



**Consumer Grievance Redressal Forum, Kalyan Zone**  
**Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301**  
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Date of Grievance : 18/05/2012  
Date of Order : 22/10/2012  
Period taken : 154 days

**IN THE MATTER OF GRIEVANCE NO. K/E/598/707 OF 2012-2013 OF**  
**M/S. SARITA METAL REFINERY, VILLAGE – SUPONDE, AT – KONCHAD,**  
**TAL – WADA, DIST – THANE REGISTERED WITH CONSUMER**  
**GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT**  
**S.O.P. AND COMPENSATION.**

M/s. Sarita Metal Refinery  
Gat No. 53 / P,  
Village - Suponde  
At – Konchad, Tal : Wada,  
Dist : Thane – 421 303

(Here-in-after  
referred  
as Consumer)

Versus

Maharashtra State Electricity Distribution  
Company Limited through its  
Assistant Engineer  
Wada Sub-Division

(Here-in-after  
referred  
as licensee)

(Per Mrs. Smita Atul Jamdar, Member)

- 1) This Consumer Grievance Redressal Forum has been established under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006” to redress the grievances of consumers. The regulation has been made by the Maharashtra Electricity Regulatory Commission vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, 2003. (36 of 2003).
- 2) The consumer is a L.T. – IP consumer of the licensee. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on 18/05/2012 for S.O.P. and Compensation.  
The details are as follows :  
Name of the consumer :- M/s. Sarita Metal Refinery  
Address: - As given in the title  
Consumer No : - 011050000020 IP  
Reason of dispute : S.O.P. and Compensation
- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/0374 dated 18/05/2012 to Nodal Officer of licensee.
- 4) A hearing was held on 18/06/2012, 27/06/2012, 10/07/2012, 16/07/2012 & 06/08/2012. The Members of the Forum heard both the parties in the meeting hall of the Forum’s office. Shri Pandey representative of the consumer & Shri Vinod Patil Ex. Engr. Vasai, Shri Kale Asstt. Engr. representatives of the licensee attended hearing.
- 5) The brief facts of the case are as under :
  - a) The consumer is a proprietorship concern under the name and style of M/s.

Sarita Metal Refinery situated at Gat No. 53/P, Village Suponde, At – Konchad, Tal : Wada, Dist – Thane : 421 303. Consumer was sanctioned and having electricity supply of 15 KW (20 HP) load and has also applied for additional load of 65 KW under general supply category. It is further contended by the complainant that he is not getting proper voltage right from the date of connection i.e. 11/11/2010 and because of the low voltage and interrupted supply his production hampered badly which resulted into a huge financial loss.

- b) It is also stated that consumer has made lot of correspondence with the licensee in this regard but the licensee did not give him any positive reply. On the other hand, the licensee asked him to take a separate transformer which according to the consumer is just not possible.
- c) On the query of the Forum the consumer explained that he has already taken a Bank loan and because of the negligence and non co-operation of the licensee it has become very difficult for the consumer to pay the Bank installments, and hence cannot bear the expenses for DDF Scheme as suggested by the licensee.
- d) The consumer pleaded that as per Regulation 4.5 of Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005 it is the licensee who has to make provisions for installation or augmentation of transformer for giving adequate supply to the consumer.
- 6) Grievance of the consumer is that though he has made an application for additional supply on 15/11/2011 and followed up with licensee for proper voltage, licensee did not heed to his request.

- 7) The consumer therefore approached this Forum for redressal of his grievance on 21/12/2011. However, it was noticed that the consumer has directly approached this Forum without approaching I.G.R. Cell Vasai. The consumer therefore directed to approach IGRC Vasai as per Regulation 6.2 of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006.
- 8) As per the directions of the Forum the consumer approached IGRC Vasai on 07/03/2012 for rectifying the voltage problem by installing Dist. Transformer and offered to provide space for new transformer in his SIS unit premises. Consumer's matter was pending before IGRC Vasai till 9<sup>th</sup> May 2012 but no order was passed, the consumer therefore approached this Forum with the following prayers :
  - a) Licensee be directed to install new transformer or augmentation be done for uninterrupted supply.
  - b) Licensee be directed to give compensation as per SOP.
  - c) Licensee be directed to give compensation of Rs. 25.00 lakhs towards the production loss suffered by the consumer because of inconsistency electric supply and voltage fluctuation.
- 9) Notice was issued to the Licensee who appeared before the Forum. No separate say was filed by the licensee, however, licensee relied on the previous say filed in Case No. 658 of 2011-2012 and made oral submissions at the time of hearing.
  - a) Licensee has stated that the Assistant Engineer Wada Sub-Division has visited the premises personally and recorded the voltage and stated that consumer is supplied with proper voltage as prescribed. Further he has

stated that voltage drop is observed at consumer's premises after taking load and was advised to check the wiring.

- b) As regards to the application made by the consumer for additional supply, it is stated by the licensee that same is forwarded for sanction to the higher authority. Even it is further clarified that Assistant Engineer has submitted technical feasibility report on 08/12/2011. Said Assistant Engineer during hearing before this Forum attended and explained that he could not undertake the said by visiting and preparing feasibility report up to the said date as odd rains were there. In the said report which is on record there is a mention that alongwith it enclosures are cited such as Technical Estimate, Neat Sketch Line Diagram and V.R. sheet. It is the contention of licensee that delay is not inordinate. The work for additional supply depends upon availability of new transformer, completion of line work and sanction from the higher authority etc.
- c) Licensee has also observed that after installation of separate DTC, the problem of giving additional load can be solved.
- 10) After going through the record placed before us and the submissions made by the parties, we have observed that :
  - a) No evidence was adduced by the licensee on record to establish that they are seeking approval or sanction from the higher authority or it's progress supported with copies of those documents.
  - b) As per Appendix 'A' Sr. No. (1) of Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005

**Provision of Supply :**

(ii) Time period for intimation of charges to be borne by Applicant from the date of receipt of application fifteen days / twenty days. However, Licensee has not done so till this date and hence liable for compensation @ Rs. 100/- per week. Time period for providing supply is from date of receipt of completed application and payment of charges : Where extension or augmentation of distributing main is required - three months / where commissioning of sub-station is required - one year.

- c) **Licensee is bound to give additional load to the consumer as per his request within a prescribed period i.e. within one month after receipt of application as per Clause No. 4 (4.1) of Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005.**

**OR.....Compensation....**

- c) **Licensee is bound to give additional load to the consumer as per his request within a prescribed period i.e. within one month after receipt of application as per Clause No. 4 (4.5) of Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005 which reads as under :**

**“Where the supply of electricity to a premises requires extension of augmentation of distributing mains, the Distribution Licensee shall give supply to such premises within three months from the date of receipt of complete application in accordance with Maharashtra**

**Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005” which is applicable to the present consumer in the light of feasibility report dated 08/12/2011.**

- d) Though it is stated by the consumer that his nature of business is such that his plant required uninterrupted power supply, we fail to understand why then he has applied for power supply under general category and not under DDF right from the beginning. Even we find the stand of Licensee for considering consumer for DDF is uncalled as it is not sought by him.
- e) Though consumer has received power with low voltage, consumer has not technically inconvenienced the Forum the heavy financial loss of Rs. 25.00 lakhs suffered by him.
- f) Though it is mandatory for licensee to supply power with proper voltage as per Clause 10.1 of Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005 licensee has not done so far for which consumer should be compensated as per Annexure ‘A’ Level of compensation payable to consumer for failure to meet standards of performance Clause 3 (i) of Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005, till the date of completion of work.
- g) The relief which can be granted by this Forum are incorporated in Annexure ‘A’ Level of compensation payable to consumer for failure to meet standards of performance Clause 3 (i) of Maharashtra Electricity

Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005 which reads under the heading Compensation payable :  
In Mumbai and suburbs :

(a)Rs. 100/- per week or part thereof for which voltage varies beyond the specified range :

(b)Provided that the compensation specified above shall be payable in the Mumbai Metropolitan Region (apart from Mumbai City & suburbs) and the Pune Metropolitan Region at the end of one year from the date of notification of this Regulation. :

**(c)Provided further that Commission shall separately notify the date on which such compensation shall be payable in other areas not covered above in the State.**

The relief claimed by the consumer for low voltage falls within the ambit of Clause 3 of Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005. However, no such separate notification published by Hon. MERC is found **OR there is no any such clue available about such notification issued by Hon. MERC.** Accordingly the claim of the consumer for compensation of low voltage cannot be upheld and allowed.

- h) As regards the compensation of Rs. 25.00 lakhs asked by the consumer, this Forum is barred from awarding the same as per Regulation 8.2 (c) of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 which reads as under :



“to pay such amount.....

Provided however that in no case shall any consumer be entitled to indirect, consequential, incidental, punitive, or exemplary damages, loss of profits or opportunity.”

- 11) It is submitted by the officer of licensee that he has already conveyed the technical feasibility report and other related facts to higher authority for approval in DDF. Even we find the stand of Licensee considering consumer for DDF is uncalled as it is not sought by him.

Now we find the Licensee has not complied the initial step of intimating the charges to be borne by the consumer. It was required to be complied within one month from the date of his application as it was requiring extension of distribution mains in rural area. In this matter date of application is 14/10/2011 and as per SOP Inspection was to be completed within 10 days but in this matter it is done on 08/12/2011. Said delay is explained during hearing before this Forum by the Assistant Engineer who has prepared the feasibility report. He contended that due to untimely rains in those days it was not possible to undertake the said work. We find said aspect of delay is explained by the Assistant Engineer which needs to be accepted as it was beyond his control and we condon it. Even after condoning the said delay from Licensee side atleast within 20 days from the said feasibility report i.e. by 1<sup>st</sup> January 2012 Licensee ought to have communicated to the consumer the charges to be paid but it is not done. We have noted from the feasibility report the estimate is submitted by the Assistant Engineer, hence the failure by Licensee to intimate charges by 1<sup>st</sup> January 2012 is attracting the effect of non compliance of

the direction as per the aforesaid SOP and it attracts compensation at the rate of Rs. 100/- per week and in this matter it is to be awarded till 30<sup>th</sup> October 2012 i.e. till this date and it comes to Rs. 3,900/-.

As regards the amount of compensation claimed by the consumer, which according to the consumer is suffered due to low voltage and in consistence supply, the licensee submitted that there was no negligence on their part. Licensee further submitted that it is taking at most care for reducing the low voltage problem and making all efforts to give additional load to the consumer as requested by him, hence they are not responsible for the financial losses suffered by the consumer and also not liable to pay compensation of Rs. 25.00 lakhs as claimed by the consumer.

- 12) The licensee therefore requested to dismiss the complaint filed by the consumer.
- 13) This matter could not be decided within a prescribed time as metter was being perused for finding out an amicable healthy end. However, it could not be achieved and even consumer has placed on record the documents till 03/08/2012. Delay is caused even as this Forum was to consider a technical aspect involved in hearing pertaining to notification issued by Hon. MERC applicable to rural area.

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

I agree

(Sadashiv S. Deshmukh)  
Chairperson, CGRF Kalyan

**View of Member Secretary (Shri R. V. Shivdas) :**

I have gone through the above reasoning. I am not agreeing to it. The action of Licensee as per letter No. EE/Vasai/Tech/Conf/217, dt. 16/07/2012 is correct. Hence Grievance application of consumer to that extent is to be dismissed.

( R. V. Shivdas )  
Member Secretary  
CGRF Kalyan

Hence the order by majority :

**ORDER**

- 1) Grievance application is partly allowed.
- 2) Licensee is directed to give compensation of Rs. 3,900/- (Rs. Three Thousand Nine Hundred only) as observed above to the consumer within 90 days from the date of receipt of this order.
- 3) Licensee is directed to issue intimation of charges to be paid towards Additional Load to the consumer within ten days from the date of receipt of this order.
- 4) Consumer to pay the charges sought by Licensee as stated in aforesaid Clause No. (3) of the order.

- 5) Licensee is directed to provide additional supply sought by consumer within fifteen days from the date of consumer depositing the charges demanded as per aforesaid Clause No. (3) of the order.
- 6) Licensee to submit compliance report about additional supply given within 30 days from the date of supply provided as per aforesaid Clause No. (5) of the order.
- 7) 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”.

- 8) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or 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”

Date : 22/10/2012

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

(Sadashiv S. Deshmukh)  
Chairperson  
CGRF Kalyan