

**BEFORE THE FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
ADANI ELECTRICITY MUMBAI LIMITED**

1st Floor, Devidas Lane, Off. S.V.Road, Near Devidas Lane Telephone Exchange, Borivali
(West), Mumbai – 400103.

E-mail : Consumerforum.Mumbaielectricity@adani.com Website : cgrf.adanielectricity.com
Tel.No.:022-30094247

Grievance Application No. 22/2018 Date : 19/07/2018

**ZAK Trade Fairs & Exhibitions Pvt. Ltd., 509, Atlanta Estate, Goregaon Mulund
Link Road, Bandra , Mumbai 400 063.**

Account No. 350072682, 350072683 & 350072878 , Temporary Three Phase [LT VII (B)], North Division.

ZAK Trade Fairs & Exhibitions Pvt. Ltd. Applicant / Complainant

Adani Electricity Mumbai Ltd. Respondent (Distribution Licensee/Utility)

Order of the Hearing dated. 12th September,2018

PRESENT

1. Mr. Vilas Dikshit - Chairperson,
2. Mr. Rajiv Nakhare, Sr.Vice President (Adani Electricity Mumbai Ltd) - Member
3. Mr. Milind Gandbhir – Member (CPO)

On behalf of Adani Electricity Mumbai Ltd.(AEML)

1. Mr. Mritunjay Jha, Dy.General Manager (Corporate Legal) Nodal Officer
2. Mr. Prashanth Salian, General Manager, AEML
3. Mr. Vishal Miranda, Sr.Manager, AEML

On behalf of the Applicant / Complainant

1. Mr. Maqbool Barwelkar (Representative of the Applicant/Complainant)
2. Mr. V.R.Walavalkar (Representative of the Applicant/Complainant)

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Being aggrieved by the order passed by IGR, the Applicant / Complainant filed the present application before this Forum.

Heard the representatives of the Applicant / Complainant, the representatives and the Nodal Officer of the Utility / Distribution Licensee (DL).

Contentions of the Applicant/ Complainant in short are as follows :

1. The representatives of Applicant / Complainant contended that the exhibition event 'Zak Glass Technology International – 2015) was organized at MMRDA Ground, Bandra Kurla Complex, Bandra East, Mumbai during period from 10/12/2015 to 13/12/2015. During the said period of this international event there had occurred a major electrical breakdown at the sub-station of the Utility/ Distribution Licensee at 7.30 a.m. on 10th December, the very first day of opening of exhibition which resulted in half of the exhibition area in dark for almost more than five and half hours. The fault was rectified at about 13:00 hrs. due to which the Applicant / Complainant suffered a loss in terms of economical damage and they had to face adverse criticism from the participants.
2. The Applicant / Complainant further stated that even after having learnt from the staff of Utility/Distribution Licensee(DL) for unavailability of required load at Applicant's/Complainant's plot they chose to have electric supply from the Utility/DL relying on their efficient service.
3. Further the Applicant / Complainant stated that the Utility / DL can not claim charges under the head of 'reliability charges' as they failed to fulfill their obligations/duties.
4. The Applicant / Complainant stated in his prayer requesting the Utility/DL for eliminating the reliability charges from the energy bill.

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Contention of the Nodal Officer of Utility/Distribution Licensee :

1. The Nodal Officer in his reply contended that the Complainant has filed the present grievance, alleging that there was an electric breakdown in supply of his Temporary Three Phase under LT VII (B) category, consumer account no. 350072682, 350072683 & 350072878 during "Zak Glass Technology International -2015" exhibition at MMRDA Ground, Bandra Kurla Complex Bandra East Mumbai on 10/12/2015 and the Respondent took long time to rectify the same.
2. Nodal Officer submitted that the grievance filed by the Complainant is time barred and the limitation as provided under the regulation 6 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006. The regulation 6.6 reads as under:-

"6.6 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"

Nodal Officer submitted that the grievance of the Complainant pertains to the year 2015 and the present grievance has been filed in 2018 and hence it is barred by the limitation as stated herein above.

3. Nodal Officer of Utility / DL further submitted that the Respondent submits that, all the facts have clarified to the Complainant. Even in it's letter dated 24/10/2016 the Respondents have clearly mentioned that interruption in

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temporary electric supply was caused due to an abnormality in LT Circuit Breaker of the feeding substation. It is submitted that fault was attended immediately upon receipt of the complaint. It is further submitted that under Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014 ("the SoP") the time limit for restoration of supply on failure has been enunciated. The regulation 6 of the SoP reads as under:-

"6.Restoration of supply on failure

6.1 *The Distribution Licensee shall restore the power supply in the case of fuse-off calls within three (3) hours in Class I cities, within four (4) hours in Urban Areas and within eighteen (18) hours in Rural Areas of the receipt of a complaint.*

6.2 *The Distribution Licensee shall, in the case of 33 kV/22 kV/ 11 kV/ 400 V/230 V overhead line breakdowns, restore the power supply to the consumer within four (4) hours in Class I cities, within six (6) hours in Urban Areas and within twenty-four (24) hours of the receipt of a complaint in Rural Areas.*

6.3 *The Distribution Licensee shall restore the power supply caused by underground cable faults including service connection within eight (8) hours in Class I cities, within Eighteen (18) hours in the Urban Areas and within forty eight (48) hours of the receipt of a complaint in the Rural Areas.*

6.4 *The Distribution Licensee shall restore the power supply caused by distribution transformer failures within eighteen (18) hours in Class-I cities, within twenty-four (24) hours in Urban Areas and within forty-eight (48) hours of the receipt of a complaint in Rural Areas.*

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6.5 The Distribution Licensee shall restore the power supply caused by a burnt meter within eighteen (18) hours of the receipt of a complaint in Class-I cities, within twenty four (24) hours of the receipt of a complaint in the Urban Areas and within forty eight (48) hours of the receipt of a complaint in the Rural Areas respectively, irrespective of the recovery of charges against burnt meter as provided in Regulation 7.4.

6.6 The period of interruption as a result of any scheduled outage shall be specified in the public notice of such scheduled outage.

Provided that such scheduled outage shall not normally exceed twelve (12) hours on any day and supply shall preferably be restored by 1800 hours."

Further it is submitted by the Nodal Officer of Utility / DL that the dispute under the present complaint is covered under ambit of regulation 6.4. The electric supply of the Complainant was remained interrupted from 08:04 Hrs to 12:30 Hrs i.e. 4 Hrs 26 minutes.

4. Nodal Officer of the Utility/DL further submitted that it is submitted that IGR Cell has come to the conclusion that there is no "reliability charges" charged to the customer and hence there is no any reasons to refund and or waiver of the same.

5. Nodal Officer of the Utility/DL further submitted that the Respondent submits that the fault occurred was beyond the control of the Respondent and same was rectified within stipulated time frame as provided under the provisions of the SoP.

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Heard the representative of the Applicant / Complainant as well as the Nodal Officer and the representatives of the Utility / Distribution Licensee (DL).

Nodal Officer of the Utility/Distribution Licensee has moved an application informing that the name of the Utility/Distribution Licensee is changed and now it is named as '**Adani Electricity Mumbai Limited**' which should be considered. This Forum has taken the note of the same accordingly.

Observations of the Forum :

Before considering the submission of the representative of the Applicant / Complainant, we would like to consider the legal question raised by the Nodal Officer.

1. It is the contention of the Nodal Officer that the present application is time barred. He submitted that the cause of action arose on 10/12/2015 while the present application was filed on 19/07/2018. The Nodal Officer drew the attention of this forum towards Rule 6.6 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006. The regulation 6.6 reads as under:-

"6.6 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"

2. The Nodal Officer also drew attention of this Forum towards Rule 2.1(e) of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006. The Regulation 2.1(e) which defines the term "Forum" which reads as under:-

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“Forum” means the forum for redressal of grievances of consumers required to be established by Distribution Licensees pursuant to sub-section (5) of Section 43 of the Act and these Regulations.

3. This clearly means that the Applicant/Complainant is supposed to file the present grievance application before this Forum within the period of two(2) years from the date of cause of action i.e. 10/12/2015.
4. If we consider these two provisions, there appears to be some substance from the submission of the Nodal Officer. Whatever this may be, the application moved by the Applicant / Complainant is already registered and this Forum has heard the representatives of Applicant / Complainant , we feel that it will not be just and proper on our part to dispose of this application on this technical grounds but to decide it on merits.
5. There is no dispute that the electric supply to the premises of the exhibition was interrupted for few hours. It is the contention of the Applicant / Complainant that it was interrupted from 7.30 a.m. to 1.00 p.m. On the other hand, it is the contention of the Nodal Officer that it was interrupted from 8.04 a.m. to 12.30 p.m. i.e. hardly for 4 hours and 26 minutes. Whatever this may be, it can not be disputed that the electric supply to the premises of the exhibition was disrupted for few hours. Needless to say that the Applicant / Complainant must have faced the great inconvenience and hardships during the failure of the electric supply. The only question which needs to be decided in this case, whether the applicant can claim the compensation for

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the inconvenience or hardships suffered by him due to the failure of electric supply.

It is the contention of the Nodal Officer that the fault was detected and rectified within the time frame as laid down in Rule 6.4 of Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014 ("the SoP") . The regulation 6.4 of the SoP reads as under:-

6.4 The Distribution Licensee shall restore the power supply caused by distribution transformer failures within eighteen (18) hours in Class-I cities, within twenty-four (24) hours in Urban Areas and within forty-eight (48) hours of the receipt of a complaint in Rural Areas.

6. In the present case also the electric supply was disrupted due to the failure of LT Circuit Breaker. The premises where the exhibition arranged was within the jurisdiction of Class-I cities and the power supply was restored within approximately 5 hours which is certainly within the prescribed period as laid down in Rule 6.4 of SoP above. If this is so, we feel the question of granting compensation to the Applicant / Complainant does not arise.

7. The Applicant / Complainant is also praying for the waiver of the reliability charges as mentioned in his bill. The Nodal Officer as well as the representative of the Utility / Distribution Licensee (DL) submitted that the reliability charges are not charged to the Applicant / Complainant. It is also

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submitted before us that, this fact was also clarified to the Applicant / Complainant in the letter of Utility / Distribution Licensee dtd. 20/06/2016. If we go through this letter, it appears that the Applicant / Complainant was informed that the wheeling charges / regulatory assets charges were levied in the energy bills. The detail break up of the energy account is also mentioned in the said letter. From this, one thing is certain that the reliability charges were not levied in the energy bill of the Applicant / Complainant.

8. The representative of the Applicant / Complainant drew our attention towards the copy of electric bill supplied to them. It appears that the confusion arose as number of heads such as Reliability Charges / Wheeling Charges / Regulatory Asset Charges are mentioned in one column. Needless to say, a common man finds it difficult to understand as to which charges levied against him from these various heads. No doubt, there was anomaly in the electric bill but to correct the format of electric bill is beyond the purview of this Forum. At the cost of repetition, we say that when it was explained to the Applicant / Complainant that the Reliability Charges were not levied in their bill but it was Wheeling Charges and the question of waiver of Reliability Charges does not arise.

9. The representatives of the Applicant / Complainant also submitted that they took temporary electric supply just for 04 days for exhibition and that too also after paying huge tariff. Such provision should not be made applicable to the temporary connections. Of course, so far as this submission is concerned, it is also beyond the purview of this Forum to consider the said submission and

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the Forum is bound by the rules and regulations of Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014 ("the SoP") and Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006.

In view of the above observations, we feel that the present application deserves to be disposed of.

Hence, the following Order is passed.

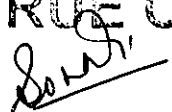
ORDER

1. The application stands disposed of.
2. No order as to cost.

Date : 12/09/2018.

Place : Borivali, Mumbai

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Vilas S. Dikshit
Chairperson – CGRF

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Rajiv Nakhare
Member – CGRF

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Milind Gandbhir
Member (CPO) – CGRF