

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

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

Date : 10/05/2007

Case No. 115

Hearing Dt. 21/04/2007 & 03/05/2007

In the matter of delay in replacement of failed transformer causing production loss and request for enhancing power load

**R.T. Textiles
Vs.
MSEDCL**

- Appellant

- Respondent

Present during the hearing

Hearing date 21/04/07

A - On the behalf of CGRF, BhandupA

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

B - On the behalf of Appellant

- 1) Shri Pravin D. Thakkar, Proprietor, R.T. Textiles.

C - On the behalf of Respondent

- 1) Shri Shaikh, S.E. & Nodal Officer, Bhiwandi.

Hearing date 03/05/07

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, R.T. Textiles.

C - On the behalf of Respondent

- 1) Shri A.K. Shaikh, A.E., Bhiwandi.
- 2) Shri D.R. Barate, A.E., Bhiwandi

Preamble:

M/s. R.T. Textile, Bhiwandi runs a power loom industry. He was getting power from the DTC at Babla compound of 500 kVA. It was tripped on 18/09/2006. It was repaired and installed on 30/09/2006. Again, the said transformer failed on 19/11/2006 and remained failed till 30/11/2006. All these long intervals resulted into production loss and had to pay wages to the labour, staff in his industry, which is Rs. 59,852/- which should be compensated to him by the utility. He has pointed out that as per MERC orders prescribing standard of performance the failed transformer should have been replaced within 24 hrs.

The appellant (who is called as appellant because, due to recent handing over the power distribution matters to Torronto – a franchisee there is still not an appointment of Internal Grievance Forum which is the first grievance solving agency). Hence the appellant has directly approached the Consumer Grievances Forum.

The appellant was heard on 21/04/2007 and also, the respondent, the Superintending Engineer, MSEDCL, Bhiwandi. The latter submitted his detailed report on 03/05/2007 to the Forum giving the detailed reasons as to how the energy users like the appellant with others cause frequent break down of the transformers installed for them by unauthorisedly drawing excess load from the same transformer causing it's frequent breakdown. This is totally unauthorized act and hence, according to the Superintending Engineer, the power pilferage in Bhiwandi town is the highest in the state. The frequency of transformer failures is so high that their repairs/replacement cannot be done so soon atleast within a period of 24 hrs. as prescribed in the S.O.P. as there are not adequate spare transformers with his establishment.

The appellant in this case has a sanctioned load of 2 HP for his power looms. Later he applied to the Executive Engineer MSEDCL on 01/02/2005 on a simple paper instead of the DL's prescribed format for enhancing the load to 22 HP. He without waiting for approval, sue motto enhanced the load to 22 kV clearly with the help of private electrical contractors at the connivance of the MSEDCL officials. This unsanctioned additional power drawal is going for last about two years as seen from the energy bills produced by the appellant. The field staff brought to the notice of the Executive Engineer and his office billing staff this fact and hence they started the appellant billing for 22 HP indicating on the bill.

Sanctioned load	-	2 HP
Connected load	-	22 HP

The appellant, as mentioned above had applied for enhancement of load by simple paper application but MSEDCL did not respond to it. The appellant presumed it as tacit consent of MSEDCL and continued to do excess load which was 11 times higher than his sanctioned load.

According to the respondent (S.E., MSEDCL) such unauthorised excess drawal from a lesser capacity transformer resulted into its tripping and despite repairs, it again failed and had to got repaired at the cost of MSEDCL. He further stated that this is a common phenomenon in Bhiwandi town resulting into frequent power failures and power pilferages. His machinery is initiating number of cases including police cases/permanent/temporary disconnection in such cases. However in the case of the appellant such steps have not been initiated so far.

The appellant stated that his application was first for enhancement of load while another applicant Palak Industry had applied later but got the power enhancement ignoring applicant's request. The utility (respondent) replied that both the applicants connection are on different transformers having different capacities. While in case of Palak Industry the transformer concerned had a spare load capacity while in respect of the applicant's concerned transformer it was not so available.

As the power distribution system in Bhiwandi town has been handed over to M/s. Torrento, the appellant now gets transferred to Torrento which will take care of his additional load requirement and replacement of higher capacity transformer in place of existing, the appellant has already registered himself as a consumer with M/s. Torrento.

Now as regards compensation claimed by the appellant due to loss of wages required to be paid to idle labourers to the employees of his power looms. He has produced some photographs of sleeping labour. They are difficult to be believed. The wages receipts of labours do not substantiate the claim without corroborative evidence and hence the claim for compensation cannot be substantiated, proved and hence disallowed.

In the fair interest of consumer the new power supply agency Torrento can provide further infrastructure like the need of the appellant for higher load.

In such case the Hon' Judiciary has also held that mere application for extensions of load does not entitle the appellant consumer to sue motto enhance the load without prior sanction of the competent authority. Court Order of Hariyana State Electricity Board Vs. Texport Fashion 1998. The appellant has clearly violated this doctrine and hence does not deserve any consideration.

ORDER

- 1) In view of the detailed discussion in the foregoing paras, the request of the appellant for giving him compensation for business loss due to power failure due to transformer failure is not considered justifiable and hence rejected.
- 2) As regards appellant's request for enhancing the power load, the competent authority may take appropriate decision on merits after giving due opportunity to hear the applicant.
- 3) Appellant's request to apply special tariff of Rs. 150/- per HP is not admissible since his power consumption is metered.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 9th May 2007.

Note : 1) If Consumer is not satisfied with the decision, he may go in appeal within 60 days from 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 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. 117/

Date :

To

M/s. R.T. Textile
Prop. Pravin D. Thakkar,
Shop No. 2, Kalyan Road,
Zenith Compound,
Bhiwandi – 421 302.

SUB : Decision issued in respect of case No. 115.

Dear Sir,

In response to the grievance put up by you with the Forum vide case No. 115 dt. 14/03/2007 hearing is completed on dated 09/05/2007 & the order passed on vide this office order No. 00063 dtd. 10/05/2007 is enclosed herewith for your information please.

Thanking you,

Yours faithfully

Encl : As above

SECRETARY
CGRF, MSEDCL,
BHANDUP

-2-

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.

**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. 115/

Date

R.P.A.D.

To

M/s. R.T. Textile

Prop. Pravin D. Thakkar,
Shop No. 2, Kalyan Road,
Zenith Compound,
Bhiwandi – 421 302.

SUB : Registration of your grievances dtd. 14/03/2007.

Dear Sir,

The grievance submitted by you is registered to this Forum vide Sr. No. 115, dtd. 14/03/2007 & hearing date is fixed on 16/04/2007 at 11.30 am. at the office of the Consumer Grievance Redressal Forum, Vidyut, Ground Floor, LBS Marg, Bhandup, Mumbai -78.

Therefore, it is requested to attend the hearing on the above date alongwith documents in support of your grievance. In case of failure to attend the hearing on the above date, this Forum shall decide the Grievance Ex-parte on merit which may please be noted.

Thanking you,

Yours faithfully

**SECRETARY
CGRF, MSEDCL,
BHANDUP**

c.f.w.cs. to :

1. **The Executive Engineer (Office) i.e. Nodal Officer,**
C.G.I.R.C., Office of the Suptd. Engr.,
O&M Circle, **Bhiwandi**.
2. **The Executive Engineer,**
O&M Divn., MSEDCL.,
Bhiwandi.

-- He is requested to attend the hearing on the above date alongwith the concerned authority & the details of report related with the grievance of the consumer.

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. 115/

Date

To

The Nodal Officer & Executive Engineer (Office)

Consumer Grievance Internal Redressal Unit,
Office of the Superintending Engineer,
MSEDCL., **Bhiwandi.**

SUB : Submission of point wise compliance
in respect of case No. 115.

As per MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulation 2006 vide clause No. 6.12, the copy of grievance registered at Sr. No. 115 is being forwarded to your office for submission of issue wise compliance. The hearing date of the case is fixed on dated 16/04/2007 at 11.30 am. However, the Nodal Officer shall act as the co-ordinator for filing the reply, making submission, providing issue wise comments on the grievance, submitting compliance status / reports etc. Therefore it is requested to submit point wise compliance to this Forum in respect of the case in consultation with concerned authority within 15 days from the date of issue of this letter or one week before the date of hearing which ever is earlier.

The copy of compliance should also be provided by you to the consumer before hearing.

**SECRETARY
CGRF, MSEDCL,
BHANDUP**

c.f.w.cs. to :

The Executive Engineer, O&M Dn. MSEDCL, Bhiwandi.

-- for needful action for submission of issue wise compliance & at attend the hearing along all the relevant documents related with the grievance.