



Consumer Grievance Redressal Forum, Kalyan Zone

Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
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No.EE/CGRF/Kalyan Zone/

Date of Grievance : 12/11/2016

Date of Order : 15/02/2017

Total days : 75

**IN THE MATTER CASE OF GRIEVANCE NO. K/DOS/52/1297/2016-17 IN RESPECT OF M/S. INDUS MOBILE TOWER CONNECTION AT BHATAN, TAL. PANVEL, DIST. RAIGAD, BHATAN - 410203, ( INDUS TOWERS LTD., 2010, E-CORE, 2<sup>ND</sup> FLOOR, MARVEL EDGE, VIMAN NAGAR, PUNE 411014 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING DISCONNECTION OF SUPPLY.**

M/s Indus Towers Limited,  
2010, E-Core, 2<sup>nd</sup> floor,  
Marvel Edge, Viman Nagar,  
Pune - 411014,  
(Consumer No.029120002391)

..... (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution  
Company Limited  
through its MSEDCL, Addl. Ex. Engineer,  
Pen Circle.

..... (Hereinafter referred as Licensee)

Appearance : - For Consumer : Shri Dharendra Shrivastav-C.R.

For Licensee :- Shri Mane - AEE.

[Coram- Shri A.M.Garde-Chirperson, Shri L.N.Bade-Member Secretary and  
Mrs.S.A.Jamdar- Member (CPO)].

Maharashtra Electricity Regulatory Commission, is, constituted  
u/s. 82 of Electricity Act 2003 (36/2003). Hereinafter for the sake of

brevity referred as 'MERC'. This Consumer Grievance Redressal Forum has been established as per the notification issued by MERC i.e.

"Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is referred as 'Regulation'. Further the regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission. Hereinafter referred as 'Supply Code' for the sake of brevity. Even, regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply & Determination of Compensation) Regulations, 2014.' Hereinafter referred 'SOP' for the sake of convenience (Electricity Supply Code and other conditions of supply) Regulations 2014'.

2] The case in brief is that about disconnection without notice. Reply is filed. It is submitted that bill for the month of October 2016 was to be paid on or before 27<sup>th</sup> October 2016. There was no payment of the bill as such supply was disconnected on 11/11/16.

3] We heard both the sides. The contention of the consumer is that there was disconnection without notice. There is not even contention of the Licensee/respondent that the notice was given as required by Section 56(2) of Electricity Act, There is a vague statement in the reply filed by Licensee that repeated requests were made which does not amount even to a contention that notice was given as required under the provisions of Law. There is copy of notice purported to have been issued, produced by Licensee. But then, there is nothing show that such notice was served on the

consumer. In absence of specific contention in the reply that notice was given and in absence of the particulars of the notice given in reply, the copy produced has no value, it may straightway be held that there is no notice at all as required by Law, and the disconnection was without notice. The consumer deserves it's prayer to be allowed.

4] So-far-as the claim of the consumer regarding loss to maintain the network, we would like to focus on Clause 8.2 ( c ) Proviso of MERC (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2006:

“Provided however that, in no case shall any consumer be entitled to indirect, consequential, incidental, punitive, or exemplary damages, loss of profits or opportunity.” Hence, consumer's prayer ( B ) cannot be upheld.

5] So-far-as consumer's second prayer ( c ) is concerned, we have noted that as per Clause 8.2 (b) of MERC (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2006, Licensee are liable to pay undue charges paid by the consumer. However, we have also noted that the Xerox copies of the vouchers produced by the consumer do not tally with the original vouchers produced on 9/2/2017. Hence, these documents / vouchers cannot be treated as proof of expenses. Therefore, claim of the consumer to compensate the transportation cost cannot be upheld.

6] However, we feel that there is some injury suffered by the company due to disconnection that too without notice and non co-operation of AEE and SDO for which we feel it proper to grant compensation as per the provision of 8.2 ( e ) of MERC (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2006.

Hence the order.

## ORDER

The grievance application of the consumer is partly allowed.

2] Licensee is directed to pay an amount of Rs.2000/- to the consumer towards compensation as explained in Para 6 of this Order.

3] Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 15/02/2017.

(Mrs.S.A.Jamdar)  
Member  
CGRF, Kalyan

(L.N.Bade)  
Member Secretary  
CGRF, Kalyan.

(A.M.Garde)  
Chairperson  
CGRF, Kalyan.

### NOTE

a) The consumer if not satisfied, may file representation against this order before the Hon. Ombudsman within 60 days from the date of this order at the following address.

*“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”.*

b) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or

c) delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” at the following address:-

*“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”*

d) It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.