



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No. **K/E/1065/1281 of 2016-17**

Date of Grievance : 03/10/2016

Date of order : 21/10/2016

Total days : 19

IN THE MATTER CASE OF GRIEVANCE NO. K/E/1065/1281/2016-17 IN RESPECT OF MRS. MINI XAVIOUR KALLIMOODU, PROP. M/S. R.T.ELECTRICALS & ENGG. SERVICES, SHOP NO.13, PARAS APARTMENT, SHANTINAGAR, ULHASNAGAR-421003, REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING BILLING DISPUTE.

Mrs. Mini Xaviour Kallimoodu, Prop.
M/s. R.T. Electricals & Engg. Services,
Shop No.13, Paras Apartment,
Shantinagar,
Ulhasnagar – 421 003.

(Consumer No.021513035672 PC2) (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited

through its Nodal Officer,

MSEDCL, Kalyan Circle-II, Kalyan (Hereinafter referred as Licensee)

Appearance : - For Licensee : Shri H.S. Chaure –AEE- Ulhas-S/dn-03.

For Consumer - In person.

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 brief facts of the grievance application are as under:-

The consumer is a proprietor of an business establishment in the name and style as “ R.T. Electrical and Engg. Services and the said shop admittedly having an electricity supply by Licensee.

3] The contention of the consumer is that on 15/2/16 in the morning when her staff opened the said shop there was no electricity supply. The consumer further states that she immediately rushed for redress to the concern Additional EE at Sub/Dvn-III , Ulhasnagar. On her request the lineman of the Licensee visited the shop premises for restoring the supply. The said lineman told her that her electricity connection has been disconnected by some mischievous person.

4] The consumer further pleaded that when the lineman was trying to reconnect the electricity supply of her shop, one Mr. Avinash resident of Paras Apartment (the same premises) came and obstructed the lineman and did not allow him to reconnect the electricity supply. Hence the

lineman went back without restoring the supply stating that he will report this matter to the concerned Officer.

5] The consumer further contended that inspite of her continuous follow up with the Licensee for getting her supply restored, Licensee did not restore her supply. Consumer also made a lot of correspondence with the Licensee but it was in vain.

6] The consumer submitted that because of the in-action of the Licensee, she was forced to send a legal notice on 28/3/16 and on receipt of this notice her electricity supply was restored by the Licensee.

7] The consumer also submitted that she had suffered huge financial loss because of the disconnection of electricity supply and restoring it for 42 days. She claims that she has suffered great hardship and mental agony during this period. Consumer, therefore, approached IGRC on 3/6/16. However, no order had been passed by the IGRC. Consumer, therefore, approached CGRF and sought the following reliefs --

- a] Rs. 1,75,000/- being the business loss/damage @ Rs.5,000/- on an average earning per day, excluding weekly offs/holidays.
- b] Rs.1,10,250/- being wages paid to the employees, without getting any work done from them due to non-restoration of electric supply for 42 days.
- c] Rs.5,00,000/- towards mental agony, torture and compensation.
- d] Rs.50,000/- towards incidental expenses and cost of the complaint.

8] On being noticed, Licensee filed a very short reply and submitted that on the complaint of the consumer, immediate action has been taken by the Licensee on 15/2/16 itself deputing a concerned line staff to the said premises (shop), who visited the site and tried to restore the electricity supply of the said shop but one resident of the same apartment did not hand over the key of the meter cabin and prevented the lineman from restoring the supply. Even Licensee's Assistant Engineer. also visited the premises

but the resident of that apartment refused to give the key of the meter cabin . However, finally on 28/3/16, the Licensee succeeded in convincing these residents and restoring the supply of the said shop.

9] After going through the submissions by both the parties and the documents placed on record, our observations are as:-

i] Licensee could not point out any valid justification for not restoring the supply of the consumer immediately, upon her complaint.

ii] According to our opinion, it would have been appropriate on the part of the Licensee to take police protection and restore the electricity supply of the said shop. On the question raised by the Forum that “ whether the Licensee is aware of the fact that in police protection it would have been possible for them to reconnect the supply?” For which Licensee answered in the affirmative.

iii] There is one letter on record dated 28/3/16 by Addl. Executive Engineer, directing Asst. Engineer, Ulhasnagar to restore the supply of the said shop with immediately effect. But this letter was also issued after a lapse of 42 days.

iv] Though there is one letter dtd 4/7/16 of Licensee mentioning references of various letters (internal correspondence), these letters are issued after a lapse of 42 days and after a lot of follow up by the consumer.

v] Consumer, even has given a police complaint against Mr. Avinash (who was obstructing the lineman) and tried her best to resolve the problem. However, Licensee did not even took pain to make a detailed report of the said incident.

vi] For 42 days consumer was forced to run from pillar to post because of the in action of the Licensee.

vii] Licensee has not challenged the amount of compensation claimed by the consumer. Regarding the compensation claimed by the consumer for her business loss and damages and towards the wages paid to the staff, we would like to mention that the provision of Clause 8.2 Sub-Sec (c) of the Mah. Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2006, applies which runs thus:-

----- c] to pay such amount as may be awarded by it as compensation to the consumer for any loss or damages suffered by the consumer, provided however that, in no case shall any consumer be entitled to indirect, consequential , incidental, punitive, or exemplary damages, loss of profits or opportunity:

10] However, there is another provision in Clause 8.2 sub-section (e) which is as below:

The Forum can award compensation which is reproduce as under:-

----- e] any other order, deemed appropriate in the facts and circumstances of the case.

In view of the above referred provisions, we are of the view that the consumer must have suffered a great hardship and mental agony for 42 days for which she should be compensated.

Taking into consideration, all the above points we pass the following order.

ORDER

- 1] The grievance application of the consumer is hereby partly allowed.
- 2] The Licensee is directed to pay the compensation of Rs.5000/- to the consumer as explained in Para No.10 (Clause 8.2 (e) above, within 45 days from the date of receipt of this order.
- 3] Compliance to be reported to this Forum within 60 days from the date of receipt of the order.
- 4] We would also like to note that Licensee should take care henceforth while dealing with the complaints of the consumer and see to it that the consumer should not be made suffered due to the negligence or casual approach of the Licensee.

Dated: 21/10/2016.

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

(L.N.Bade)
Executive Engineer,
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.

has filed this grievance on 03/10/16, contending that on 15/2/16 in the morning her staff members found that there was no electricity supply. She immediately lodged complaint with Addl. Executive Engineer at Sub/Dvn.III, Ulhasnagar-03 with a request to connect electricity supply and the complaint was registered under No.19 on 15/2/16 at 10.45 a.m. On the said complaint, the linemen visited the shop premises for restoring the connection. The linemen enquired with the complainant whether there was outstanding bill to be paid, to which the consumer replied in the negative and further told them that if any bill was still outstanding, she is ready to pay it. At that time the linemen told that the electricity connection was deliberately disconnected by some mischievous person. At that time, when linemen were trying to connect the electricity connection one Mr. Avinash resident of the same apartment, came over there and did not allow the linemen to restore the electricity supply and the linemen went back without restoring the supply by saying that they would report this matter to the concerned Officer.

3] The consumer further contended that she made several correspondences with the Licensee for reconnection but they did not restore the supply though they are empowered to take police assistance. Thereafter the consumer take the assistance of the secretary of her society though it

was not necessary. The consumer wrote several letters to the authorities but of no avail.

4] The consumer sent the legal notice dated 28/3/2016 through her Advocate to the Licensee. On receipt of the said notice, the supply was restored on the same day at about 13:31 hours. The consumer stated that during the period of 42 days between 15/2/16 to 28/3/16 she undergone several untold hardship, mental agony and torture, business loss/damage wages paid to the employees, compensation etc. remained to be paid to consumer, to which the Licensee did not respond. Therefore, the consumer approached to IGRC on 03/6/16. However, IGRC has not passed any order within stipulated time of 60 days. Therefore, consumer approached to this Forum by filing grievance on 03/10/16. On receiving this grievance it's copy along with accompaniments sent to the Licensee vide this Office Letter No. EE/CGRF/Kalyan/254 dated 03/10/2016. The consumer prayed for claim for loss of business, mental torture, agony, compensation was not paid as yet.

5] The Licensee appeared and filed their reply on 19/10/16 and produced the CPL. The Licensee contended that when the concerned Asst. Engineer visited the premises of the consumer, at that time the residents (10 – 15 Nos) denied aggressively for giving the key of the meter cabin and for restoring of the supply. But by keeping continuous follow up and convincing with residents, on 28/3/2016 the supply has been restored.

6] We have heard both sides at length and gone through the reply and CPL and the documents /correspondence produced by the consumer, we found that

Hence the order.

ORDER

- 1] Grievance application of the consumer is hereby allowed.
- 2] The Licensee is directed to revise the bill of the consumer as per recorded consumption as 180 units per month for six months.

3] The consumer has to pay the amount of revised bill as per 180 units per month for six months.

4] The Licensee to pay compensation amount of Rs.2000/- to the consumer towards harassment.

4] Compliance of this order be done within 45 days on receiving the Order and it's report be submitted to the Forum within 60 days from the date of receipt of this Order.

Date: 18/10/2016.

I agree

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

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

NOTE

e) 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.

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