25624315
25624316
25624322

Consumer Grievance Redresal Forum
"Vidyut Bhavan", Gr. Floor,
L.B.S. Marg, Bhandup (W),
MUMBAI - 400 078

REF.NO. Secretary/CGRF/MSDCL/BNDUZ/Case No. 119/

Date :

To

M/s. Pooja Textile,
Prop. Pravin Thakkar,
Raj Compound, Kalyan Road,
Bhiwandi

SUB : Decision issued in respect of case No. 119.

Dear Sir,

In response to the grievance put up by you with the Forum vide case No. 119 dt. 10/04/2007 hearing is completed on dated 21/05/2007 & the order passed on vide this office order No. 00078 dtd. 31/05/2007 is enclosed herewith for your information please.

Thanking you,

Yours faithfully

Encl : As above

SECRETARY
CGRF, MSEDCL,
BHANDUP

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c.s.w.r. to :

- 1) Chief Engineer (L.M.),
M.S.E.D.C.Ltd., H.O.,
Prakashgad, Bandra (E),
MUMBAI – 400 051.
- 2) The Chief Engineer, MSEDCL, BNDUZ, Bhandup.
- 3) The Superintending Engineer & Nodal Officer,
Consumer Grievance Internal Redressal Cell,
Office of the Superintending Engineer,
O&M Circle, MSEDCL, Bhiwandi.

