

(A Govt. of Maharashtra Undertaking)

CIN : U40109MH2005SGC153645

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/

Date

Case No.57

Hearing Dt. 29.06.2016

In the matter of compensation Rs. 1,87,000/- due to incident of fire on
07.08.2015

Mr. Alimuddin Hafimudin - Applicant

Vs.

M.S.E.D.C.Ltd., Bhiwandi, Torrent power Ltd., - Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

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

B - On behalf of Appellant

- 1) Shri. Shakeel Ansari - Consumer Representative.

C - On behalf of Respondent No. 1

- 1) Shri. R.R.Beloskar, Executive Engineer, Nodal Office Bhiwandi.
- 2) Shri. S.K.Dhope, Assistant Engineer, Nodal Office Bhiwandi.
- 3) Mrs. Hemangi Mayekar, Assistant Manager, TPL

Consumer No. 13892114476

1. Above named consumer filed this complaint against respondent utility stating that he obtained service supply vide 13892114476 used for power

loom purpose. According to consumer on 07.10.2015 there was incident of fire to take in the premise and consumer alleged that it is due to faulty and negligence of respondent utility M/s. TPL PVT. LTD., there was loss substance Rs.1, 87,250/- due to fire incident liable to be paid by respondent utility. Consumer filed this complaint initially before IGRC vide Case No. 15/2015 -16. On dated 04.12.2015 IGRC gave opportunity to the consumer and his representative Mr. Shakeel Ansari and on dated 19.02.2016 IGRC dismiss the said complaint stating that on 07.10.2015 respondent utility official visited the premise at that time inspection of the premises found external wire outside by the premises was not burn and fire to place inside the premises. As per test report on 08.10.2015 due to defecting wiring inside the premises incident took place. It was explain to the consumer even further the service was disconnected since September 2013 for nonpayment of arrears Rs, 10, 73,526/- liable to be paid by consumer. The allegation made against the respondent utility false and malicious liable to be dismiss.

2. After considering rival contention of both side following point' s arose for our consideration
 - a. Whether complaint of consumer claiming compensation is tenable. in view of Regulation No.17.15.
 - b. Whether consumer is entitled for any relief.

Reasoning

3. On dated I gave opportunity to the consumer and his representative Shri Shakeel Ansari who appeared before the Forum as well as opportunity was given to respondent utility officer TPL. Respondent utility produce

documentary evidence regarding earlier disconnection report. In this case consumer claim compensation Rs.1, 87,000/- in the head of compensation lot 25 BEEM BURNT HALF, 26 GREY TAKHA FULLY BURNT and Labour Loss of feeded. According to consumer the incident of Fire taken place for negligence of respondent utility official. Consumer alleged that there was attempt of disconnection by the officer of respondent utility to prove they said allegation consumer not filed any Punchnama fire event report drawn & prepared by competent authority no bill to calculated liquidated damage which is access by the consumer.

4. I have perused regulation under MERC (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulation, 2006. In view of provision Regulation No. 17.15 consumer under provision clause cannot claim compensation of damage towards incidental events. The compensation payable as per the order of Forum in appropriate case only. As mention 17.15 Rules. In this event of complaint which was filed before IGRC and also before the Forum on perusal of this regulation I found consumer is entitled to claim any compensation nor entitled to file any proceeding before this Forum. Reply given by respondent utility filing wrong and vicious claim by consumer liable to be dismiss with cost. Hence I proceed to pass following order.

ORDER

The consumer complaints bearing Nos. 57 stand dismiss with cost.
No order as to the cost.

Both the parties should be informed accordingly.

Proceedings closed.

The compliance should be reported within 45 days.

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

Note:

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**

**SHRI. ANIL P. BHATHANKAR
CHAIRPERSON
CGRF, BHANDUP**

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