

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

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**Case No. CGRF(NUZ)/069/2005**

- Applicant : M/s. Shreyans Wires Limited,  
57, garoba Maidan,  
Old Bagadgunj,  
Nagpur through  
Shri Radheshyam Jejani.
- Non-Applicant : The Nodal Officer (Exe. Engineer),  
Mahal Division,  
Nagpur representing the MSEDCL.
- Quorum Present : 1) Shri S.D. Jahagirdar, IAS (Retd),  
Chairman,  
Consumer Grievance Redressal Forum,  
Nagpur Urban Zone,  
Nagpur.
- 2) Shri Shrisat  
Member secretary,  
Consumer Grievance Redressal Forum,  
Nagpur Urban Zone,  
Nagpur.

**ORDER (Passed on 06.12.2005)**

The present grievance application has been filed on 09.11.2005 in the prescribed Schedule "A" as per Regulation 6.3 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulations, 2003 here-in-after referred-to-as the said Regulations.

The grievance of the applicant is in respect of non-provision of un-interrupted power supply to his Industrial Unit.

Before filing the present grievance application before this Forum, the applicant had approached the Chief Engineer, MSEB, NUZ, Nagpur by filing his application, being application dated 29.01.2005 raising therein the present grievance. However, no remedy was provided by the Chief Engineer in respect of his grievance within a period of two months from the date of receipt of his application by the Chief Engineer. In view of this position, the requirement of the applicant approaching the Internal Grievance Redressal Unit under the said Regulations stands dispensed with. Such a dispensation has also been confirmed by the MERC. Hence, the applicant's action in filing the present grievance application without approaching the Internal Grievance Redressal Unit is quite in tune with the legal provisions contained in the said Regulations.

The matter was heard by us on 05.12.2005 when both the parties submitted their respective arguments before us.

After receipt of the grievance application in question, the non-applicant was asked to submit before this Forum his parawise remarks on the applicant's application in terms of Regulations 6.7 & 6.8 of the said Regulations. Accordingly, the Nodal Officer representing the non-applicant Company submitted his parawise remarks dated 25.11.2005 before this Forum. A copy there of was given to the applicant before the case was taken up for hearing and he was given opportunity to offer his say on this parawise report also.

The contention of the applicant is that he is facing lot of problems due to load shedding programme. In that, it is his say that his is a continuous process industry and that his Unit is working for 24 hrs. in 3 shifts. He cannot bear power cut even of one second. According to him, because of continuous load shedding, the cost economics of his Unit has become in-competitive. He had been given un-interrupted power supply in the past. However, since last about six months, his Unit is facing the problem of interruption in power supply due to the load shedding programme implemented by the non-applicant.

He added that there are as many as 117 Industrial Units in the Industrial Area and all of them are facing this problem. He vehemently stated that un-interrupted power supply on regular basis should be provided to his Unit for its survival.

He had applied to the Chief Engineer NUZ, MSEDCL, Nagpur by his letters, being letters dated 29.01.2005 & 06.09.2005 requesting him to provide un-interrupted power supply to his Unit and that he has been facing lot of difficulties due to the load shedding in the Industrial Area. However, the load shedding is still continuing on daily basis.

He lastly requested that his grievance in question may be removed.

He has produced copies of his applications, being applications dated 29.01.2005 and 06.09.2005, addressed to the Chief Engineer in support of his contentions.

The non-applicant has stated in his parawise report that load shedding in the area in question has been implemented as per directives of MERC. He has produced copy of a Circular, being Circular number 21027 dated 24.06.2005, issued by the Technical Director, MSEDCL on the subject of load shedding as per MERC directives to be implemented from 01.07.2005.

Placing his reliance on this Circular, the non-applicant has stated that non-sheddable load is defined in para-3, page – 2 of the Circular and added that the load catered by consumers on EHV feeders, express feeders for MIDCs, express feeder for Municipal Water works and utility are considered as non-sheddable load. It is his contention that the applicant's Unit does not fall within the ambit of non-sheddable load and hence the applicant's request for doing away with load shedding cannot be considered by him

The non-applicant has also cited a Ruling of the Hon'ble Supreme Court of India given in petition no. 11437-11436/2005 in the case of MSEB and other V/s. Anil & Others. Relying on this judgment, the say of the non-applicant is that the non-applicant's difficulties in providing un-interrupted power supply were duly considered by this Hon'ble Court. A further direction is given that the MSEB should consult the MERC before the load shedding programme is executed. A direction that there should be no discrimination amongst the consumers irrespective of geographical allocation is also modified for the time being and

the matter is left to be determined by the petitioner MSEB in consultation with the Regulatory Commission.

He added that looking to the dominant factory area, the timing of load shedding is kept between 6 A.M. to 8 A.M. daily so that the consumers in this industrial area can have continuous power supply in the day and night barring the period of two hours in the morning daily.

He lastly prayed that the grievance application in question may be rejected.

We have carefully gone through the documents produced on record by both the parties and also all submissions made before us by both of them.

The limited grievance of the applicant is in respect of non-provision of continuous and un-interrupted supply of electricity to his Industrial Unit.

The applicant contended that the Industrial Areas, MIDCs and water works etc. in major cities have been excluded from the perview of sheddable load as stated in para-2, page 2 of the non-applicant's Circular, being Circular No. 21027 dated 24.06.2005. Therefore, his say is that the non-applicant is duty-bound to provide un-interrupted power supply to his Industrial Unit which is located in an Industrial Area without any load shedding even for a second.

However, as per definition of non-sheddable load appearing in the Circular in question, it is clear that the load catered by consumers on EHV feeders, express feeders for MIDCs, express feeders for Municipal Water works and utility are considered as non-sheddable load. The non-applicant has

clarified beyond doubt that power supply to the applicant's Industrial Unit is not catered through EHV feeders or express feeders. Even the applicant has also admitted this position. It is, therefore, crystal clear that the exemption sought for from load shedding programme cannot be granted. The documents produced by the non-applicant go to show that his action of load shedding for the applicant's Industrial Unit is in tune with the legal provision.

The applicant's request for provision of continuous and un-interrupted proper supply on regular basis cannot therefore, qualify for any exemption in terms of the Circular referred to above.

In the result, the applicant's grievance application stands rejected.

**(M.S. Shrisat)**  
**Member-Secretary**

**(S.D. Jahagirdar)**  
**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.**