

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

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

Date :

Case No. 181

Hearing Dt. 28/04/2008

**In the matter of granting compensation for delay in sanctioning
of additional load**

M/s. Pooja Textile - Appellant

Vs.

MSEDCL, Bhiwandi - Respondent

Present during the hearing

A - On 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 behalf of Appellant

- 1) Shri Pravin Thakkar.

C - On behalf of Respondent

- 1) Mr. R.P. Choudhary, Ex. Engr., Bhiwandi circle.
- 2) Mr. D.R. Barhate, Asstt. Engr., Bhiwandi Circle.

Applicant is running a power loom unit at Zenith compound, shop No. 2, Kalyan Road, Bhiwandi. He has been sanctioned 10 HP load. He approached to the opponent for additional load of 12 HP on 14/05/2005 officials of the opponent carried out the survey but official sanction was not given to the consumer. He waited for a long time and enhanced the load sue motto. Utility did not give any decision but started billing him with 22 HP load from 14/05/2006.

He approached CGRF for official sanction of enhance load. He was aggrieved with CGRF order and approached to MERC Ombudsman. Ombudsman passed the order on 17/07/2007 with the order sanctioning the load of the said consumer with retrospective effect from 14/05/2006 when it was reflected in the bills of the consumer.

Consumer demanded compensation under SOP issued by MERC on 20/01/2005. He also prayed for the compensation for mental stress, tension and agony.

Ombudsman in his order July 17, 2007, rejected the compensation demanded by consumer on ground that he did not press for the compensation. Ombudsman also rejected the compensation in his revision appeal also as all the points including compensation were discussed in previous hearing.

PRAYER :

Ombudsman was passed the order on 17/07/2007 for enhancement of load which was not considered upto 04/02/2008. Hence, kindly consider my compensation @ Rs. 100/- per week from

the date of my application to utility dtd. 14/05/2006 and also compensation for mental tension and stress of Rs. 50,000/-.

UTILITY SAY :

As per Ombudsman order 17/07/2007, the utility has issued sanction order for enhance load with effect from 14/05/2006 i.e. application date. However, his S.O.P. compensation claim he did not be approached the utility within 60 days from the date of rectification. Hence, as per clause 12.2 of S.O.P. the claim of S.O.P. from consumer should be rejected.

OBSERVATIONS :

- 1) The appellant is textile loom owner in Bhiwandi he had sanction load of 10 HP at beginning and applied to utility for load enhancement to 22 HP on 14/05/2006.
- 2) The utility without giving official sanction to him, applicant was started billing for 22 HP from 14/05/2006 when noticed.
- 3) He approached CGRF, Bhandup which turned down his application owing to the ground such unauthorized enhancement of load is resulted into frequent transformer/power failure.
- 4) The consumer preferred an appeal to State Electricity Ombudsman which held vide decision dated 17/07/2007 which states that since utility is billing him for enhanced load, has give tacit consent for such load enhancement. He therefore held that he should be given official sanction from 14/05/2006 i.e. date of billing.

5) On receipt of electricity Ombudsman order, the utility finally issued sanction order on 04/02/2008 i.e. after 26 weeks.

6) The appellant approached CGRF for compensation for delay in issuance of load sanction by utility within 59 working days and hence, his appeal is considered as in time before CGRF. Hence admitted.

7) Apparently the utility ought to have issued sanction order as per Electricity Ombudsman order dated 17/07/2007 immediately but utility issued it after 26 weeks i.e. on dtd. 04/02/2008.

Hence consumer is entitled to S.O.P. compensation as per MERC (SOP and determination of compensation) Regulation 2005, which is given in Appendix A.

The amount of compensation i.e. @ 100/- per week or part thereof will have to be paid to applicant consumer by the utility.

ORDER

The applicant consumer should be paid by the utility compensation for non observance of Ombudsman order but late by 26 weeks be paid by the utility @ 100/- per week for 26 weeks immediately.

Compliance of this order should be communicated to the Forum within a period of one month.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 13/06/2008.

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.L. KULKARNI
CHAIRMAN
CGRF, BHANDUP

S.B. WAHANE
MEMBER SECRETARY
CGRF, BHANDUP