

**Maharashtra State Electricity Distribution Co. Ltd.'s
Consumer Grievance Redressal Forum
Nagpur Urban Zone, Nagpur**

Case No. CGRF(NUZ)/02/2007

Applicant : M/s. Conventry Stonewares Pvt. Ltd.,
Khasara No. 445/449, Gondkheri,
Tahsil Kalmeshwar,
Dist. NAGPUR.

Non-applicant : MSEDCL represented by
the Nodal Officer-
Executive Engineer,
Division No. II, NUZ,
Nagpur.

Quorum Present : 1) Shri S.D. Jahagirdar,
Chairman,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.

2) Smt. Gouri Chandrayan,
Member,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.

3) Shri S.J. Bhargawa
Executive Engineer &
Member Secretary,
Consumer Grievance Redressal
Forum, Nagpur Urban Zone,
Nagpur.

ORDER (Passed on 28.02.2007)

The present grievance application has been filed on
02.02.2007 under Regulation 6.4 of the Maharashtra Electricity

Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 here-in-after referred-to-as the said Regulations.

The grievance of the applicant is in respect of regular breakdowns, non supply of power and interrupted supply of electricity and in respect of consequential losses caused to him. He has prayed that a rebate at the rate of 30% amounting to Rs.1,37,400/- be granted to him in the fixed charges because of regular breakdowns, non supply of electricity etc. He has also claimed reimbursement of cash loss caused to him.

Before approaching this Forum, the applicant has filed his complaint on the same subject-matter of the present grievance on 21.11.2006 before the Chief Engineer, NZ MSEDCL, Nagpur with a copy to Superintending Engineer, NRC, MSEDCL, Nagpur. However, no remedy was provided to his grievance by the non-applicant. Hence, the present grievance application.

The intimation dated 21.11.2006 given to the Chief Engineer, NZ and Superintending Engineer, NRC is deemed to be the intimation given to the Internal Grievance Redressal Cell in terms of the said Regulations.

The matter was heard on 22.02.2007 & 28.02.2007.

The applicant's case was presented before this Forum by his nominated representative by one Shri Girish Sagdeo.

It is his contention that the applicant is running a SSI Unit situated at village Gondkheri. Saltglazed Stoneware's Pipes and Refractors are manufactured in this Unit. The applicant is getting interrupted supply since last 21 months apart from regular load

shedding with the result that he is suffering huge production losses and financial loss. It has become difficult for the applicant to give work to the labour. Earlier his unit was consuming 10,000 – 12,000 units with the same demand charges. However, the units consumed on an average were ranging raising between 5000-6000 during the period from January, 2005 to September, 2006. The applicant had addressed complaints repeatedly to the Chief Engineer and Superintending Engineer but to no purpose. No reply, whatsoever, was given to the applicant in response to his complaints. The applicant has paid demand charges amounting to Rs.4,00,620/- during the period from January 2005 to September, 2006. Because of regular breakdowns and load shedding, the applicant is unable to run his unit to its full capacity and there is also a resultant 30% reduction in his consumption. Hence, he has claimed rebate of 30% amounting to Rs.1,20,186/- in the fixed charges. In addition, he has claimed additional rebate at the rate of 30% amounting to Rs.17,217/- in the fixed charges for the period from October 2006 to December, 2006. The applicant's representative further contended that the applicant has been paying all his energy bills very regularly. He has, therefore, prayed that a rebate of 30% amounting to a total of Rs.1,37,400/- be awarded to him besides compensation towards cash losses suffered by him.

The non-applicant, on his part, has explained in his parawise report dated 22.02.2007 that the applicant's unit is serviced by 11KV line from 33KV S/stn. Gondkheiri. Village Gondkheiri and its adjoining rural area are also serviced by this electric line. As per the approval accorded by the MERC, the non-applicant Company is executing load shedding programme for 5 ½ hrs. in a pre-notified

manner. In addition, at the time of opening of EHV, emergency load shedding is also required to be done depending upon the demand. It is his contention that the occurrences of non supply due to other reasons is very meager. He has assertively stated in his parawise report that there is no failure or negligence or lack of preventive maintenance of distribution system. The load shedding in this area is being done in a pre-notified manner and further that emergency load shedding was also done because of wide gap between demand and supply. The load shedding is done as per approval of MERC. According to him, the non-applicant has not failed to maintain the Standards of Performance under the MERC (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005 hereinafter referred-to-as the SOP Regulations. He further stated that all the charges including the fixed charges have been levied and recovered as per the rates approved in MERC's tariff order and that the rebate asked for by the applicant cannot be granted.

He reiterated that all the charges are recovered from the applicant as per rules in force.

He prayed that the grievance application may be dismissed.

In the present case, the main grievance of the applicant is that due to regular breakdowns, non-supply of power, interrupted supply, the applicant is suffering huge losses and that the applicant should be allowed the rebate asked for by him in the fixed charges.

In this respect, the legal provision contained in SOP Regulations as well as the MERC (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005 hereinafter referred-to-as Supply Code Regulations need to be looked into.

Regulation 17 of the Supply Code Regulations deals with failure of supply, the text of which is as under.:

“17.1” The Distribution Licensee shall take all reasonable measures to ensure continuity, quality and reliability of supply of power to the consumer, except where he is prevented from doing so by cyclone, floods, storms or other occurrences beyond his control.

“17.2” The Distribution Licensee shall be entitled, for reasons of testing or maintenance or any other sufficient cause for its efficient working, to temporarily discontinue the supply for such periods, as may be necessary, subject to providing advance public notice in this behalf.

“17.3” The Distribution Licensee shall not be liable for any claims attributable to indirect, consequential, incidental, punitive, or exemplary damages, loss of profits or opportunity, whether arising in contract, tort, warranty, strict liability or any legal principle which may become available, as a result of any curtailment of supply under the circumstances or conditions mentioned in this Regulation 17.”

The non-applicant has also adequately explained that load shedding is done as per MERC’s approval and that the other occurrences of breakdowns were beyond his control.

The area where the applicant's unit is situated is also a sheddable area.

The parawise report submitted by the non-applicant contains cogent and proper reasoning. The applicant's representative during the course of hearing also stated that the applicant is not making any accusation of negligence etc. on the non-applicant's part. What he wants is only the award of 30% rebate in the fixed charges.

It is also seen that the fixed charges are being levied and recovered as per the tariff rates approved by the MERC.

There is also no provision in the Supply Code Regulations or SOP Regulations to award any rebate in the fixed charges as asked for by the applicant in the circumstances mentioned by him.

The MERC in its second tariff order dated 10th January, 2002 has observed at page 34 that “ As regards the objection that the low voltage and load shedding hours should be deducted from the monthly demand charges, the Commission has already explained that the demand charges are levied to recover the fixed costs of MSEB, and therefore, there cannot be any reduction in relation to the load shedding and low voltage hours.”

In view of above, the applicant's request for giving 30% rebate in the fixed charges and for award of compensation towards his cash loss cannot be granted.

In the result, the present grievance application stands rejected.

Sd/-	Sd/-	Sd/-
(S.J. Bhargawa)	(Smt. Gauri Chandrayan)	(S.D. Jahagirdar)
Member-Secretary	MEMBER	CHAIRMAN

**CONSUMER GRIEVANCE REDRESSAL FORUM
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO LTD's
NAGPUR URBAN ZONE, NAGPUR.**

**Member-Secretary
Consumer Grievance Redressal Forum,
Maharashtra State Electricity Distribution Co.Ltd.,
Nagpur Urban Zone, NAGPUR.**