

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

(Appointed by the Maharashtra Electricity Regulatory Commission
under Section 42(6) of the Electricity Act, 2003)

REPRESENTATION NO. 50 OF 2024

In the matter of compensation towards disconnection of supply

Zam Zam Trading Company..... Appellant
(Old Cons. No. 279248011771 & New Cons. No. 279240325751)

V/s.

Maharashtra State Electricity Distribution Co, Ltd. Sangli Urban (MSEDCL)Respondent

Appearances:

Appellant : 1. Ismail Rafik Shaikh, Proprietor
2. Javid Momin, Representative

Respondent : Appasaheb Malhari Khandekar, Executive Engineer, Sangli (U)


Coram: Vandana Krishna [IAS (Retd.)]

Date of hearing: 19th April 2024

Date of Order :7th May 2024

ORDER

This Representation was filed on 26th February 2024 under Regulation 19.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2020 (CGRF & EO Regulations 2020) against the order dated 21st December 2023 passed by the Consumer Grievance Redressal Forum, Kolhapur (the Forum). The Forum by its order (in Marathi language) partially allowed the grievance. The operative part of the order is translated as below:


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“2) The distribution licensee should pay Rs.700/- as compensation for the delay in giving quotation to the complainant consumer.

3) The distribution licensee should give compensation of Rs. 3300/-for delay in releasing the connection.”


2. The Appellant has filed this Representation against the above order. An e-hearing was held through video conference on 19th April 2024. Parties were heard at length. The Appellant’s submissions and arguments are stated as follows: - [The Electricity Ombudsman’s observations and comments are recorded under ‘Notes’ in brackets where needed.]

- (i) The Appellant was an Industrial consumer (No. 279248011771) from 25.02.2015 with details of the connection as below:

Table 1:

Name of Consumer	Cons. No.	Address	Sanctioned load	Date of Supply	Date of Temporary Disconnection	Date of Permanent Disconnection
Zam Zam Trading Company	279248011771	H. No. 287, Kavalapur Road, Ward No. 1, Bamnoli, Sangli.	27 HP	25.02.2015	05.08.2019	09.09.2019

- (ii) The Appellant is in the business of manufacturing plastic granules from scrap material (collected from other industries). The Appellant does job work of manufacturing plastic granules. The Appellant was regular in payment of electricity bills without any arrears in general.
- (iii) The Appellant received a bill of Rs. 87,792.29 on 08.07.2019 for the month of June 2019 which could not be paid on time due to slackness in business [Note: These were accumulated arrears for the period from April to July 2019, and not one month’s bill of Jun. 2019, as shown in Table 3]. The Respondent issued a disconnection notice on 29.07.2019 under Section 56(1) of the Electricity Act, 2003 (the Act). The supply of the


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Appellant was temporarily disconnected on 05.08.2019 towards outstanding dues, and was permanently disconnected on 09.09.2019 after one month, without giving any notice.

- (iv) The Appellant submitted a written application on 09.12.2019 to the Addl. Executive Engineer, Madhavnagar subdivision mentioning that he was ready to pay the outstanding dues, and after payment requested to reconnect the said electricity connection.
- (v) The Appellant pointed out that the electricity connection can be reconnected within six months from the date of PD on payment of requisite arrears. (In this case the date of PD was 09.09.2019). The Appellant was ready to pay the outstanding dues within three months (i.e. by 09.03.2020). **However, the Respondent did not issue the requisite Demand Note/chalan for payment of these outstanding dues.** Hence the Appellant was unable to pay the outstanding dues. *[Note: The Appellant could not explain satisfactorily why he did not simply make an online payment, or cash payment on the counter against the bill.]*
- (vi) The Appellant referred the Regulation 6.10 of Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014 (SOP Regulations 2014) which is reproduced below:

“Reconnection of supply following disconnection due to non-payment of bills:

6.10 Where the Distribution Licensee has disconnected supply to a consumer for a period of not more than six months, then if such consumer pays all amounts due and payable by him to the satisfaction of the Distribution Licensee or, in case of a dispute, pays such amounts under protest, the Distribution Licensee shall reconnect supply within—

(i) eight (8) hours from the payment of dues made by the consumer in Class I cities;


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(ii) twenty-four (24) hours from the payment of dues made by the consumer in Urban Areas and

(iii) two (2) days from the payment of dues made by the consumer in Rural Areas.

Provided that, where the period of disconnection exceeds six months, an application for reconnection of supply shall, after either payment of amounts due or upon settlement of dispute, be treated as a fresh application for supply of electricity under the provisions of the Act.”


- (vii) The Respondent MSEDCL assured the Appellant that a revised bill would be issued, but on enquiry, it was found that due to non-availability of officers, the revised bill was not issued, and this continued for 4 /5 months. Thereafter, the “Covid-19 Pandemic” started and the whole country was under lockdown. The Government offices were closed, and the public were also confined to their homes, so there was no question of approaching the office of the Respondent. Thereafter, when the lockdown was partially opened and offices started working, the Appellant again approached the Respondent on 21.09.2020 for discussion on the pending bill and submitted an application on the same day. [Note: This application did not have any inward number of the Respondent.]
- (viii) At that time, the Respondent decided that the bill would be issued by deducting the security deposit (SD) amount, which the Appellant would have to pay. Thereafter, the Appellant could apply for a new connection.
- (ix) The Appellant then received a pending bill of Rs.62,140/- by deducting the SD amount on 15.12.2020. The Appellant paid the said bill on the same day. However, the connection was not reconnected.
- (x) The Respondent was supposed to reconnect the said connection, since the Appellant had applied within six months from the date of disconnection, showing his willingness to pay the arrears (prior to Covid-19 lockdown). However, the Respondent, on purpose, delayed issuing the revised bill.



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- (xi) The Respondent wanted the Appellant's connection to be permanently disconnected so that a new connection could be released to another consumer on the same Distribution Transformer. Hence the Respondent maliciously adopted tactics of not issuing the revised outstanding bill. The Respondent, by its letter dated 10.05.2021, informed the Appellant that the said connection was made PD on 09.09.2019 and from that date onwards within six months (i.e. by 09.03.2020), it was expected that the arrears be paid; however, the arrears were paid on 15.12.2020 which is beyond six months, hence a written application should be given for a new connection. [as per Regulation mentioned in para 2 (vi).]
- (xii) Accordingly, the Appellant applied for a new connection on 18.12.2020, but the new connection was not released immediately despite payment of the new security deposit. **Also, instead of releasing the new connection on the original transformer, the Respondent assured the Appellant that the connection would be released on the new transformer.** The said new connection was released on 15.05.2023, which means that for almost 44 months the Appellant's connection was closed due to the wrongful working of the Respondent. *[Note: The period from 18.12.2020 to 15.05.2023 comes to about 29 months and not 44 months.]*
- (xiii) During this period, the Appellant suffered losses unnecessarily for no fault of it. It had a huge impact on its loan, interest and workers' salaries. The said unit was established and run in a rented place, of which the burden of rent fell on the Appellant. The following expenditure is tabulated as below:

Table 2:


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Sr. No.	Particulars	Amount (Rs.)
1	Factory rent per month Rs.10,000/- x 44 months	4,40,000/-
2	Workers' salaries	4,20,000/-
3	Loan + Interest loss	12,00,000/-
4	Machinery repair, compensation & maintenance cost	3,00,000/-
5	New electricity connection cost	25,000/-
	Total expenses	23,85,000/-

(xiv) In view of the above, the Appellant prays that the Respondent be directed to pay Rs.23,85,000/- to the Appellant with RBI interest towards loss incurred by the Appellant as shown in Table 2. The said amount be deducted from the salaries of the concerned officers who were responsible for this delay.

3. The Respondent MSEDCL filed its reply on 10th April 2024. Its submissions and arguments are stated as follows: -

- (i) The Appellant was an Industrial consumer (No. 279248011771) from 25.02.2015. The details of the connection are already captured in Table 1. The Appellant runs a plastic granules manufacturing unit.
- (ii) The Appellant was irregular in payment of monthly bills. The Appellant did not pay the monthly electric bills from April 2019 onwards. The accumulated arrears are as shown below:

Table 3:


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CPL Abstract of Consumer No. 279248011771				
Month	Cumulative Arrears	Amount Paid (Rs.)	Date of Payment	Remarks
Mar-19	55710.00	55710/-	27.03.2019	Total arrears paid
Apr-19	32172.89	Nil		
May-19	48874.15	Nil		
Jun-19	78218.18	Nil		
Jul-19	87561.09	Nil		Temporarily Disconnected on 05.08.2019
Aug-19	61007.6	27000/-		Permanently Disconnected on 09.09.2019, & Security Deposit was adjusted in the bill of Aug. 2019
Note : The Appellant paid PD arrears bill of Rs.62140/- on 15.12.2020				

Payment of Outstanding dues of PD Arrears:

A disconnection notice was served to the Appellant automatically in June 2019 through the system on his registered mobile number. In addition, a disconnection notice was served to the Appellant on 29.07.2019 as per Section 56(1) of the Act. However, the Appellant did not show any interest to pay the outstanding dues. The supply of the Appellant was temporarily disconnected on 05.08.2019 and permanently disconnected on 09.09.2019.

- (iii) The Appellant by his letter dated 07.12.2019 (received on 09.12.2019) mentioned that he was willing to pay the arrears, and requested to reconnect the supply after the payment of PD arrears, **though the PD arrears were already known to him, as the disconnection notice under Section 56(1) of the Electricity Act 2003 was served to him on 29.07.2019 which could have been used as a Chalan on the bill collection counter.**
- (iv) The Respondent issued the online PD bill on its web self-service to the Appellant as per his request, but it is not a practice to take the acknowledgement of this chalan. This was a routine regular work of the concerned billing staff at that time. The Appellant was well aware that a PD connection can be reconnected if the PD arrears


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are paid within 6 months. The argument of not getting the PD bill, and that the subdivision office did not give any reply to him is an afterthought and just propaganda. The PD bill can be easily viewed online on MSEDCL's Web Self Service. MSEDCL has provided this online facility for consumers to avoid unnecessary delay and effort in visiting the MSEDCL office.

- (v) If the consumer had not received the PD bill, he should have made a written complaint about the PD bill, but he did not do that. This means that he had received the PD bill previously, but because of some financial problem, he was unable to pay the bill within the stipulated period of 6 months, which was the responsibility of the consumer and he was a defaulter in payment. The said connection was permanently disconnected on 09.09.2019. The period of six months completed on 09.03.2020. **This period was before the Covid-19 pandemic-lockdown started, which started on 22.03.2020.** Hence, it is clear that the re-connection period of the old connection was already exhausted/over before the lockdown started. Apart from this, the billing system / programme does not allow to make 'live' a consumer whose supply is permanently disconnected (and fed to the System) for six months.
- (vi) The Appellant alleged that he had visited the Respondent's Madhavnagar subdivision office and gave an application for payment of PD arrears on 21.09.2020. However, this supposed application was not received in the Madhavnagar subdivision. When the Consumer approached on 15.12.2020, he had taken the payment chalan from the Respondent, and he has paid the PD arrears bill of Rs.62,140/-on the same day. The security deposit was adjusted in the bill as shown in Table 3. The Appellant applied for a certificate of 'No Arrears' on 16.12.2020. Immediately on 17.12.2020, the Respondent issued the said certificate of 'No Arrears'.

Releasing of new connection and alleged delay: The step-wise causes of delay are mentioned below:-

- (vii) The Appellant applied for a new connection on 18.12.2020 in the name of Zam Zam Trading Company for connected load of 26 HP and Contract Demand of 24 KVA.


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The application was incomplete with regard to property papers, property tax, and No Dues Certificate of the previous PD connection on the same premises. The Respondent contended that the Appellant submitted the old copy of “No Objection Certificate (NOC)” issued by Grampanchayat, Bamnoli for the earlier 6 years’ period. Hence it was informed vide letter dated 04.01.2021 to the consumer and he was requested to submit the latest NOC of Grampanchayat, Bamnoli.

(viii) However, the Appellant did not fulfil the same and the application was kept pending.


(ix) Meanwhile, the Appellant submitted a request application for reconnection of the old PD Consumer (No. 279248011771) on 15.04.2021, claiming that he had paid the PD arrears on 15.12.2020. He was also aware of the fact that a PD connection can be reconnected only within a six months’ period from the date of PD. The Appellant had already applied for a new connection on 18.12.2020. He was explained why the old connection could not be reconnected, and he was convinced. **The related documents which were required for the new connection was submitted by the consumer on 25.04.2021.** However, the existing Manali Distribution Transformer (DTC No. 4070412) was overloaded, and its released / sanctioned load was 308.69 KW/298.84 KVA. Considering the diversity factor, the load of the said transformer could reach 149.42 KVA. Hence, it was necessary to propose a new distribution transformer for sanctioning the new load. Meanwhile 20 new connections of Residential /Commercial were released from 30.12.2020 to 26.06.2023 on the old DTC as shown in Table 4. It can be seen that all these connections had relatively minor load.

Table 4


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Distribution Transformer Centre (DTC No. 4070412)					
Sr. No.	Consumer No.	Name of Consumer	Address	Tariff Category	Sanctioned load (KW)
1	279240323481	Nakusa Bhimanna Helavi	M.No.1005/3, Bannoli, Miraj Sangli Sangli Miraj Ku	Com	0.44
2	279242163421	Kondiba Sopan Shingade	Word No.3,House No.1127, At Post Bannoli, Miraj Sa	Res	0.28
3	279242163413	Kashiba Anna Ghagare	M.No.1127/1, W.No.2, Bannoli, Miraj Sangli Bannoli	Res	0.34
4	279244178671	Dilip Nivruti Mane	M.No.2019/5, Bannoli, Miraj Sangli Sangli Miraj Ku	Res	0.34
5	279242165700	Hanamant Shabu Pujari	Gat No.1576/1, Bannoli, Miraj Sangli Sangli Miraj	Com	0.52
6	279244181567	Kashinath Madappa Waghamode	Gat No.1004, Bannoli Miraj Sangli Sangli Miraj Kup	Res	0.45
7	279244184019	Sharad Kashinath Pawar	G.No. 2160 Bannoli, Sangli Miraj Sangli Sangli Mir Aj	Res	0.37
8	279248017991	Santosh Laxman Koli	M.No-1932 W.No-2 Miraj Sangli Bannoli	Res	0.69
9	279244186046	Maibub Chandsab Malanur	2112 Bannoli Miraj Sangli Bannoli	Res	0.79
10	279244189606	Tanaji Lalaso More	M.No-2207 W.No-2, Miraj Sangli Bannoli	Res	0.8
11	279248021149	Deepak Ashok Ruparel	Gat No.1940, Bannoli, Miraj Sangli Sangli Miraj Ku	Com	0.6
12	279248021165	Sanjay Madhukar Zende	G.No-19/1/12 M.No-2190 Miraj Sangli Bannoli	Com	0.99
13	279240331335	Shankar Yashvant Patil	M.No.1930, W.No.3 Bannoli Miraj Sangli Sangli Mira J	Com	0.51
14	279248023125	Tukaram Mukinda Wagmode	Survey No 2252 Ward No 3 Dattanagar Miraj Sangli	Res	0.89
15	279240328687	Smita Shripati Patil	M.No-2094 Bannoli Miraj Sangli Bannoli	Com	0.5
16	279240326749	Mahendra Sitaram Athavale	2173 Ward No. 1 Miraj Sangli Bannoli	Res	0.9
17	279240336892	Shiv Shakti Green Energy Prop. S.M.Gavane	G.No-21/2/D Bannoli Miraj Sangli Bannoli	Com	0.99
18	279240334491	Khairunabi Lalemashak Awati	M No.2110/4 Bannoli Miraj Sangli Bannoli	Res	0.71
19	279240341675	Umeshchandra Shivhar Mahamuni	M.No.2347 Dattanagar Miraj Sangli Sangli Miraj Kup	Com	0.44
20	279240341331	Mangal Sanjay Khandekar	M No 1118 . Miraj Sangli Bannoli	Res	0.64


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- (x) Accordingly, on 10.05.2021, an estimate for a new connection was prepared by Section Officer, Kupwad MIDC and the same was received by subdivision office on 17.05.2021. Immediately, the estimate was forwarded to Division office on 19.05.2021. The Estimate was sent to Madhavnagar subdivision office for compliance of queries on 16.06.2021. The Revised estimate was submitted by the section officer to subdivision office on 21.06.2021, which was submitted by Subdivision office to Division office on 23.06.2021, and was received in the Division office on 29.06.2021. The Estimate was sanctioned by the Division office under NSC scheme on 15.07.2021.
- (xi) **A Firm Quotation was issued on 03.08.2021 by Section Officer, which was paid by the consumer on 03.09.2021.** Subdivision office sent a letter to the Division office on 09.09.2021 for allocation of an agency to carry out the work under NSC scheme. An Agency was allotted, and the work order was given by the Division office to the agency on 17.12.2021. **However, there was a Right of Way problem for laying of the underground HT cable.** Hence the section officer gave a letter to the local authority Grampanchayat, Bamnoli on 22.02.2022 to give permission for laying the underground HT cable.
- (xii) The Appellant gave an application to the subdivision office, asking to release the new connection on 31.03.2022. However, the local authority Grampanchayat, Bamnoli had not given the permission for laying of HT cable even till 19.08.2022. The queries raised by Grampanchayat were complied with. The Subdivision office had given a request letter to the local authority asking for permission of laying of cable on 19.08.2022. Meanwhile, right of way problem was also created by the Gram Panchayat while executing the work.
- (xiii) The Division office directed the subdivision office to sort out the Right of Way problem for laying of underground HT cable on 01.09.2022. Section Officer informed the consumer on 07.09.2022 that MSEDCL had already requested the local authority to sort out the Right of Way problem, but till date the problem was not sorted out, hence he was requested to follow up with the local authority to get


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the permission so as to start the work immediately. No efforts for follow up with the local authority, Grampanchayat, Bamnoli were taken from the consumer end. **It was heard that the consumer had not paid the dues/taxes of the local authority, Grampanchayat, Bamnoli. Hence the Permission NOC was not given by them.**


(xiv) The Respondent referred to the Regulation 4.10 of SOP regulations 2014 which states as,

“The Distribution Licensee shall not be held responsible for the delay, if any, in giving supply on account of problems relating to statutory clearances, right of way, acquisition of land or the delay in consumer’s obligation which is beyond the reasonable control of the Distribution Licensee”.

(xv) Since the NOC was not given by the local authority, Grampanchayat, Bamnoli, the Respondent visited the site to explore any alternate possibility to release the connection. A revised survey was done, and an estimate was prepared by the section officer and was forwarded by the subdivision office to the Division office. It was received by the Division office on 10.10.2022. A revised technical sanction was given by the Division office on 07.11.2022. The estimate was again revised as per revised cost data on 10.01.2023.

(xvi) MSEDCL’s NSC scheme contractor installed the new DTC and obtained the charging permission on 27.02.2023. The Consumer submitted the required documents such as Test report, Electrical Inspector Charging permission etc.to the subdivision office on 27.04.2023. Subdivision office gave release order on 03.05.2023. The Connection was released on 15.05.2023 on the new DTC (Code No. 4070449). The whole sequence of events shows that there was no intentional or unreasonable delay in releasing the connection.

(xvii) **The Appellant has mentioned in the grievance that MSEDCL did not release the connection on the existing nearby DTC (Code No.4070412) due to unavailability of balance load, but released the connection to another consumer namely Akanksha Multipurpose Hall on the same DTC. However, it is submitted that the connection of Akanksha Multipurpose Hall Prop. Ashok**


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Kamalappa Pattanshetti was not released on DTC (Code No.4070412) but was released on another DTC (Code No. 4070449).

(xviii) The following points be considered in the interest of justice:

(a) The Appellant paid his dues i.e. PD arrears on 15.12.2020. Naturally the cause of action arises on 15.12.2020. The Appellant filed his grievance to the Forum on 04.09.2023 i.e. after a lapse of 2 Years and 8 Months. Regulation 7.8 of the CGRF and EO Regulations 2020 states:

“The Forum shall not admit any Grievance unless it is filed within two (2) years from the date on which the cause of action has arisen”.


The Appellant did not file his complaint within the stipulated period of two years, so the complaint is **barred by limitation**.

(b) There was no intentional or unreasonable delay in releasing the new connection of the consumer, since MSEDCL took efforts to resolve the Right of Way problem, which had arisen for laying of the underground cable. But the local authority, Grampanchayat, Bamnoli did not give its No Objection Certificate for laying the underground cable. Also, no efforts were made by the consumer to obtain the NOC from the local authority, Grampanchayat, Bamnoli.

(c) Under these circumstances, the distribution licensee cannot be held responsible for the delay in releasing the electric supply.

(d) A part of the period of delay in releasing the new connection was covered under the Covid-19 pandemic period. Man & machinery had slowed down during this period. Maintaining uninterrupted power supply was the only priority of MSEDCL during that period. MSEDCL processed the application as fast as possible; the delay was only due to not receiving the ROW NOC.

(xix) In view of the aforesaid facts, it is requested that the present representation of the Appellant be rejected.


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Analysis and Ruling

4. Heard the parties and perused the documents on record. We have formulated two issues for consideration of the case:

Issue A: Whether the Appellant was entitled for reconnection of his old PD connection (Cons. No. 279248011771) after payment of outstanding dues?

Issue A is answered as NEGATIVE.

- The Appellant contended that he submitted a written application on 09.12.2019 to the Addl. Executive Engineer, Madhavnagar subdivision mentioning that “he was ready to pay the outstanding dues, and after payment, requested to reconnect the said electricity connection.” However, no proper chalan was given by MSEDCL for payment of the PD Arrears, which resulted in the Appellant’s inability to pay the outstanding dues. The Chalan of Rs.62,140/- was received only on 15.12.2020. The Appellant paid the outstanding dues of Rs. 62,140/- on that very day.
- On the contrary, the Respondent contended that the Appellant was irregular in payment of monthly bills. The Appellant did not pay the monthly electric bill from April 2019 onwards. Arrears accumulated as shown in Table 3. The last payment was made only on 27.03.2019. Hence, the supply of the Appellant was initially temporarily disconnected on 05.08.2019 after following the formalities of statutory disconnection notices, and was permanently disconnected on 09.09.2019. The Appellant paid his outstanding dues only on 15.12.2020 after a lapse of more than six months.
- The Appellant failed to pay the outstanding dues of Rs. 62,140/- within the required period of six months from the date of permanent disconnection i.e., on 09.09.2019. The reason given by the Appellant that the Respondent did not issue the outstanding dues Chalan in time, is not acceptable, as alternative modes of payment were available to the Appellant for payment of PD Arrears. Hence, Issue A is answered as NEGATIVE.


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Issue B: Whether the Appellant's new connection was delayed? and whether the Appellant is entitled for getting compensation for this delay in releasing the new connection?

Issue B is answered as AFFIRMATIVE.

- (i) The Respondent has given details of the step-wise causes of delay. The Appellant applied for a new connection on 18.12.2020 for connected load. The application was incomplete as the Appellant failed to submit the latest copy of "No Objection Certificate" of Grampanchayat, Bamnoli. After that, the related documents which were required for the new connection were submitted by the consumer on 25.04.2021. However, the new connection could not be released immediately, because the Respondent contended that the concerned transformer was overloaded as per the norms prescribed by the Corporate Office (more than 70%). The Respondent, Section Officer, Kupwad MIDC prepared the estimate of a new Distribution Transformer.

We have tabulated the progression of events for ease of understanding, which is as follows:


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Sr. No.	Events	Date
1	New connection application	18.12.2020
2	Discrepancies in the application were informed to consumer	04.01.2021
3	Appellant submitted the required documents	25.04.2021
4	Estimate of New Distribution Transformer by Executive Engineer under NSC scheme	15.07.2021.
5	Firm Quotation was issued (Cons. No. 279240325751)	03.08.2021
6	Appellant paid Firm Quotation	03.09.2021
7	Right of Way issue arose for carrying out the work	
8	New Revised Estimate proposal for New Distribution Transformer	10.10.2022
9	New Revised Estimate of New Distribution Transformer under NSC scheme	10.01.2023
10	Charging permission of Distribution Transformer	27.02.2023
11	Release order of new connection issued	03.05.2023
12	New Connection was released to the Appellant	15.05.2023

We have examined in detail the reasoning submitted by the Respondent for delaying the new connection. Undoubtedly there was considerable delay in releasing the new industrial connection to the Appellant. The main reason given by the Respondent is that the existing transformer was already overloaded. However, this explanation is not fully justifiable.

The guidelines given by the Corporate Office of the Respondent for loading of a Distribution Transformer are general in nature. The Respondent did not put on record the actual loading of the Distribution Transformer. The Respondent failed to take a cautious call for releasing of the new connection on the existing transformer, which was loaded by about 75 %. After doing that, the Respondent had an opportunity to transfer this load on to the new Distribution Transformer in the interest of balancing of load. Therefore, we find this reasoning to be unsatisfactory. Accordingly, Issue B is answered as AFFIRMATIVE.

5. The Appellant has demanded indirect compensation as tabulated in Table 2 of Para 3. However, the Regulatory provision for direct compensation towards failure of Standard of


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Performance is limited as per Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021. The same is reproduced as below:

Annexure - II: Level of Compensation Payable to Consumer for failure to meet Standards of Performance

<i>Supply Activity</i>	<i>Event</i>	<i>Standard Compensation Payable</i>	<i>Automatic /Manual</i>
<i>1. Provision of Supply (Including Temporary connection)</i>			
<i>i</i>	<i>Time period for intimation of charges to be borne by Applicant in case Applicant seeks dedicated distribution facility from the date of submission of application</i>	<i>Seven (7) working days (Urban Areas) Ten (10) working days (Rural Areas) Fifteen (15) working days – Agriculture Connection</i>	<i>Rs 25 per week or part thereof of delay subject to maximum of twice the service connection charges applicable for the Consumer category</i>
<i>ii</i>	<i>Time period for provision of supply from the date of receipt of completed application and payment of charges:</i>	<i>Three (3) months</i>	<i>Rs 50 per week or part thereof of delay subject to maximum of twice the service connection charges applicable for the Consumer category</i>
	<i>-where extension or augmentation of distributing main is required</i>		


The Forum in its order has rightly calculated the compensation payable to the consumer as per the above provision, which is produced in the First Para.

The Regulation 20.4 of CGRF & EO Regulations 2020 speaks about indirect, consequential, incidental, punitive, or exemplary damages etc. as below:

“20.4 The order passed by the Electricity Ombudsman shall set out -

(a) to (d)

(e) directions to pay such amount as may be awarded by it as compensation to the Complainant for any loss or damage suffered by the consumer:


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Provided, however, that in no case shall any Complainant be entitled to indirect, consequential, incidental, punitive, or exemplary damages, loss of profits or opportunity.

(f) directions to pay such amount as compensation as specified by the Commission in the Standards of Performance of Distribution Licensees.” (Emphasis Added)


The provision of indirect, consequential, incidental, punitive, or exemplary damages etc.in the Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021 are as below:

“18.4. The Distribution Licensee shall not be liable for any claims against it attributable to direct, 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 18.”

6. Despite this the Forum by its order dated dated 21st December 2023 has provided some compensation which is already produced in the First Para. The order of the Forum is a reasoned and speaking one and does not need any interference.

7. The representation of the Appellant is rejected and disposed of accordingly.

Sd/
(Vandana Krishna)
Electricity Ombudsman (Mumbai)


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

