



Consumer Grievance Redressal Forum, Kalyan Zone  
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**NO. K/E/1612/1948 OF 2019-20**

Date of registration : 24/09/2019

Date of order : 04/11/2019

Total days : 41

**IN THE MATTER OF GRIEVANCE NO.K/E/1612/1948 OF 2019-20 OF U.P.TWIGA FIBERGLASS LTD., N-40, ADDITIONAL AMBERNATH INDUSTRIAL AREA, MIDC, SHIL BADLAPUR ROAD, AMBERNATH (E), DIST. THANE, PIN CODE – 421 506 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT QUALITY OF SUPPLY.**

M/S U.P.Twiga Fiberglass Ltd.,  
N-40, Additional Ambernath Industrial Area,  
MIDC, Shil Badlapur Road, Ambernath (E),  
Dist. Thane, Pin Code – 421 506  
(Consumer No.02152905039HT -IND) . . . (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 - 1) Shri.Shailesh Kalantri, AEE, Ambernath (E)  
2) Smt.Shilpa Hannawar, ALO, Kalyan Circle – II  
3) Shri.Mandar Atre, EE, Testing Dn.-II, Kalyan

For Consumer - Shri.Prashant Shetty (C.R.)

[Coram- Shri.A.P.Bhavthnkar -Chairperson, 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) Consumer complaint no.1948 of 2019 M/S U.P.Twiga Fiberglass Ltd. N-40, Additional Ambernath Industrial Area, MIDC, Shil Badlapur Road, Ambernath (E), Dist. Thane, Consumer No.02152905039 V/s MSEDCL. Complaint about continues power dips in its power supply. Consumer is having H.T. power supply at above said address and have production 24x7, 365 days. It is facing continuous power dips which stops production machine and face huge production losses. Consumer is having 22 KV express feeder and gets constant power dips, sometimes 2 to 3 power dips in a day and main reason of power dips is due to some other feeder getting tripped in substation. Its machinery runs on AC drives and gets tripped when there is power dip and resulting in production stoppage. Even though the power dip is for some seconds it's production stops due to tripping of machine resulting in wastage of material and plant stoppage. To resume production after power dip it takes 30-40 mins and causes production loss. Consumer complained many times to MSEDCL authorities in Ambernath and Kalyan but still no solution provided by MSEDCL. Consumer submitted power failure/fluctuation sheet for period 01/04/2018 to 31/03/2019, it which total 72 instance of power failure out that 69 instances of power fluctuation. Consumer claims that he lost '2810' minutes of production due to above power failure/fluctuation. Consumer demands compensation of Rs.27886007 for above loss of production. After filling the said grievance this forum, notice was issued to the respondent utility on 25/09/2019 directing respondent utility to file reply.

3) After receiving the said notice respondent utility appeared and filed detailed reply on 22/10/2019. I perused documents filed by consumer APTEL order no.141 of 2012, order of MERC case no. 122 of 2017 in case of M/S Century Reyon Limited. Respondent Utility submitted that consumer is having 22 KV express feed with contract demand of 4000 KVA, connected load of 4500 KW, which is lower voltage level than prescribed by the commission in standard of performance Regulation 2005. Utility further contends that:

- i) *The complainant has prayed for compensation of Rs. 2,78,86,007/- for the loss caused due to power dips. In this regards MSEDCL most humbly submits that M/s U.P. Twiga Fiberglass Ltd. is supplied through underground, 22 KV Express Feeder emanating from 220/22KV Anandnagar EHV Sub-station. The length of the Feeder is approximately 1.2kms. The complainant is connected on 22KV level at the time of releasing supply, which is on a lower voltage level than prescribed by the Commission in the Standard of Performance Regulations 2005.*
- ii) *The complainant's main allegation is that, he is suffering losses due to Power / Voltage Deeps. In this respect, it is submitted that, a power or voltage dip is a short, temporary drop in the voltage magnitude in the distribution or customer's electrical system. It may be caused by various faults in the transmission and distribution networks, faults in the connected equipment or high inrush and switching currents in the customer's installation. A dip is said*

to occur when a drop to between 10 and 90 percent of the normal value occurs during 0.5 cycles and lasting for up to 1 minute. A voltage dip does not interrupt the power supply and most of them lasts for less than one tenth of a second. The dips are either from the distribution networks, transmission network or from in-house equipment of consumers or due to natural causes.

- iii) *The main causes for Voltage dips are due to-*
- a) *Opening of jumpers due to lightning, stoke, heavy rain, snapping of conductors bursting of cable joints in metering cubical (I/D & O/D) or blowing of DO fuses of consumer.*
  - b) *Multiple consumers on the same feeder, if the interruption caused to one consumer, the other gets affected.*
  - c) *Arise from a huge current being drawn in another part of the system due to an overload (excessive draws),unscheduled interchange mechanism, a short circuit, energizing of a transformer, starting machine or any other temporary high current intake system at EHV sub-station, etc. almost beyond the control of MSEDCL.*
- iv) *It is pertinent to note that the complainant is for the Power / Voltage Dips, which mainly causes due to excessive power drawl or unscheduled interchange mechanism in transmission system, or due to outages taken by MSETCL on power transformers and EHV Sub-stations, for which MSEDCL cannot be held responsible. The complainant is also complaining for planned outages carried out by MSEDCL. It is submitted that the planned outages is carried out for regular maintenance with the prior intimation to the consumer.*
- v) *It is submitted that, the Hon'ble MERC in its SoP Regulations, 2014 has clearly envisaged that certain interruptions in supply exempts MSEDCL from being held liable for compensation. There is no willful disruptions in supply at MSEDCL's end. Hence interruptions beyond control of MSEDCL cannot attribute for compensation. The relevant excerpts of Regulation 2014 is reproduced below:*

## **11. Exemptions**

**11.1 Nothing contained in these Regulations shall apply where, in the opinion of the Commission, the Distribution Licensee is prevented from meeting his obligations under these Regulations by—**

- (i) force majeure events such as cyclone, floods, storms , war, mutiny, civil commotion, riots, lightning, earthquake, lockout, fire affecting licensee's installations and activities;**
- (ii) outages due to generation failure or transmission network failure;**
- (iii) outages that are initiated by the National Load Dispatch Centre/ Regional Load Despatch Centre/State Load Dispatch Centre during the occurrence of failure of their facilities;**
- (iv) or other occurrences beyond the control of the Distribution Licensee:**

**Provided that the Distribution Licensee shall not be excused from failure to maintain the standards of performance under these Regulations, where such failure can be attributed to negligence or deficiency or lack of preventive maintenance of the distribution system or failure to take reasonable precaution on the part of the Distribution Licensee.**

**11.2 The Commission may, by general or special order, exempt the Distribution Licensee from any or all of the standards specified in these Regulations for such period as may be specified in the said Order.**

- vi) *From the above provision it becomes clear that there is no standard specified, as far as continuous supply of electricity to the Consumers is concerned under the Standard of Performance, even though it should be the endeavor of the Distribution Licensees to ensure continuous supply subject to the prevailing constraints.*
- vii) *Furthermore, the consumer has entered into an Agreement on dt: 01/07/2005 with the Licensee. As per clause 15 (a) of the said Agreement supplier shall not be held liable or responsible to the consumer for any loss to him, damage to his plant and equipment due to interruptions in supply due to damage to the supplier's plant and equipment for reasons beyond control of the supplier. The copy of the Agreement is enclosed herewith as Annex. 1.*
- viii) *The Hon'ble APTEL vide its Order dt: 29/09/2012 in Orange County Resorts and Hotels Limited Versus Karnataka Electricity Regulatory Commission has elaborately discussed the concept of Continuous or uninterrupted power supply to the consumer by distribution licensee. The copy of the Order dt: 29/09/2012 passed by Hon'ble APTEL is enclosed herewith as Annex. 2.*
- ix) *It is submitted that the Commission had introduced the concept of Load Factor Incentive (LFI) vide its Order dated 10 March, 2004 in Case No. 2 of 2003. In the formula, the Commission provided that:  
"Interruption/non-supply to the extent of 60 hours in a 30 day month has been built in the scheme."*
- x) *The formula continues even after introduction of Continuous and Non-Continuous categories by the Commission since 2006. According to the formula, maximum LFI available at 93 % instead of 100 % as interruption/non-supply to the extent of 60 hours in a 30 day month has been built into the scheme. The Commission also clarified that breakdowns, on the other hand, are not to be included and are already considered in the formula.*
- xi) *This formula is applicable to Continuous category consumers for calculating LFI. As such the formula includes 60hours interruption/non-supply in a month to the Consumers having Continuous supply. The complainant has availed incentives of the Load Factor.*
- xii) *The Hon'ble MERC in its Order dt: 04/05/2018 in case No. 122 of 2017 has considered 60 hours interruption/non-supply permissible for continuous category consumers also. The Commission has further held that, before granting relief on account of interruptions to the consumer in supply, it is important to verify that such consumer suffered more than 60 hours of interruptions/no-supply in a month. The relevant excerpts of Order dt: 04/05/2018 is reproduced below:*

**"16. In this regard, the Commission observes that the formula for Load Factor Incentive specified in the Tariff Order factored in 60 hours of interruption/no-supply in a month. Load Factor Incentive was applicable to continuous category consumers also. Thus, in the Tariff**

**Order, 60 hours/month interruptions/no-supply was considered as permissible for continuous category consumers. Further, such continuous category consumer was entitled to seek compensation as per the provisions of the SOP Regulations for delay in restoration of supply. Hence, before granting relief of change of tariff category from continuous to non-continuous on account of interruptions in supply, it is important to verify that such consumer suffered more than 60 hours of interruptions/no-supply in a month. Further, as mentioned in the Order dated 16 July, 2013, continuous category consumers were not supposed to undergo any planned Load Shedding. Hence, if a continuous category consumer was subjected to planned Load Shedding, such consumer should pay the non-continuous tariff for that month and not the continuous category tariff. All these details need to be verified before granting the benefit of non-continuous tariff to continuous category consumers. MSEDCL should verify these details before granting any relief in future.**

**17. With above findings and observations, Review Petition filed by MSEDCL in Case No. 122 of 2017 stands disposed of accordingly.”**

The copy of the Order 04/05/2018 in case No. 122 of 2017 is enclosed herewith as **Annx. 3.**

- xiii) *The Licensee has taken all the reasonable measures to resolve the complaint of the consumer. After receipt of the complaint in 2017 about tripping on complainants Feeder, MSEDCL, as a corrective measure shifted the Kharwai Feeder to other Transformer.*
- xiv) *In this respect it is submitted that, the consumer's Feeder i.e. Feeder No. 8, is feeded from MSETCL 220/22 KV Anandnagar Sub-station. The Feeder is connected on 220/22 KV, 50 MVA Transformer No. 2, i.e. on 22KV Bus No. 2. There are total 7 outgoing 22KV Feeders on Bus No. 2. One of them is Kharwai Feeder connected on Feeder No. 10. This Feeder was feeding supply to 22/22 KV Switching Station, Karwai. 6 outgoing Feeders emanating from Kharwai Switching Station was feeding urban as well as rural area of Badlapur (E) Sub-division. If there was any incident of fault / tripping occurs on this the Kharwai Feeder or the 6 outgoing Feeders emanating from Kharwai Switching Station, there was a possibility of consumers Feeder getting affected. Hence as a corrective measure and with a view to lessen the problem of the complainant the Kharwai Feeder was shifted on Bus No. 1 on dt: 23/06/2017.*
- xv) *It is submitted that the voltage dip in the system due to heavy fault current on other feeders on the bus is technical and phenomenon , which is beyond the control of any utility i.e. MSEDCL/MSETCL. Further, it can be seen that only 19 breakdowns or Tripping incidents are reported in MSETCL's data, during the period Feb. 2012 to Sept. 2019 and total duration of failure is 39 hrs. 49 mins. In 7 years.*
- xvi) *It is submitted that, generally for clearing the fault, time 100 ms. To 200 ms.is required, i.e. for sensing the fault, giving signal from relay to breaker and tripping of breaker which isolates the faulty sensation. During this period, generally the voltage dip may get transferred on the other Feeder which depends on fault current.*
- xvii) *It is submitted that, MSEDCL is taking various measures for providing continuous power supply to the consumers, by carrying out various preventive as well as corrective measurers like breakdown maintenance of various equipments like isolator, breaker, Transformers CT's,*

*PT's, lines, conductors etc. in spite of above endeavors network is sometimes get faulty due to failure of any of the above equipments, lightning surge, collapse of trees/ branches on line, dashing of vehicles to line, snapping of conductors, bird fault etc. which are totally beyond the control of MSEDCL.*

*xviii) The complainant has sought compensation since year April 2007 till Sep. 2019. The claim of complainant since 2007 is barred by law of limitation and hence liable to be rejected limine.*

*xix) It is submitted that the complainant has not shown or provided the actual losses sustained by it on account of the allegations raised. Nor any documentary proof is provided to support his exorbitant claim. In the absence of any materials to show that the complainant has actually suffered losses on account of not adhering to the Standard of Performance specified by the Commission, the claim of the complainant does not sustained.*

After perusing rival contention following point arose for any consideration to which I recorded by finding t the points by reason given below :

**Points :**

- i) Whether the forum is having jurisdiction to try and entertain the complaint?
- ii) Whether consumer is entitle for compensation payable by Distribution Licensee?
- iii) Whether consumer is entitle for any relief ?
- iv) What order ?

**Reasoning :**

On 22/10/2019 I have given opportunity to consumer and Respondent utility officers Shri. Shailesh Kalantri, AEE, Ambernath (E), Smt. Shilpa Hannawar, ALO, Kalyan Circle – II and Shri. Mandev Atre, EE, Testing Div-II, Kalyan. Consumer insisted that he is suffering production loss due to power dips. Whereas Distribution Licensee claimed that the power dips are not interruptions. It is the phenomenon for which last for some moments. In the range of 100 to 200 ms and not in control of MSEDCL. Power or voltage dip is a short, temporary drop in the voltage magnitude in the distribution or customer's electrical system. It may be caused by various faults in the transmission and distribution networks, faults in the connected equipment or high inrush and switching currents in the customer's installation. A dip is said to occur when a drop to between 10 and 90 percent of the normal value occurs during 0.5 cycles and lasting for up to 1 minute. A voltage dip does not interrupt the power supply and most of them last for less than one tenth of a second. The dips are either from the distribution networks, transmission network or from in-house equipment of consumers or due to natural causes. Consumer produced statement of interruption during the one year but failed to show that, which violation of standards of performance prescribed by MERC? . As power dip is not an interruption and nowhere this type of interruption is mentioned in the regulation. Definition of grievance as per CGRF and Ombudsman Regulation 2006 is as follow :

**Regulation 2.1 ( c ): “Grievance” means any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which has been undertaken to be performed by a Distribution Licensee in pursuance of a licensee, contract, agreement or under the Electricity Supply Code or in relation to standards of performance of Distribution Licensees as specified by the Commission and includes inter alia (a) safety of distribution system having potential of endangering of life or property, and (b) grievances in respect of non-compliance of any order of the Commission or any action to be taken in pursuance thereof which are within the jurisdiction of the Forum or Ombudsman, as the case may be**

This consumer complaint does not fall in the definition of grievance. To my opinion this forum is not having jurisdiction to entertain such complaints. Also in terms of interruption MERC has considered 60 hours of interruptions/no supply in a month permissible for load factor incentive and continuous tariff category. In this case interruption per month is far below the limit of 60 Hrs./month. Therefore we don't find any reason grant compensation to consumer for his indirect losses. The consumer has entered into an Agreement on dt: 01/07/2005 with the Utility. As per clause 15 (a) of the said Agreement supplier shall not be held liable or responsible to the consumer for any loss to him, damage to his plant and equipment due to interruptions in supply due to damage to the supplier's plant and equipment for reasons beyond control of the Utility .I have gone through the agreement; hence we cannot held Utility responsible for such losses. Mr. Atre, Executive Engineer of MSEDCL who visited the premises and suggested consumer to install voltage stabilizer to control the voltage dips in the supply. Moreover it is learnt that this type of power dips have many reasons and most of them are beyond control of Distribution Licensee hence consumer needs to take corrective action at it's end by installing equipment to avoid tripping of machinery in its factory. Hence we are inclined to dismiss the consumer complaint and proceed to pass following order.

Hence the order

**ORDER**

The consumer complaint no 1948 is hereby dismissed.

Date: 04/11/2019

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

Sd/-  
(A.P.Bhavthnkar)  
Chairperson  
CGRF, Kalyan

Sd/-  
(A.P.Deshmukh)  
Member Secretary  
CGRF, Kalyan

**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

- 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.