

**CONSUMER GRIEVANCE REDRESSAL FORUM
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION COMPANY LTD.
NASHIK ZONE**

(Established under the section 42 (5) of the Electricity Act, 2003)

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**Office of the
Consumer Grievance Redressal Forum
Kharbanda Park, 1st Floor,
Room N. 115-118
Dwarka, NASHIK 422011**

**No. / CGRF /Nashik/Nagar Circle/Nagar R.Dn/654/44-17/18/
(BY R.P.A.D.)**

Date:

**Date of Submission of the case :06/03/2018
Date of Decision :**

To.

1. M/s. Indus Towers Ltd., .
2010, E-core, 2nd floor,
Marval Edge, Viman Nagar,
Pune 411014
(Consumer No.148368003902)

Complainant

2. Nodal Officer ,
Maharashtra State Electricity Distribution Com. Ltd.,
Circle Office Ahmednagar .

Distribution Company
(Respondent)

Executive Engineer,(Rural)
Maharashtra State Electricity Distribution Com. Ltd.
Division Office ,Ahmednagar

DECISION

M/s. Indus Towers Ltd , (hereafter referred as the Complainant) . Ahmednagar is the Industrial consumer of the Maharashtra State Electricity Distribution Company Ltd. (hereafter referred as the Respondent). The Complainant has submitted grievance against MSEDCL for compensation of loss occurred to maintained power supply on D.G. Set.. The Complainant filed a complaint regarding this with the Internal Grievance Redressal Committee of the Maharashtra State Electricity Distribution Company Ltd. But not satisfied with the decision of the Respondent , the consumer has submitted a representation to the Consumer Grievance Redressal Forum in Schedule "A". The representation is registered at Serial No. 19 of 2017 on 06 /03/2018.

The Forum in its meeting on 03/04/2018, decided to admit this case for hearing on 20/04/2018 at 1.00 pm in the office of the forum . A notice dated 03/04/2018 to that effect was sent to the appellant and the concerned officers of the Distribution Company. A copy of the grievance was also forwarded with this notice to the Nodal Officer, MSEDCL, Circle Office Ahmednagar for submitting para-wise comments to the Forum on the grievance within 15 days under intimation to the consumer.

Shri. M.M. Thakare, Divisional Accountant (F&A) represented the Distribution Company during the hearing. Shri D.S. Talware appeared on behalf of the consumer.

Consumer's Representation in Brief :

1. The supply of our consumer number disconnected on date 25/10/2017 @ 12.00 hours.
2. Our supply restored with R/C charges on date 26/10/2017 at @ 13.00 hours.
3. The Supply is disconnected without giving any intimation violating the provisions made under section 56(1) of Electricity Act-2003, MERC regulations and MSEDCL directives.
4. The payment of consumer number under reference was made before due date i.e. on date 18/10/2017 as per wallets apportion approved by HO under centralized Group Payment System . The Due date of payment was 23/10/2017.

5. Before disconnection SDO concerned did not taken cognizance of our written and oral request and also not even taken any permission from HO as was required in the guidelines for taking such action against corporate consumers. We immediately brought the facts of payments made to the notice of the concerned officer i.e. SDO Ghodegaon by various communication means such as personal contacts, messages and emails etc. But our all efforts failed. He was just deaf and dumb on our issue. This action of the concerned SDO has put us to a huge embarrassment, mental harassment and heavy loss for maintaining the uninterrupted power supply by other means such as running of diesel generator set.

Relief Sought:-

1. Requested to see and decide the case on actual facts considering the merit of the case.
2. Please pass on necessary order to compensate the loss of 7396.25 (44,377/6) to maintain the network on DG which is a public emergency service.
3. Please pass on necessary order for Rs. 10000/- towards mental harassment of company personals for no fault of them.

Arguments from the Distribution Company:

The Distribution Company has not submitted their written say in this regard but during hearing the Dist. Co. representative committed that the online payment made by the consumer cannot be confirmed and the issue of arrears of this consumer was discussed in higher officers review meeting conducted in which the instructions were past for disconnection

Action by IGRC :

1. Internal Grievance Redressal Cell Ahmednagar Circle conducted hearing on 10/01/2018 for the complaint submitted on 04/12/2017 .
2. After hearing both the parties IGRC gave decision as per letter dated 12/01/2018 as under .

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Observations by the Forum:

On hearing both parties during hearing it is observed that the applicant is a mobile service provider and having large network of mobile towers in the stat and paying through Centralized Group Payment System at corporate office every month.

In this case it seems that applicant has paid electricity charges of said connection before due date which can be seen from the evidence produced by the representative a copy called wallet apportion Sheet.

During hearing the Dist. Company representative pointed out that in the hearing conducted higher official, it was seen/observed non-payment of arrears because of which the higher official asked to disconnect the supply for non- payment of arrears.

But the consumer field officer should have confirmed regarding payment of arrears from the available recourses of the Dist. Company. Whether the consumer has paid the dues or not And then should have taken action of disconnection on non-payment of arrears, in this case it seems the Dist. Company official has not confirmed the payment & disconnected the supply which is illegal .

After considering the representation submitted by the consumer, comments and arguments by the Distribution Company , all other records available, the grievance is decided with the observations and directions as elaborated in the preceding paragraphs and the following order is passed by the Forum for implementation:

ORDER

1. The Distribution Company is cautioned in due course that such repetition should not occur.
2. SOP Compensation for one day i.e. 24 hrs. x 50 Rs = 1200 given to consumer.
3. The Dist. Company should pay the cost on diesel that has to be bourn by applicant after due verification.
4. To pass the compensation against mental harassment, this forum has got no jurisdiction, hence rejected demand.
5. As per regulation 8.7 of the MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 , order passed or direction issued by the Forum in this order shall be implemented by the Distribution Licensee within one month and the concerned Nodal Officer shall furnish intimation of such compliance to the Forum .
6. As per regulation 22 of the above mentioned regulations , non-compliance of the orders/directions in this order by the Distribution Licensee in any manner whatsoever shall be deemed to be a contravention of the provisions of these Regulations and the Maharashtra Electricity Regulatory Commission can initiate proceedings *suo motu* or on a complaint filed by any person to impose penalty or prosecution proceeding under Sections 142 and 149 of the Electricity Act, 2003.
6. If aggrieved by the non-redressal of his Grievance by the Forum, the Complainant may make a representation to the Electricity Ombudsman, 606, 'KESHAVA', Bandra Kurla Complex, Bandra (East), Mumbai 400 051 within sixty (60) days from the date of this order under regulation 17.2 of the MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006.

(Smt. Vaishali V.Deole)
Member

(Prasad P. Bicchal)
Chairman

Consumer Grievance Redressal Forum Nashik Zone

Copy for information and necessary action to:

- 1 Chief Engineer , Nashik Zone, Maharashtra State Electricity Distribution Company Ltd. ,
Vidyut Bhavan, Nashik Road 422101 (For Ex. Engr.(Admn)
- 2 Chief Engineer , Nashik Zone, Maharashtra State Electricity Distribution Company Ltd. ,
Vidyut Bhavan, Nashik Road 422101 (For P.R.O)
- 3 Superintending Engineer, Maharashtra State Electricity Distribution Company Ltd. ,
Circle office, Ahmednagar .