



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
Ph- 2210707, Fax – 2210707, E-mail : [cgrfkalyan@mahadiscom.in](mailto:cgrfkalyan@mahadiscom.in)

No. K/I/11/1124/2015-16

Date of Grievance : 16/09/2015  
Date of Order : 29/12/2015  
Total days : 105

**IN THE MATTER OF GRIEVANCE NO.K/I/11/1124 OF 2015-16 IN RESPECT OF THE BOMBAY DYEING MFG. CO. LTD. A-1 PATALGANA INDUSTRIAL AREA, PO BOX 5, PATALGANGA, TAL. KHALAPUR, DISTRICT RAIGAD, REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING COMPENSATION DUE TO SUPPLY FAILURE.**

M/s. Bombay Dyeing Mft. Co. Ltd.  
A-1 Patalgana Industrial Area,  
PO Box 5, Patalganga,  
Tal. Khalapur,  
District- Raigad.  
Consumer No.031129011281-HT)

.... (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution  
Company Limited though its  
Nodal Officer,  
MSEDCL, Pen Circle  
Pen.

.... (Hereinafter referred as Licencee)

Appearance : For Consumer –Shri Ashish Goyal – Manager (Electrical)  
Shri S.S.Paithankar-Dy. GM (Electrical)  
Shri Satish Atkekar-Sr. Engr (Electrical)

For Licensee - Shri RB Mane-Ex.Engr-cum-Nodal Officer  
MSEDCL, Pen Circle.

(Per C.U.Patil-Executive Engineer – cum- Member Secretary)

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 and Determination of Compensation) Regulations, 2005.' Hereinafter referred 'SOP' for the sake of convenience (Electricity Supply Code and other conditions of supply) Regulations 2005'.

Consumer M/s Bombay Dyeing Mfg. Co Ltd is having HT connection with consumer No. 031129011281 at Plot No.5-A, Patalganga, Ind. Area, PO Box No.5, Patalganga, Tal. Khalapur, Dist. Raigad. Consumer was approached to IGRC of Pen Circle with his grievance application dated 29/7/15 for getting the compensation against the supply failure which was occurred for the duration of 35 second on 27/5/15. It was heard at IGRC and the order was served by IGRC vide letter 03050 dated 21/8/15 rejecting the consumer's demand for getting the compensation against above failure of supply in reference to the agreement clause 15 ( A ) in which it is mentioned that " the Supplier shall take all reasonable precautions to ensure continuity of supply of power to the consumer but shall not be responsible for or liable to the consumer

for any loss to him or damage to his plant and equipment for reasons including but not limited to war, mutiny, riot, earthquake, cyclone, tempest strike, civil commotion lock out, lightening, fire, flood , accident or break down of plant and machinery or causes beyond control of the supplier.”

Aggrieved with the decision of IGRC, the consumer approached to CGRF submitting its grievance in Schedule “A” dated 2/9/15 ( received to CGRF on 16/9/15 ) which was registered by allotting No K/I/11/1124 dated 16/9/15. The hearing was scheduled on 05/10/15 at 12:30 hours and the same was communicated to the Nodal Officer of Pen Circle vide letter No. 276 dated 22/9/15 with copy to the IGRC.

On 5/10/15, both the parties, i.e. Officers of the Licensee and Officers-cum-representative of M/s. Bombay Dyeing attended the hearing and pleaded their related side as given below.

**Details of Consumer’s Grievance -**

It is contended by the consumer that on 27/5/15 at 13:24 hrs, all their plant equipment’s stopped suddenly, halting their production process. It is to be noted that consumer is having continuous process chemical industry and once the process stops, then entire material in the process at the time of event gets spoiled, a part going complete waste and even though power is restored later on, it takes about 10 hrs, including start-up time, after restoration of power, for the process to stabilize and deliver normal quality of production. A plant failure report was produced by the consumer.

As plant is very critical, consumer had made the agreement with MSEDCL for two source of 220 kv supply to their plant from the year 1994. On 20/2/15, they received the letter from SE MSETCL Letter No. 323 about the NOC for total shut down on SAHARA line approximately for 3 months for

replacement of S / C Towers – Project work. They have refused for shut down as their plant is very critical. Even though, MSETCL switched off the line and started the job on SAHARA line. The consumer made continuous follow up for the second supply source. Consumer further stated that without any from their end for switching of second SAHARA feeder, it was switched off and MSEDCL carried out the work. The outage on SAHARA feeder was prolonged from 23/2/15 to 31/5/15. The correspondence made by the consumer related with the above issue was produced by him including the correspondence to the authorities of EHV O & M Circle, Panvel vide letter dated 23/2/15, 5/3/15, 3/4/15 and 22/4/15.

The consumer further contended that considering the last correspondence from Superintending Engineer of Pen Circle vide letter 02162 dated 16/6/15, the Hon'ble CMD has given the permission for the job from 27/2/15 to 31/5/15. However, till 22/6/15, they were supplied on the single source.

The tripping was occurred on 27/5/15 on the single source available of APTA line. If the Apta line had tripped in a normal way, they would have been on the other line, SAHARA line, automatically, without any interruption and damages.

The consumer submitted the scenario of the Tripping occurred on 27/5/15 in detail submission by part - I & Part – II illustrating the MRI statement which shows the tripping time occurred at 13:24:58 hrs and restoring of the supply at 13:25:33 hrs. He claimed that the tripping was occurred due to the wrong operation / mistake from the MSEDCL persons and submitted such letter of Licensee dated 2/7/15 to establish the mistake from MSEDCL side.

Consumer quoted the standard of performance of Electricity Distribution Company to meet his claim of compensation on account of failure. He further added that as per these regulations, the Licensee is liable to pay such compensation, which is as per the provision of Electricity Act 2003 and therefore demanded the compensation of amount Rs.55,70,292/- ( Rs. Fifty Five Lacs Seventy Thousand two hundred and ninety two only ). He submitted the documentary proof like daily performance report dated 27/5/15, summary of cost of material completed wasted, F / A – Current report , Booster Pump and Gear Pump – Current report, purchase orders dated 27/5/15, 2/3/15, 12/5/15, 10/4/15, and 13/5/15.

Consumer has also enquired to the Licensee through RTI about the power disturbance occurred on 27/5/15 vide his letter dated 10/6/15. In the reply, AEE of 220 KV Apta Sub Station informed to the consumer vide letter 111 dated 15/6/15 as given below.....

- 1] There is no such power disturbance at 13:30 hours on 17/5/15 (it should be on 27/5/15 ) on Apta 220 KV Sub Station end on 220 KV BDMC – Apta Transmission line.
- 2] Not applicable.
- 3] Not pertain to MSETCL, from MSETCL side no such disturbances observed as per record available.
- 4] Not applicable.
- 5] As per record available no such work carried out on Apta line 220 KV Breaker on 27/5/15.
- 6] Not applicable.

( The Forum has not mentioned the questions asked by the consumer in his RTI application ).

Lastly he prayed for getting the compensation of Rs.55,70,292/- or a sum assessed by the loss assessors directly or through credit in energy bills, in her time bound matter. He further contended that if Licensee does not prefer to verify the assessment of the material completely wasted it could be safely held Licensee agreed to it. Even Licensee can get the cost assessed from independent, approved and registered professional loss assessor if, it is as.

He also quoted in his letter dated 3/4/15 addressed to EHV (O & M) Circle, MSETCL, Panvel that MSEDCL is violating the terms of agreement. Their plant is very critical and if supply fails all the material goes waste, hence it is the responsibility of MSEDCL to arrange the second source of supply immediately after failure of any one source. Failure of single source will result in heavy loss to them which MSEDCL has to bear.

Vide letter dated 22/4/15 addressed by the consumer to the above Authority of MSETCL, consumer mentioned that he would like to inform that two supply sources is our agreement term with MSEDCL and MSEDCL is violating the term of agreement. He reminded the content of the letter dated 3/4/15.

The consumer also enclosed the copy of the letter 2162 dated 16/6/15 Superintending Engineer ( Pen Circle ), MSEDCL which is addressed to the Superintending Engineer, EHV O & M Circle, Panvel. The letter speaks about the correspondence of the consumer for making immediate arrangement of the second source. In this regard, it is mentioned in the letter that the second source is not established upto 31/5/15 and the necessity to restore the second circuit at the earliest for uninterrupted power supply to their esteemed consumer is expected. It is also mentioned that EHV consumer are failed from EHV side directly and hence SE, Pen Circle requested to the transmission officials for initiating needful steps for restoration of second circuit incoordination with the consumer for result oriented work.

The consumer also enclosed the copy of incident / failure report – CP for the date of incident dated 27/5/15 which is their internal report showing the detail start up steps after power failure showing the timing in detail.

The consumer further contended that they have enquired to MSEDCL through RTI about the power disturbance on 27/5/15 and as per the statement of MRI, at 13:24:58 hours power failed and restored at 13:25:33 hours. It means that MSEDCL had performed some wrong operation / mistake which proved by the statement enclosed by the Licensee along with RTI reply 2390 dated 2/7/15 which is given by Licensee to the consumer's application dated 12/6/15.

Consumer further contended that if any tripping occurs on the system, then it is not possible practically to restore the supply within such short span of mere 35 seconds only. It leads towards some **misoperation** / mistake by the person of the Licensee, otherwise it could not be possible the restoration so quickly. Consumer further states that the Licensee has not mentioned / clarified anything about this query.

He also produced the MERC Regulations showing consumer rights statement, SOP, right to receive notice and due process prior to disconnection and procedure of reconnection, SOP of Electricity Distribution Company ----etc.

### **THE LICENSEE'S SIDE -**

The Licensee appeared on the hearing date 5/10/15 and contended their side with their submission which was already filed by them on 30/9/15. The Licensee contended that complainant is EHV VIP consumer of MSEDCL with Consumer No. 031129011281 having contract demand 7600 KVA with connected load of 25600 KW. The Power Feeding Source to the consumer is from 220 kv Apta Sub Station and 220 kv Sahara Sub Station (LILO system).

The Licensee further added that the consumer's claim for compensation of Rs.55,70,292/- for loss of material due to power failure on 27/5/15 at 13.24.58 and in this regard as per record of MRI data, there is power failure on 27/5/15 at 13.24.58 and power supply restored at 13.25.33 hrs. As per agreement of the consumer dated 18<sup>th</sup> Oct 2007 and 7<sup>th</sup> Jan 2014 there is clause No. 15(a), wherein it clearly stated that "The supplier shall take all reasonable precautions to ensure continuity of supply of power to the consumer but shall not be responsible for or liable to the consumer for any loss to him or damages to his plant and equipment for reasons including but not limited to War, Mutiny, Riot, Earthquake, cyclone, tempest strike, Civil common lock out, lightening, Fire, Flood, Accident or Break down of the plant and machinery or causes beyond control of the supplier". Therefore, compensation cannot be claimed from Opponent (MSEDCL). Further consumer submits that, as per Regulation 8.2 (c) of MERC (CGRF & Ombudsman) Regulation 2006," complainant/consumer is not entitled to indirect, consequential, incidental, punitive, or exemplary damages, loss of profit or opportunity."

Officers of MSEDCL further submits that as per clause 6 of Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, period for giving supply and determination of compensation) Regulations, 2014, " On receipt of a voltage variation complaint, same should be verified and if the voltage variation is exceeding the limit specified and upon confirmation: (a) Ensure that the voltage variation are brought within the specified limits ( i ) within 2 days of the receipt of complaint, provided that the fault is identified to a local problem on the transformer, ( ii ) within 10 days of the receipt of complaint, provided that no expansion/enhancement of the network is involved ." In the present case power failure occurs at 13.24.58hrs and restored at 13.25.33 hrs, i.e. power supply restored within 35 seconds, hence there is no case as per SOP Regulation 2014.

Therefore no compensation is payable to the consumer. The Licensee submits that, consumer cannot claim compensation beyond SOP Regulation 2014 before the IGRC and on this count also consumer's claim for compensation is not maintainable.

Licensee further submits that being M/s Bombay Dyeing EHV consumer connected on 220 KV level, maintenance work lies with MSETCL. MSETCL authorities while hearing before IGRC, Pen contended that for detail analysis of power failure on 27/5/15 NOC of consumer for outage is required. The consumer has shown assent thereto before IGRC. Accordingly Licensee requested to the consumer for outage on 220 KV Apta line (second source on 220 KV Sahara line activated) vide letter SE/PC/Tech/PNL/Cons 273/2945 dtd 12/8/2015 for detail analysis of power failure occurred on 27/5/15, as well as to avoid such incident in future. Copy of the said letter is produced by the Licensee.

The letter 2945 dated 12/8/15 is written by Superintending Engineer, Pen Circle to the consumer M/s Bombay Dyeing clarifying that their office has requested to MSETCL Authorities for the restoration of second circuit, i.e. 220 KV Sahara – Urse line and for about detail analysed report regarding total power failure dated 27/5/15 for the duration of 35 seconds.

The above letter also contents about the compliance of MSETCL Authorities received to MSEDCL Authorities as given below.

- a] The 220 KV Sahara – Urse line ( 2<sup>nd</sup> Circuit ) is charged on 18/6/15
- b] The condition of no voltage on 220 KV bus found to be persisted for about 35 seconds. This is confirmed from the event generated in the relay and MSEDCL billing meter at consumer's premises.

At the end of the above letter, the MSEDCL Authorities has requested to the consumer for availing outage on 220 KV Apta bus section side at Bombay Dyeing Sub Station ( Keeping the Sahara line in service to feed at

above said premises ) for further analysis of the occurrence in detail and to take precautions to avoid the same in future. Hence, Licensee requested to the consumer to give consent for outage on suitable date and time in consultation with MSETCL Authorities.

Lastly, the Officers of the Licensee prayed for rejection of the grievance for claim of compensation.

### **FORUM'S OBSERVATION -**

The Forum has considered all the facts relied by both the sides. It is the fact that the supply from 220 KV APTA line was tripped on 27/5/15 for the duration of 35 seconds. This was the single source which was available to the Consumer after availing the outage by MSETCL on 220 KV SAHARA line from 27/2/15 till 22/6/15. It is observed that the NOC was asked to the consumer vide letter EE/EHV/O & M /PN/T/225 dated 26/2/2014 which was replied by the Consumer by mail dated 26/2/14 showing their inability for such outage and NOC was not permitted by them to the MSETCL Authorities. The mail further includes that the Senior Management of Bombay Dyeing had not permitted for the required outage because it is their continuous process industry and Urse / Chinchwad Source is not reliable at present and only Apta source is reliable at present. There was also in between correspondence prior to 26/2/14 regarding availing the outage on SAHARA line which gets confirmed from the mail dated 20/2/14 and 24/2/14 sent by Consumer, in which the inability for availing the outage is reflected.

It is the fact that the tripping was occurred on the APTA line for the duration of 35 second on 27/5/15 and now the consumer has claimed for getting the compensation of Rs 55,70,292/- towards loss occurred to him as per its

statements. The Forum has certain powers which are vested to it vide MERC Regulations ( CGRF & Electricity Ombudsman ) – 2006 and the Rules and Regulations laid down by MERC are binding on CGRF and CGRF has to discharge the duties within the scope of these Regulations.

It will not come within the preview of CGRF to award these type of compensation/s as per the Rules and Regulations of MERC. **As laid down in the Clause 8.2 ( c ) of these Regulations, “ in no case shall any consumer is entitled to indirect, consequential, incidental, punitive or exemplary damages, loss of profits or opportunity.”**

In another grievance applications also, this Forum had rejected the prayer for awarding penalty u/s 43 ( 3 ) of the Electricity Act, 2003 as well as claim of the consumer / s for grant of compensation towards loss of business. These orders of the Forum were further held by the Hon’ble EO ( Mumbai ) in its various order/s and the grievance applications of and other consumers claiming compensation are rejected by Hon’ble EO. Said order /s are passed recently by the Hon’ble EO in the Representation Case No 38/2015 and 39 to 44 of 2015.

The review applications sought by the consumers in the above orders are also rejected by the Hon’ble EO by passing the orders R.A.No.6/2015 /236 and R.A. No.7 to 12 /2015 /237 dated 12<sup>th</sup> Oct 2015 respectively.

Hence, on the above facts and circumstances of the case, this Forum cannot entertain the consumer’s main grievance to award the compensation towards loss occurred to him on account of tripping.

It is also observed that the MSETCL Authorities has requested for outage on 220 KV Apta Bus Section side at Bombay Dyeing Sub-Station ( Keeping the Sahara line in service to feed at above premises ) for further analysis in details of the 35 seconds tripping occurred and to take precautions to avoid the same in future. The Licensee requested for the consent for above

outage and wrote a letter No 02945 dated 12/8/15 to the consumer. During the hearing, it was argued by the consumer's side that they will be able to give such consent on the condition that they will get uninterrupted power supply on the second source. They also demanded that if their above condition is fulfilled in writing, then only such consent will be given. At present, the Forum, is not going in details regarding future uninterrupted power supply arrangements, the constraints involved in it and to work out the way for it. By proper communication in between the officers of MSETCL / MSEDCL and consumer's Officers comprising of technical team ,the issue can be sorted out. Therefore, this Forum is not including the above part in the present order.

Now, the question remaining is only regarding to award the compensation to the consumer towards the tripping occurred for the duration of 35 second. In this regard, the Forum has certain powers which are vested to it as per the guidelines mentioned in the MERC Regulations (SOP) – 2014 and it is the only scope remaining for the Forum now to view and to award the compensation involved due to supply interruption in this case. The SOP can be awarded for the failure to restore the supply and as per the Clause –2 laid down in the Appendix – A under the above Regulations, Rs 50/- ( Fifty ) per hour or part thereof delay is considered as compensation payable, if the supply is not restored within the standard time limit of four ( 04 ) hours for the consumers in Urban areas. In this case, the interruption is occurred for 35 seconds durations and consumer has not insisted to meet the SOP getting payable on these lines. Hence, it is not considered while passing this order.

The another contention made by the consumer quoting consumer rights laid down in the Regulation under Electricity Act 2003 which are described in the above paras, also cannot be applied as it is in this case. Those are very different and related to disconnection and reconnection procedure to be adopted for live consumers. In this case, no any kind of disconnection is carried

out either by MSETCL /MSEDCL and hence these Regulations also cannot be applied / considered in this case.

This matter could not be decided within prescribed time, as both sides provided details and argued the matter on 7/11/2015 and their submissions are heard on that day and clarification taken on 7/11/15. **Moreover, the Forum is functioning in absence of regular Chairperson and the Member Secretary is discharging the additional work of Chairperson along with the regular work of Member Secretary.**

Hence the order.

### **ORDER**

Grievance application of the consumer is hereby rejected as it is beyond the scope of CGRF.

Dated:29/12/2015

**I Agree**

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

(Chandrashekhar U.Patil)  
Chairperson-cum- Member Secretary  
CGRF, Kalyan.

**\*\* ( In the sitting of Forum, the Chairperson is not available. As per MERC Regulations (2006), Clause 4, the technical member shall be the Chairperson of such sitting in which Chairperson is not available and hence in the present case, the technical member performed the role of Chairperson of the Forum ).**

#### **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

Grievance No. K/I/11/1124/2015-16

- 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.

Grievance No. K/I/11/1124/2015-16



Consumer Grievance Redressal Forum, Kalyan Zone

Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301

Ph- 2210707, Fax – 2210707, E-mail : [cgrfkalyan@mahadiscom.in](mailto:cgrfkalyan@mahadiscom.in)

No. K/E/783/942/2013-14

Date of Grievance : 20/03/2014

Date of Order : 15/072014

Total days : 116

**IN THE MATTER OF GRIEVANCE NO. 783/942 OF 2013-14 IN RESPECT OF THE BOMBAY DEYING MFG. CO. LTD. A-1 PATALGANA INDUSTRIAL AREA, PO BOX 5, TAK. KHALAPUR DISTRICT RAIGAD-410 222.HELD REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING BILLS NOT RECEIVED IN TIME THEREBY CONSUMER DENIED PROMPT PAYMENT DISCOUNT AND LOAD FACTOR INCENTIVE AND FOR IT'S REFUND WITH INTEREST.**

M/s. Bombay Deying Mft. Co. Ltd.  
A-1 Patalgana Industrial Area,  
PO Box 5, Tal.Khalapur,  
District-Raigad.  
Consumer No.031129011281-HT)

.... (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution  
Company Limited through its  
Nodal Officer,  
MSEDCL, Pen Circle  
Pen.

.... (Hereinafter referred as Licencee)

Appearance : For Consumer –Shri S.S.Paithankar-Dy. General Manager.  
Shri Satish Atkekar-Sr. Engineer.

Grievance No. K/I/11/1124/2015-16

For Licensee - Shri Khandare-Nodal Officer and Exe. Engineer.

**OPERATIVE ORDER**

Grievance application of consumer is hereby dismissed.

I agree

I agree

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

(Chandrashekhar U.Patil)  
Member Secretary  
CGRF,Kalyan

(Sadashiv  
Chairperson  
CGRF, Kalyan

Grievance No. K/I/11/1124/2015-16