



Consumer Grievance Redressal Forum, Kalyan Zone  
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**NO. K/E/1599/1928 OF 2019-20**

Date of registration : 01/08/2019

Date of order : 27/09/2019

Total days : 58

**IN THE MATTER OF GRIEVANCE NO. K/E/1599/1928 OF 2019-20 OF SHRI.A.P.SHIVDASAN, SIVAPRIYA PLOT NO.35, PERIWINKLE BUNGALOWS, MHASA, TAL – MURBAD, DIST.THANE, PIN CODE – 421 401 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT LOW VOLTAGE SUPPLY.**

Shri.A.P.Shivdasan,  
Sivapriya Plot No.35,  
Periwinkle Bungalows, Mhasa,  
Tal – Murbad, Dist.Thane, Pin - 421 401  
(Consumer No. 018110015743) . . . (Hereinafter referred as Consumer)  
V/s.

Maharashtra State Electricity Distribution  
Company Limited  
Through it's Nodal Officer/Addl.EE.  
Kalyan Circle – II, Kalyan . . . (Hereinafter referred as Licensee)

Appearance : For Licensee - Shri.S.V.Sonawane, AE, Murbad (R) Section

For Consumer - 1) Shri.J.S.Rajput (C.R.)  
2) Smt.Priya Arampalli (C.R.)

[Coram - Shri. A.P.Deshmukh, Member Secretary & Mrs.S.A.Jamdar- Member (CPO)].

1) 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. [Electricity Supply Code and other conditions of supply Regulations 2005]. 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 & Determination of Compensation) Regulations, 2014.' Hereinafter referred 'SOP' for the sake of convenience.

2) The brief facts of the grievance applications are :

The consumer residing at Murbad, having electric connection from Licensee. Consumer further stated that he is residing at phase-2 of periwinkle society and has to face daily power disruption as well as low voltage power supply which caused a tremendous mental agony to him. He therefore requested Licensee to depute an officer to resolve this problem.

It is the contention of the consumer that he is facing this problem Since Dec-2017. Even using home appliances has become a difficult task because of low voltage and that consumer has to depend on the mercy of the lineman for restoring power supply, each time.

It is also submitted by consumer that, this voltage/power issue is confined only to the second phase of this society and phase-1 of the society does not have such power/voltage problem. In fact phase -1 has a constant power supply throughout the year.

It is pleaded by the consumer that within phase -2 (i.e. where the consumer resides) there is a construction activity and this project is getting uninterrupted power supply. Voltage/power issue has compelled the consumer to live in darkness. Without power he could not use water pump, refrigerator etc. From 17 April to 20 April consumer was without electricity.

Consumer has followed-up with the Licensee for several times to resolves this issues but Licensee did not heed to his request.

Consumer therefore approached CGRF and prayed to resolve these issue and claimed compensation for mental agony, and harassment.

3) Notice was given to Licensee vide letter no.EE/CGRF/Kalyan/338 dt.03/08/2019 to which Licensee appeared and filed reply on 03/09/2019.

4) Licensee appeared and submitted that as per the request of the consumer Licensee has visited consumer's premises on 09/07/2019 and inspection was conducted by the team and no voltage fluctuation found.

5) Licensee also contended that the developer of bungalow system had not taken separate transformer for residential bungalow connections. The supply to the consumer is from existing transformer of MSEDCL which is situated far away from the said connection. The LT line is passing through trees and bushes and said consumer's supply is at on last LT pole, being such situation there are strong chances of voltage drop.

It is further submitted by the Licensee that it had carried out all maintenance activity at their end and tried to minimize consumer complaints.

Licensee pleaded that for improving voltage and quality supply Licensee has proposed a new transformer of 100 KVA for periwinkle bungalow system which is under the process of sanction. By changing aluminum section wire by copper section wire Licensee has resolved voltage fluctuation. It is also submitted by Licensee that problem of voltage fluctuation resolved by changing supply phase in mini pillar.

Licensee therefore concluded that installation of new transformer is necessary to resolve the voltage fluctuation of periwinkle society.

6) We have heard both the parties and have gone through the documents placed on record. Our observations are :

- i) There are several mails of consumer send to Licensee regarding power failure and low voltage issues. In mail dtd. 20 April-2019, 23 April-2018 etc. consumer has persistently brought the voltage/power issues to the notice of the Licensee.
- ii) Chart on record regarding connection information from Dec-2017 to 22 July-2019 shows that there is a power failure and voltage fluctuation complaint every day.
- iii) One mail on record dated 20 April-2018 shows that the consumer was without electric supply from 17 April -2018 to 20 April -2018 all these facts must have caused mental agony to the consumer.
- iv) Record also shows that consumer was perusing the matter since Dec-2017, but no cognizance was taken till 21/05/2019 by the Licensee.
- v) We have noted that on 10/09/2019 problem of voltage fluctuation resolved by changing aluminum section wire by copper section wire by the Licensee.

More over problem of voltage fluctuation resolved by changing supply phase in mini pillar by the Licensee.

7) Record shows that for improvement of Voltage and quality supply Licensee has proposed a new transformer of 100 KVA for periwinkle bunglow system and sanction of higher authority is awaited.

8) We have also peruse clause 5.4 (C) of **MERC Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014** which reads as under :

***(c) resolve the complaint within 120 days, provided that if up-gradation of the distribution system is required.***

Taking into consideration all the above discussion and Licensee is contention of installation of new transformer, we direct Licensee to compete the above work within 120 from the date of this order as per the provisions referred above.

9) Being the above legal position and the above stated reason the grievance application of the is allowed. Consumer is also entitled for compensation as per the provision **8 (8.2) of (MERC CGRF Electricity Ombudsman Regulations 2006)** which reads as under:-

**8. Finding of the Forum.**

- a) \* \* \* \* \*
- b) \* \* \* \* \*
- c) \* \* \* \* \*
- d) \* \* \* \* \*

**e) Any other order. Deemed appropriate in the facts and circumstances of the case.**

Hence the order

**ORDER**

- 1) The Grievance application of consumer is hereby partly allowed.
- 2) Licensee is also directed to pay on amount of Rs.500/- towards compensation towards mental agony. This amount will be adjusted in the ensuing bill.
- 3) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 27/09/2019

Sd/-  
(Mrs.S.A.Jamdar)  
Member  
CGRF, Kalyan

Sd/-  
(A.P.Deshmukh)  
MemberSecretary  
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, BandraKurla 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
- 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.