

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 91 OF 2025

In the matter of planned interruption of electricity supply and compensation thereof

Tejas Sudhakar Tungare.....Appellant
(Cons. No. 020024069851)

V/s.

Maharashtra State Electricity Distribution Co. Ltd., Kalyan West Dn. Respondent
(MSEDCL)

Appearances:

Appellant : Tejas Sudhakar Tungare

Respondent : Milind Choudhari, Executive Engineer, Kalyan West Dn.

Coram: Vandana Krishna [IAS (Retd.)]

Date of hearing: 6th November 2025

Date of Order : 14th November 2025

ORDER

This Representation was filed on 11th September 2025 under Regulation 19.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2020 (CGRF & EO Regulations 2020) against the Order dated 9th April 2025 passed by the Consumer Grievance Redressal Forum, MSEDCL, Kalyan Zone (the Forum) in Case No.12 of 2025. The Forum, by its order dated 09.04.2025, partly allowed the grievance application of the Appellant. The operative part of the order is as below:


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2. *SOP compensation is payable in accordance with the MERC (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021, Annexure-II, Supply Activity/Event No. 2 – Restoration of Supply.*
3. *Comply with the above order **within 30 days** and report within 45 days from receipt of this order.*

2. Aggrieved by the Forum's order, the Appellant has filed this representation. An e-hearing was held on 6th November 2025 through video conference. Parties were heard at length. The Respondent's submissions and arguments are stated as below: - *[The Electricity Ombudsman's observations and comments are recorded under 'Notes' where needed.]*

- (i) The Appellant is a Commercial consumer of MSEDCL. The details of consumer number, address, sanctioned load, date of connection etc. are tabulated as below:

Table 1:

Name of Consumer	Consumer No.	Address	Sanctioned load	Date of Supply
Tejas Sudhakar Tungare	020024069851	Shop No 12, Gr Floor, Anant Tirth Bldg, Parnaka Kalyan West, Dist-Thane, Pincode 421306	0.9 KW	05.03.2005

- (ii) Under the Central Government's RDSS (Revamped Distribution Sector Scheme), replacement of ageing LT conductors was undertaken at various locations in the larger public interest to ensure uninterrupted and safe supply. As a part of the said scheme, a scheduled shutdown on one branch circuit of the Rajasthan Hall Distribution Transformer Centre (DTC) was planned on 22.01.2025 for replacement of seven LT span conductors. Accordingly, the Respondent successfully replaced all seven LT spans during the scheduled period from 10:15 hrs. to 18:15 hrs. on 22.01.2025, affecting approximately 60 consumers.


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- (iii) MSEDCL ordinarily provides advance intimation of planned outages/ breakdowns to consumers through automated SMS (the System) for Scheduled Outages of 22 kV/ 11 kV feeders, substations and Distribution Transformer Centers. However, due to technical limitations in the system relating to smaller branch circuits of DTCs and restrictions on the number of outages permissible per feeder within a month, prior notification could not be issued in this case to the affected consumers. Issuing such a notice would have blocked further outage permissions on the main HT feeder during the month. Moreover, the work was necessitated on an urgent basis to avoid potential conductor snapping and related safety hazards in a densely populated market area. The Respondent has placed on record a sample of standard planned outage communication published in a local newspaper dated 06.01.2025 as evidence of regular practice.
- (iv) In this instance, though no public notice could be issued due to the emergency nature of the work, the Duty Operator of the Complaint Centre/Call Centre informed consumers about the planned-cum-urgent shutdown. *[Note: This contention was not raised orally during the hearing.]* As the Appellant's premises are located in a market area, the neighboring consumers were aware of the outage due to the ongoing works and visible absence of supply.
- (v) The Appellant did not submit any claim for compensation with MSEDCL under the Standard of Performance (SoP) prior to approaching the Forum. As per the proviso to Regulation 25.2 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021(Supply Code & SoP Regulations 2021), any person affected by non-automatic SoP parameters must file a claim within 60 days from the date of occurrence. In the present matter, no such claim was submitted to MSEDCL.
- (vi) The Appellant directly approached the Forum on the same day of the incident, i.e., 22.01.2025, and the grievance was registered on 24.01.2025, seeking compensation without first complying with the mandatory claims process. Nevertheless, the Forum partly allowed the grievance and awarded compensation under Regulation 25.2. In fact, the Forum ought to have directed the Appellant to first lodge the claim with the Respondent and only in case of failure to act, the grievance could be raised. The present


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action therefore amounts to a misuse of the SoP mechanism. The Forum also failed to consider that the shutdown was undertaken purely in the interest of consumers to avoid future interruptions/accidents, and hence deserved a rational view.

- (vii) It is submitted that Supply Code & SoP Regulations 2021 do not stipulate any distinct timelines or compensation standards for outages undertaken for planned system improvement or upgradation works. Such planned activities are carried out based on operational and maintenance requirements assessed by field experts.
- (viii) Furthermore, the outage in question was not due to any fault or breakdown but was a scheduled shutdown implemented under the RDSS Scheme for system strengthening works, undertaken solely in the public interest.
- (ix) Without prejudice to the above, even if the outage is treated under Annexure-II, Clause 2(ii) (Restoration of supply in case of 33kV / 22kV / 11kV / 400V overhead line breakdown), the standard restoration time in urban areas is 4 hours with compensation thereafter @ ₹50/- per hour or part thereof, subject to a maximum of ₹500/- for LT consumers. Here, the outage lasted within 8 hours. The calculation of compensation payable is charted in table 2 as below:

Table 2:

Sr. No.	Description	Period
1	Total Duration of Planned Outage	8 Hrs.
2	Standard allowable time in Urban Area	4 Hrs.
3	Delay in restoration of supply	4 Hrs.
4	Compensation Payable	4 hours $\times$ ₹50 = ₹200/-
5	As per the Forum's order the compensation for double rate	₹200 $\times$ 2 = ₹400/-

- (x) An amount of ₹400/- has already been credited to the Appellant's account vide Bill Revision ID 17995125 dated 08.07.2025. The Respondent has complied with the Forum's directive within the stipulated period of 90 days under Regulation 25.4.


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- (xi) MSEDCL is a public sector undertaking and any disbursement of compensation requires the approval of the Competent Authority. **As the billing cycle is monthly, the Forum ought to allow reasonable time for compliance and implementation of the order. In the circumstances, the delay in execution may kindly be viewed in the proper spirit.**
- (xii) The Appellant's claim for ₹800/- compensation and ₹5,000/- for alleged mental agony is baseless, contrary to the regulations, and liable to be rejected.
- (xiii) In view of the foregoing submissions, the Respondent prays that the representation filed by the Appellant be dismissed, and appropriate directions be issued to prevent misuse or unwarranted invocation of the Grievance Redressal Mechanism.

3. The Appellant's submissions and arguments are stated as below: -

- (i) The Appellant is a Commercial consumer (shop) (Consumer No. 020024069851) from 05.03.2005 of which the details are tabulated in Table 1.
- (ii) The Appellant's electricity supply was interrupted on 22.01.2025 from 10:15 hrs. to 18:15 hrs. without prior notice, causing inconvenience to the Appellant in carrying out his activities.
- (iii) The Appellant filed a grievance application in the Forum on the same day of the incident, i.e., 22.01.2025 seeking compensation. The Forum, by its order dated 09.04.2025 partly allowed the grievance application of the Appellant. The Forum delivered a favorable order directing MSEDCL to comply with its direction within 30 days. Hence for compliance, the due date was 09.05.2025. However, MSEDCL failed to comply within the stipulated timeline and made only a partial and incorrect adjustment of Rs. 400/- in the August 2025 bill, reflecting an unjustified delay of over three months. As per Annexure-II of the Supply Code & SoP Regulations, 2021, the correct compensation payable is Rs.800/-, and the partial payment was neither explained nor properly reflected in the bill. Further, no written confirmation of compliance was furnished to the Appellant.


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- (iv) Instead of enforcing its own order, the Forum closed the grievance and directed the Appellant to approach the Nodal Officer, which is contrary to Regulation 1.4 of the MERC (CGRF & EO) Regulations, 2020, wherein the Standards of Performance and the Electricity Supply Code prevail in case of inconsistency. This inaction has necessitated the Appellant's approach to this Hon'ble Ombudsman to ensure statutory compliance by both MSEDCL and the Forum.
- (v) In view of the above, the Appellant prays that the Respondent be directed to
- (a) pay the balance compensation of Rs. 400/-, ensuring the total admissible amount of Rs. 800/- along with applicable interest for the delay, including on the balance Rs. 400/- until final realization at a reasonable commercial rate;
 - (b) Grant compensation of Rs. 5,000/- towards mental agony, time, and effort caused due to the prolonged non-compliance;
 - (c) Initiate appropriate action against the concerned officials for violation of SoP norms and delay in implementing the Forum's order.

Analysis and Ruling

4. Heard the parties and perused the documents on record. The Appellant contended that his electricity supply was interrupted on 22.01.2025 from 10:15 hrs. to 18:15 hrs. without prior notice, which caused inconvenience and disruption to him for carrying out his activities. He immediately filed a grievance application with the Forum on the same day of the incident on 22.01.2025 seeking compensation. The Forum, by its order dated 09.04.2025 partly allowed the grievance application of the Appellant by granting him compensation in accordance with the MERC (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021, Annexure-II, Supply Activity/Event No. 2 – Restoration of Supply. The Respondent was to comply with this order within 30 days. However, it delayed compliance by over three months and made only a partial adjustment of Rs. 400/- in the August 2025 bill, whereas the admissible amount under the SoP & Supply Code Regulations, 2021 is Rs. 800/-, with no proper explanation or written compliance. The Appellant prays for direction to the Respondent to pay the balance Rs. 400/- with applicable


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interest on the full compensation amount and Rs. 5,000/- for mental agony, time, and effort due to prolonged non-compliance.

5. The Respondent contended that under the RDSS Scheme, replacement of ageing LT conductors was undertaken at various locations in the larger public interest to ensure uninterrupted and safe power supply. As part of the said scheme, an urgent scheduled shutdown was undertaken on 22.01.2025 from 10:15 hrs. to 18:15 hrs. for replacement of seven ageing LT spans on Rajasthan Hall DTC, affecting about 60 consumers. Due to technical limitations in permitting multiple feeder outages and the urgent nature of the work, advance notice could not be issued; however, consumers were informed through the Complaint Centre and were aware of the visible shutdown activity in the market area. Nonetheless, the Appellant did not submit any claim under SOP before approaching the Forum. The shutdown was a planned system-improvement activity, not a breakdown event, and the Regulations do not prescribe compensation for such planned upgradation works. As per Annexure-II Clause 2(ii), delay beyond 4 hours would attract only ₹200 compensation, and as per Forum's double rate direction, ₹400/-, has been already credited vide Bill Revision dated 08.07.2025.

6. The Regulatory provision as specified in Regulation 25 of Supply Code & SoP Regulations, 2021 is produced as below:

25. Determination of Compensation

25.1.

25.2. The Distribution Licensee shall be liable to pay to the affected person, such compensation as provided in Annexure 'II' to these Regulations:

*Provided that in the event of failure of Distribution Licensee to meet the standards of performance, the compensation shall be payable **automatically** by the Distribution Licensee for the parameters as per Annexure 'II' to all the affected person/Consumers, without requiring a claim to be filed by the affected person/Consumer:*


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Provided further that the automatic compensation mechanism shall be implemented within Six (6) months of the date of notification of this Regulations:

*Provided further that any person who is affected by the failure of the Distribution Licensee to meet the Standards of Performance specified under these Regulations for the parameters not entitled for automatic compensation as per Annexure 'II' and who seeks to claim compensation **shall file his claim with such a Distribution Licensee** within a maximum period of Sixty (60) days from the time such a person is affected by such failure of the Distribution Licensee to meet the Standards of Performance :*

Provided further that the compensation shall be payable as per Annexure 'II' to only those affected person/Consumers who have paid all their bills to the Distribution Licensee within the due dates of each bill without any delay in last One (1) year or in cases where supply has been provided for a shorter period, such shorter period shall be considered and there is no outstanding amount to be paid to the licensee except for current bill which is not due:

*Provided further that the affected person/Consumer who have paid the bills, though not within due date but with delayed payment charges, in last One (1) year or in cases where supply has been provided for a shorter period, such shorter period shall be considered and there is no outstanding amount to be paid to the licensee except for current bill which is not due, such affected person/Consumer who seeks to claim compensation **shall file his claim with such a Distribution Licensee** within a maximum period of Sixty (60) days from the time such a person is affected by such failure of the Distribution Licensee to meet the Standards of Performance and such affected person/Consumer shall only be entitled for Compensation of half the amount specified in Annexure 'II'.*

Provided further that the Distribution Licensee shall compensate the affected person(s) within a maximum period of Ninety (90) days from the date of filing his claim from the


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previous months billing cycle and the payment of such compensation shall be paid or adjusted in the Consumer's future bills:

Provided further that a confirmation message shall also be sent to the Consumer informing about the Compensation paid by the Distribution Licensee.

25.4. In case the Distribution Licensee fails to pay the compensation or if the affected person is aggrieved by non-redressal of his grievances, he/she may make a representation for the redressal of his grievance to the concerned Consumer Grievance Redressal Forum in accordance with the provisions of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulation, 2020 including any amendment thereto as in force from time to time:

Provided that in case the claim for compensation is upheld by the Consumer Grievances Redressal Forum, the compensation determined by the Commission in Annexure 'II' to these Regulations will be implemented by the Forum or by the Ombudsman, in case of an appeal filed against order of the Forum before him and is to be paid by the concerned Distribution Licensee:

*Provided further that in case the claim for compensation is upheld by the Consumer Grievances Redressal Forum or Ombudsman, the compensation amount shall be **Two (2) times the amount specified in Annexure 'II' and subject to conditions specified in Regulation 25.2:***

In this case, the consumer did not first file his claim with the licensee as required above, and directly filed his grievance with the Forum.


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7. The compensation payable in this case as per Annexure - II: Level of Compensation Payable to Consumer for failure to meet Standards of Performance as per Supply Code & SoP Regulations, 2021 is reproduced as below.

Table 3

Annexure - II: Level of Compensation Payable to Consumer for failure to meet Standards of Performance			
Supply Activity/Event	Standard	Compensation Payable	Automatic/Manual
2. Restoration of Supply			
3kV/ 22kV/ 11kV/400 V Overhead line breakdown	Four (4) hours (Urban Areas)	Rs 50 per hour or part thereof of delay subject of maximum of Rs 500 for LT Consumer and Rs 100 per hour or part thereof of delay subject of maximum of Rs 1000 for HT onsumer.	Manual
	Twenty-four (24) hours (Rural Areas)		Manual

We find that the correct compensation in this case would be Rs. 50 x 4 hours of delay = Rs. 200/-. Double this (as per Forum's order) would be Rs. 400/-, and not Rs.800/- as claimed by the Appellant. Such compensation is to be paid automatically for notified parameters and, in other cases, on a claim made within 60 days. The Licensee must adjust the compensation in the consumer's bill within 90 days and provide confirmation. If not paid, the consumer may approach the Forum and if upheld, compensation becomes twice the amount specified in Annexure-II. In this case, the licensee has adjusted the compensation amount within 3 months of the Forum's order, instead of the required 1 month.

8. As per Supply Code & SoP Regulations, 2021, the consumer is not entitled to receive indirect, consequential, incidental, punitive cost.

The same is reproduced 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


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which may become available, as a result of any curtailment of supply under the circumstances or conditions mentioned in this Regulation 18.”

Further, under Regulation 18.4, consumers are not entitled to indirect, consequential, incidental, or punitive damage, such as for mental agony.

9. As per Regulation 9.8 of CGRF & EO Regulation 2020, non-compliance of the Order of the Forum shall be treated as violation of the Regulations of the Commission and accordingly liable for action under Sections 142 and 146 of the EA.2003. As per Section 142 and 146 of the Electricity Act, 2003, the consumer can approach the Maharashtra Electricity Regulatory Commission for non- compliance, part compliance or delay in compliance. It is noted that the Appellant did not approach the Commission.

10. Considering these observations altogether, including the fact that the planned outage was in the larger public interest to upgrade infrastructure, the Forum’s order has been implemented in good spirit by the Respondent as mentioned in para 2 (x), (though implementation was delayed).

11. However, the Respondent is advised that in the interest of minimizing inconvenience to consumers during planned outages, all affected consumers should be informed through SMS in advance.

12. In view of the above, the representation of the Appellant is rejected and disposed of accordingly.

Sd/
(Vandana Krishna)
Electricity Ombudsman (Mumbai)


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