

PHONE NO. : 25664314/25664316

FAX NO. 26470953

Email: cgrfbhandupz@mahadiscom.in

Website: www.mahadiscom.in

Consumer Grievance Redressal Forum

“Vidyut Bhavan”, Gr. Floor,

L.B.S.Marg,Bhandup (W),

Mumbai – 400078.

REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/14/ 213

Date: 23.11.2017

Case No. 14/2017

Hearing Dt. 31.10.2017

In the matter of refund of assessment bill paid by consumer and restrain for disconnection threat

M/s. Mazgaon Dock Ltd

- Appellant

(Consumer)

V/s

Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL)

Panvel Division

- Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri. Anil P. Bhavthankar, Chairperson, CGRF, Bhandup.
- 2) Shri. R.S.Avhad, Member Secretary, CGRF, Bhandup.
- 3) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Appellant

1. Mr. R.P.Negi – Consumer Representative
2. Mr. D.B.Vispute

C - On behalf of Respondent

Shri. D.B.Pawar, Executive Engineer (Admin), Vashi Circle.

Consumer Numbers 02586901491 category of supply HT II 79N

Date of supply 26.10.82 SL-500KW, Contract Demand 150KVA Meter no 03003788

1. Above named consumer using the said supply under commercial category for the purpose of supplying. Complaint about major fault in supply on dated 09.09.2013. Consumer applied for restoration of supply at earlier and breach of SOP and compensation for delay in restoration of supply calculated 1569600/- as per Regulation of SOP guidelines. Consumer initially at the first occurrence on 6.09.2015 informs to the respondent utility about power failure at Nava Sheva Yard

and lodges his complaint alleging that the supply was not restored till the date 06.09.2013 and further period. Thereafter consumer time to time raised grievance on subsequent dated of issuing letter onwards 06.09.2013 to the date of raising grievance at the first instance before IGRC. Consumer stated that they are empowered and authorized by the company for lodge the grievance and said authorization letter resolution is attach. It is inform on 18.09.2013 respondent utility raised the bill of power supply in spite the pray of consumer not to raised the bill as supply was not restored for the further dates. It is inform by respondent utility that there was huge storage of iron pipe and material laying at the premises of level HT cables where the cable fault was suspected and also give letter to the consumer complainant and office for carry out the work of HT cable fault finding work in the premises correspondence those letter is attached by consumer in bunch. Grievance is raised by consumer stating that for the subsequent period 11.01.2014,29.01.2014,20.02.2014, April, May, June, July, August, September, October & December 2014 the reminder and persuasion was made but respondent utility not reply satisfactory. Consumer further raise the grievance there was the joint meeting of consumer and officer of respondent utility and proposal for laying underground cable in work of 22 KV HT cable from Nava sheva village to DTC and found it is old of 34 years and the existing life span of the cable was not satisfactory. On 14.01.2015 respondent utility inform consumer for estimate cost and propose expenditure by issuing letter dated 05.05.2015 .On 16.10.2015 the reminder for causing delay alleged on the part of respondent utility official was complaint even then according to consumer exorbitant bill charge by the respondent utility amounting Rs.15000/-per months those the electricity supply was not available in between the period of 06/09/2013 to Oct. 2015. It is further alleged that the respondent utility cause unnecessary delay in interesting work of laying fresh f HT cable to Raj deep Electrical and advise to consumer co- operate with then . On persuasion consumer time to time peruse the matter by issuing letter dated 24.09.2015 to Oct. 2015 but the respondent utility ignoring the request and advice utility to grant permission at earliest for the purpose of carrying out the work for restoration of supply. On 09.12.2016 respondent utility made request to

restore the power supply as earlier but restoration work could not be possible because of complete shutdown of operation of ONGC, as there is separate point of power supply line required to be fresh installed on 19.08.2015 Superintending Engineer instructed to Executive Engineer of Panvel Division to take immediate action for restoration of supply and submit the report but in spite of those instruction no efforts was made by respondent utility official till 12.02.2017. Therefore consumer raise cause of action to file consumer complaint on the ground of ensuring continue quality and reliable supply of power to the consumer restored the power supply which was interrupted due to underground cable fault including service connection within 24 hrs as per Rules. Consumer also prays for bear the cost of restoration of power supply which was disconnected since 06.09.2013. Consumer pray for compensation for the loss of business and activities due to interrupted supply which causes prejudice to him valuable right. Consumer made allegation against the respondent utility not following 'SOP' Regulation to the respect of restoration of supply as per norms. Neither the initiated the work of replacing HT underground cable in the premises at earliest and inordinate delay is cause from 6.09.2013 which was continue till today. Consumer pray for compensation of Rs.50 per hours and all further requested to pay lumsum compensation1569600/- given direction to the respondent utility for ensuring the power supply restore at the earlier within time bound period claim not to charge further bill exorbitant raised. Consumer prays for lumsum amount Rs 1569600/- with 18% interest of per annum from the date of 06.09.2013 till the period of compliance and cost of the litigation. Initially the consumer approach to IGRC and lodge his complaint. Thereafter the IGRC issued notice to the consumer but hearing and decision was not made within period of 2 months from the date of complaint. Therefore consumer approach to the Forum and lodge his grievance on 06.06.2017. Consumer attached all the copy of correspondence old bill payment of bill periodically and receipt of that payment, proper authorization letter power of attorney license of establishment. M/s Mazgoan ship industrial Ltd issued by competent authority along with the complaint. After filing the said complaint notice was issued to the respondent utility on 08.06.2017after receiving the said notice

respondent utility appeared and filed reply parawise to the complaint of consumer on dated 20.06.2017. Thereafter hearing of this complaint was made by this Forum time to time. The issue of obstacle in interruption of the supply and requirement of carried out estimate work was discusses. During the pendency of hearing the respondent utility official directed to verify the incises of a nature of consumer complaint on reason of non compliance 06.09.2013 up to the date of grievance is made first time before IGRC on 3.04.2017. During the course of meeting and hearing of the consumer complaint it was found that the purpose estimate work necessary charges and execution of document was not complied and acted upon was both the side whatever the reason was known to the parties. On dated 29.06.2017 letter issued by Superintending Engineer to the consumer authority directing to carry out and complied necessary permission and authorization of cable work was ensured. Respondent utility also inform by letter written by SE to EE on 09.08.2017 to ensure the work of laying cable for restoration of supply execution of work and estimate proposal of finalize on 04.08.2017. The parties by enter in agreement and deposited necessary charges for amounting Rs. 1739005/- additional charges was also directed to deposit by the consumer ,copy of letter of compliance and purpose estimate is supplied by respondent utility dated 04.08.2017. I have perused those document the consumer at subsequent event deposited the additional cost which was required and thereafter Forum waited for additional reply of respondent utility official. Accordingly additional reply was submitted and it is inform that as per the efforts made by this Forum and discussion with both the site the purpose estimate was finalized the expenditure 7039005/- which was prepared and estimate was sanction on 04.08.2017 and consumer was directed to pay the said cost. The point was clarified by respondent utility to the satisfaction of consumer before this Forum additional amount Rs.34780/- which was estimate short fall directed to be deposit at this stage calling of tender on estimate work is under progress. The respondent utility authorized officered assured that the restoration of laying installation of underground cable work it completed within period of 3 months from the date of final deposit of amount and entering into work tender agreement and the consumer is satisfied with this proposal. Coming to the issue of

dispute raised initially before IGRC and before this Forum following point arose for our consideration to which I have recorded my finding to the point for the reason given below

- I. Whether consumer is entitle for immediate restoration of supply as pray.
- II. Whether respondent utility official committed breach of SOP Rules and Regulation intentionally causing in convince to the consumer.
- III. Whether consumer is entitle for any compensation with 18% of interest.
- IV. Whether consumer is entitled for any relief?

Reasoning

2. It appears form the nature of dispute on 06.09.2013 power failure at Nava Sheva Yard was reported to respondent utility official . The nature of the said fault was investigated located and found underground cable period of live 34 years old and due to old cable power supply majorly interrupted and resulted in power failure. The consumer made grievance of levying huge exorbitant bill of Rs. 15500 per month. As replied by respondent utility the power supply is given up to the termination end in the premises of respondent utility authorized but at the inner site campus the old underground cable interrupted the supply and the cost supply at 22KV which is demanded by consumer 500KW and huge 150KVA demand of power supply. The consumer is charge 50% of demand and as per minimum charge as a calculated 16500/- which is seriously objected by the consumer. To my view when the cost of reaching power supply of %00KV to the point it is there by the respondent utility company the consumer has to pay the said bill and which is already paid time to time.
3. The work of restoration of supply and investigated and resulted is not intentionally at the fault of respondent utility as per the documents and paper submitted to the Forum and the investigation report major power failure due to default of underground cable level at the premises old aged required to be replace. The carrying out the work to the replacing to the premises to the other factor interrupted the work as the supply is restricted most vigilance area Nava Sheva yard falls under Mazagaon Dock Ltd., The necessary permission and removal of

obstacle laying the heavy material laying in the premises and actual carry out work of replacing of cable has to be done by issuing tender of work estimate contract which was not possible during the period 06.09.2017 to 17.03.2017 as it is pointed out the actual work of entering the contract after preparing of sanction of estimate proposal is done and work contract is executed . Respondent utility official under taken the work to be complete in 3 months and the consumer is satisfied with the result. In this circumstance it cannot be held that the breach of SOP Rules and Regulation at the fault of respondent utility official intentionally. The consumer pray for excess recovery of bill which is compensation demand of 1569600/- as per the regulation prescribe under the authorization of this Forum the penalty can be imposed against respondent utility for negligent However the assessment of compensation consumer has liberty to approach before proper Forum and claim for compensation as per his choice and calculation made and shown to this Forum which is beyond the power of relief could be granted by this Forum. I found the consumer dispute raised for time bond restricted restoration of supply work already assured as per agreement. Hence there is no substantial relief remains to be granted in favour of consumer. Hence the consumer complaint stands dispose of accordingly.

ORDER

- The consumer complaint 14/2017 stands dispose off.

Proceeding closed.

The compliance should be reported within 30 days.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, and Bhandup.

Note:

1) If Consumer is not satisfied with the decision, he may file representation 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 file representation before the Hon. High Court within 60 days from receipt of the order.

(I Agree/Disagree)

(I Agree/Disagree)

**DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP**

**ANIL P. BHAVTHANKAR
CHAIRPERSON
CGRF, BHANDUP**

**RAVINDRA S. AVHAD
MEMBER SECRETARY
CGRF, BHANDUP**