

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

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

Date :

Case No. 507

Hearing Dt. 23/09/2013

(In the matter of compensation for damages)

Mr. Zahid M. Ansari - Applicant

Vs.

M.S.E.D.C.L. & TPI, Bhiwandi - Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri R.M Chavan, Member Secretary, CGRF, Bhandup.
- 2) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Applicant

- 1) Shri Manoj Kanji Hariya, Consumer Representative.

C - On behalf of Respondent No. 1

- 1) Shri. A.L.Deshpande, Ex. Engr., Nodal Officer Bhiwandi Circle.
- 2) Shri. Arun Rao, General Manager Torrent Power Ltd.,
- 3) Smt. Hemangi Mayekar, Executive Engineer, TPL, Bhiwandi.

Shri. Zahid M. Ansari is having godawn/gala on rent at Maleshia Building behind Basera Hotel, Karavali Village, Bhiwandi.

This gala was used to store the waste cotton called, Chindi but the complainant do not have any authentic record for its storage.

On 18th Jan 2011 as stated by the representative of complainant, there was short circuit in the electric cable running over the wall of this gala which leads to fire in the godawn caused damages of about ₹8 Lacs.

Gist of Representative is the damage of ₹8 Lacs is due to the electric short circuit of the Live Cable of M/s. Torrent Power Ltd. (the distribution franchisee of MSEDCL) and hence M/s. Torrent Power Ltd. should compensate this loss to the complainant.

On query, whether the complainant is having electric connection in the said premises. the answer was in negative; It means the complainant is not a consumer of distribution franchisee or licensee.

In the above circumstance, there is no ground to the Applicant to file the grievance in this Forum as he is not a consumer.

The Forum asked to the both parties to produce the report of Electrical Inspector investigating the electrical accident so called happened but no body was having the report which can revealed the fire was caught due to short circuit of cable.

Moreover the complainant failed to produce, the documentary evidence or gate passes that bundles of cotton waste i.e. chindi were stored in this shade.

As regards to the constitution of Forum under the Electricity Act 2003 very clearly defined in MERC (CGRF and E.O.) Regulations 2006 there in Regulation 2(e) under the title of definition *“Forum” means the forum for Redressal of grievances of “consumers” required to be established by Distribution Licensees pursuant to subsection (5) of Section 42 of the Act and these Regulations.*

Similarly it will be worth to see the definition of consumer given in the Electricity Act 2003 there in Section 2 Sub section 15 that *“Consumer” means any person who is supplied with electricity for his own use by a licensee or the Government or by any other person engaged in the business of supplying electricity to the public under this Act or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving electricity with the works of a licensee, the Government or such other person, as the case may be;*

Plain reading of the above definitions for “Consumer” and “Forum” made it very clear that the complainant is not a consumer of Distribution licensee or Distribution Franchisee and hence he can not filed his Grievance in this Forum. Even on the basic of merit of case there is nothing on record to show whether the Applicant is a consumer

or is authorized by any consumer of electricity supplied by the Respondent. Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations 2006 there in Regulation 6.2,6.4, and 17.2 mandate that the Consumer with a Grievance is entitled to submit the Grievance before the Forum for its Redressal. Applicant not being a consumer is not entitled to do so. The Representation is not signed by any consumer. as it is required as per Regulation 17.3 of MERC Regulations 2006 and hence Representation is liable to be rejected on this ground. Further the complainant could not produce any investigation report from Electrical Inspector of Public works Department which is the authority to decide whether only the short circuit in licensee's cable was the reason behind this fire leads to the damages of Chindi/waste cotton in the godawn.

In this case Forum feels that Internal Grievance Cell, Bhiwandi has rightly refuted the claim of compensation of the complainant by its order SE/BWDC/IGRC/Case No. 133/Order/1390 dt. 14/08/2013 and hence Forum do not find any reason to intervene.

ORDER

The Applicant's prayer for compensation of ₹ 8 Lacs towards damages due to fire by short circuit in live cable of Distribution franchisee is therefore liable to be and is hereby rejected. The case is disposed off with no order as to cost.

Both the parties be inform accordingly.

The order is issued under the seal of Consumer Grievance Redressed Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, and Bhandup on 25th Sept. 2013.

Note:

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

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

**R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP**