

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 8 OF 2025

In the matter of refund of infrastructure cost

Lalit Pipes and Pipes Pvt. Ltd.....Appellant

V/s.

Maharashtra State Electricity Distribution Co. Ltd. Kalyan Circle II..... Respondent

Appearances:

Appellant : 1. Zoher M. Diler, Director
2. S. B. Singh, GM (HR, IR & Admin)
3. Bharat Agrawal, Consumer Representative

Respondent : 1. D.C. Datta, Executive Engineer, Nodal Officer, Kalyan Circle II
2. Vinay Kale, Executive Engineer, Kalyan Rural
3. Ingle, Dy.Ex. Engineer


Coram: Vandana Krishna [IAS (Retd.)]

Date of hearing: 3rd April 2025
5th May 2025

Date of Order: 29th July 2025

ORDER

This Representation was filed on 3rd March 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 2nd January 2025 in Case No. 32 of 2024 passed by the Consumer Grievance Redressal


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Forum, MSEDCL, Kalyan Zone (the Forum). The Forum by its order dismissed the grievance of the Appellant.

2. The Appellant has filed this Representation against the said order passed by the Forum. Basically, the Appellant is praying for reimbursement of infrastructure expenses incurred by it against the DDF estimate in 2007, as (i) the supply is irregular, and (ii) other consumers have been given supply from the DDF supply. An e-hearing was held on 03.04.2025 through Video Conference. The 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 22 KV HT Consumer (No.015749019945) from 31.12.1996 for manufacturing Submerged Arc Welded (SAW) Pipes. The details of this connection i.e. address, sanctioned load, contract demand, Dedicated Distribution Facility (DDF) amount, scope of estimate, etc. are tabulated as below:

Table 1:

Name	Address	S.L./C.D.	Date of Supply	Amount of DDF Estimate & Date	Scope of Estimate
Lalit Pipes and Pipes Pvt. Ltd.	Survey No. 55,56/1 A, 56/2, 58/2,58/3,76/3, 76/4 & 77, Varskol,Tal. Shahapur Dist. Thane	1000 KW/ 776 KVA	31.12.1996	Rs. 27,07,365/- dt. 11.10.2007 (Work done by the consumer by paying supervision charges of Rs. 36,422/- dt. 29.10.2007.)	3.8 Km new 22 KV H.T. Line & 60 meter cable from 22 KV Switching Station Khardi to existing premises of consumer.

Time Barred:

- (ii) The Appellant is claiming the refund of Rs. 27,07,365/- dt.11.10.2007, the cost incurred for laying of infrastructure under DDF Scheme. This cause of action arose in the year 2007. The Appellant ought to have filed the grievance before the Forum within 2 years from the cause of action i.e. up to 2009. However, the Appellant filed the grievance in the Forum on 02.05.2024, after a lapse of 17 years from the date of actual installation of the infrastructure / laying of the said feeder. Thus, the claim of the Appellant is time barred and beyond limitation as per Regulation 6.6 / 7.8 of CGRF and EO Regulations, 2006 / 2020, which provides that


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Secretary
Electricity Ombudsman Mumbai



“The Forum shall not admit any grievance unless it is filed within 2 years from the date on which the cause of action arose.”

Therefore, the claim of the Appellant is not maintainable at the initial stage itself.

- (iii) The Respondent relied upon the Judgment of Nagpur Bench of Bombay High Court dated 10.07.2013 in W.P. No. 1650/2012 in Case of MSEDCL Vs. Mukund Raghunath Salodkar & Others in support of its submission. The High Court has held that the cause of action would mean the actual date of legal injury/grievance caused to the consumer, and the time limit of two years will start from the date of cause of action. This Judgment is squarely applicable in this case.

Reply on Merit: -


- (iv) The relevant legal provisions of the MERC Supply Code Regulations 2005 regarding Dedicated Distribution Facility (DDF) are as below: -

2.1 (g) “Dedicated distribution facilities” means such facilities, not including a service line, forming part of the distribution system of the Distribution Licensee which are clearly and solely dedicated to the supply of electricity to a single consumer **or a group of consumers on the same premises or contiguous premises;**

3.3.2 :- Where the provision of supply to an applicant entails works of laying of service line from the distributing main to the applicant's premises, the Distribution Licensee shall be authorized to recover all expenses reasonably incurred on such works from the applicant, based on the schedule of charges approved by the Commission under Regulation 18:

*Provided that, the **Distribution Licensee shall be entitled to use such service-line to supply electricity to any other person,** not withstanding that all expenses reasonably incurred have been recovered in accordance with this Regulation 3.3.2, except if such supply is detrimental to the supply to the consumer already connected therewith.*

3.3.3: - Where the provision of supply to an applicant entails works of installation of Dedicated distribution facilities, the Distribution Licensee shall be authorized to recover all expenses reasonably incurred on such works from the applicant, based on the schedule of charges approved by the Commission under Regulation 18.


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As stated hereinabove in Regulation 3.3.2, the Distribution Licensee can use the Service line created by the consumer under DDF Scheme for providing power supply to other consumers.

[Note: Regulations 3.3.2 of the Supply Code Regulations, 2005 pertain to consumers who have requested supply in normal conditions. These provisions (supply to other persons) cannot be imposed on consumers availing the Dedicated Distribution Facility (DDF).]


The relevant legal provisions of the **MSEDCL Conditions of Supply** regarding Dedicated Distribution Facility (**DDF**) are as below: -

4.2.4: *-Where the provision of power supply to an Applicant / Consumer requires works of installation of **dedicated distribution facilities**, the MSEDCL **shall recover all expenses** reasonably incurred on such works from the Applicant / Consumer, based on the “**Schedule of Charges**” as approved by the Commission or as may be approved / revised by the Commission from time to time or as decided by MSEDCL.*

4.2.5:- *The Applicant / Consumer, who so ever has paid all the expenses for dedicated distribution facilities, shall have an option, **at the time of termination of the Agreement** or Permanent discontinuance of power supply, as the case may be, **to claim refund** of the depreciated book value of such dedicated distribution facilities or if the said dedicated distribution facilities have been provided by the Applicant / Consumer, then the Applicant / Consumer can retain the same. However, where the discontinuance of supply is on account of the consumers failure to pay any sum under Section 56 of the Act, the MSEDCL, in addition to the rights available under that section, shall be entitled to adjust such sums due from the depreciated value of facilities to which the consumer is entitled or to retain facilities of such depreciated value as to cover such sums due from such consumer to the MSEDCL;*

4.2.6: *- In case the consumer opts for the former option mentioned in 4.2.5, the MSEDCL shall deduct the depreciation for the material & equipment installed by the MSEDCL at the rate as given in Depreciation Schedule (Annexure-I) of MERC (Terms & Conditions of Tariff) Regulations, 2005;*

4.2.8 :-*The MSEDCL may permit the Applicant / Consumer to carry out the work, either of the laying of the service line, creation of the dedicated distribution facilities, capacity augmentation of the existing distribution system, or any such other works for providing power supply, as the case may be, through licensed electrical contractor and shall not recover from the Applicant / Consumer the expenses relating to such portion of works so carried out by the Applicant / Consumer, except the charges for*


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



supervision undertaken by the MSEDCL at the rate as specified in schedule of charges by the Commission or decided by MSEDCL.

4.2.9:- *Except in the case of the dedicated distribution facilities, the entire work carried out for providing power supply to the Applicant / Consumer, notwithstanding the full cost or a portion of cost has been paid by the Applicant / Consumer, shall be owned by the MSEDCL & shall remain as property of the MSEDCL and including the dedicated distribution facilities, shall be maintained by the MSEDCL for the purpose of giving power supply to the Applicant / Consumer over the period of such power supply;*


As per the above-mentioned provisions, the electrical network created by the Appellant under DDF Scheme is the property of MSEDCL, since MSEDCL is maintaining it for the last 17 years at its cost. There is no provision available in the conditions of supply regarding refund of the cost of infrastructure, (except at the time of PD) which is created by the applicant / consumer under DDF Scheme. The depreciated value of infrastructure cost under DDF Scheme may be refunded to the consumer only upon Permanent Disconnection of Power Supply. **During continuation of power supply, the depreciated value of the said infrastructure cannot be refunded to the consumer.**

(v) MSEDCL is providing uninterrupted quality power supply to the Appellant, and the allegations of the Appellant regarding power interruptions are wrong and baseless. *[Note: This contention is incorrect. The data regarding forced shutdowns is attached at Table 3.]*

(vi) In view of the above, the Respondent prays that the present representation is clearly time barred and not maintainable and it may kindly be dismissed.

3. The Appellant's submissions and arguments are outlined as follows:-


(i) The Appellant has been a registered HT consumer (No.015749019945) since 31.12.1996. The particulars regarding this connection are summarized in Table 1. The Appellant, formerly known as Lalit Profiles & Steel Industrial Ltd. manufactures eco-


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



friendly Longitudinal Submerged Arc Welded Carbon Steel & Alloy Steel Pipes, and specializes in small diameter, high-thickness pipes, along with PVHO chambers and cones, catering to diverse industry needs. The company also provides specialized welding solutions for Petrochemical applications, including Sour services, Hydrogen Induced Cracking, NACE applications, and offshore requirements like piling pipes.

- (ii) On 26.10.1995, the Appellant submitted a formal request for a new connection through a 22 KV HT Express Feeder and/or a DDF line, referred to as the "First Express DDF Feeder." The request was duly sanctioned, and the Appellant carried out all associated costs of installation. Despite these measures, the Appellant continued to endure frequent power disruptions and interruptions, resulting in substantial business losses. *[Note: The Appellant was directed to submit details of 'First Express DDF Feeder' along with all documents including work completion report and single line diagram. However, the Appellant failed to do so and submitted only the sanction letter of MSEDCL dated 26.10.1995, wherein the estimate was not sanctioned under Express/DDF Scheme.]*
- (iii) Due to the unique nature of the Appellant's business, which requires a constant and uninterrupted power supply to prevent damage to its final product, the Appellant, after an unsuccessful attempt to secure such a supply in 1995, obtained the necessary permissions, approvals, and sanctions to establish a second Dedicated Distribution Feeder. Pursuant to the sanction letter dated 11.10.2007, the Appellant incurred substantial expenses to lay this Second Express DDF Feeder.
- (iv) The Appellant duly informed the Respondent of the recurring issues, including specific details of the tripping incidents and the resulting losses, through multiple written communications. Despite this, no adequate or satisfactory response was received from the Respondent, for reasons best known to them. In accordance with the provisions of the Electricity Act, 2003 and the Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021 (Supply Code & SOP Regulations 2021), the Respondent are duty-bound to ensure a reliable and uninterrupted power supply. The interruptions have been properly recorded and remain on official record.


(Dilip Dumbre)
Secretary
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A summary of the recent tripping incidents compiled by the Office of the Electricity Ombudsman is as follows:

Table 2:

Month	Planned Shut down		Transient Tripping / Breakdown on 22 KV Feeder		Total Power Failure	
	Instant	Total Period (Hrs. & Mins.)	Occasion	Total Period (Hrs. & Mins.)	Total Instant	Total Period (Hrs. & Mins.)
Jan-24	2	5.36	11	5.34	13	11.10
Feb-24	4	2.03	18	19.28	22	21.31
Mar-24	3	1.03	7	3.36	10	4.39
Apr-24	3	12.22	11	16.03	14	28.25
May-24	5	6.14	18	21.35	23	27.49
Jun-24	4	12.35	19	13.47	23	26.22
Jul-24	0	0	34	19.40	34	19.40
Aug-24	0	0	23	45.53	23	45.53
Sep-24	0	0	19	10.52	19	10.52
Oct-24	0	0	41	63.20	41	63.20
Nov-24	0	0	27	14.16	27	14.16
Dec-24	0	0	9	11.34	9	11.34
Jan-25	6	15.58	7	3.35	13	19.33
Feb-25	0	0	15	18.48	15	18.48
Mar-25	1	0.18	8	8.18	9	8.36
Apr-25	3	8.12	23	31.07	26	39.19
May-25	4	20.01	26	64.35	30	84.36
Total	35		316		351	456.23

- (v) To determine the cause of the persistent power interruptions, the Appellant sought information under the Right to Information Act, 2005 (RTI). On 7.10.2022, in response to the RTI application, the Appellant received confirmation that the DDF had been improperly tapped or used by other consumers connected to the same line. The Appellant asserts that the Respondent's concealment of this fact was uncovered only upon receipt of the RTI response, thereby initiating the cause of action, which continues to date.
- (vi) Upon discovering that the DDF line which was exclusively allocated to it, had been tapped or used by other consumers, the Appellant submitted a grievance application to


 (Dilip Dumbre)
 Secretary
 Electricity Ombudsman Mumbai




the Forum on 17.04.2024. This filing was made well within the two-year limitation period prescribed under the CGRF & EO Regulations, 2020.

- (vii) In the landmark case of Pallav Sheth v. Custodian, (2001) 7 SCC 549, the Hon'ble Supreme Court examined the application of Section 17 of the Limitation Act, 1963, which pertains to the limitation period for filing suits in cases involving fraud. The Court emphasized that invoking this provision requires the establishment of two essential elements: the existence of fraud and the subsequent discovery of that fraud. An extract of the judgment is quoted below:

*“Section 17 of the Limitation Act, inter alia, provides that where, in the case of any suit or application for which a period of limitation is prescribed by the Act, the knowledge of the right or title on which a suit or application is founded is concealed by the fraud of the defendant or his agent (Section 17(1)(b)) or **where any document necessary to establish the right of the Plaintiff or Applicant has been fraudulently concealed from him (Section 17(1)(d)), the period of limitation shall not begin to run until the Plaintiff or Applicant has discovered the fraud or the mistake or could, with reasonable diligence, have discovered it; or in the case of a concealed document, until the Plaintiff or the Applicant first had the means of producing the concealed document or compelling its production. These provisions embody fundamental principles of justice and equity, viz, that a party should not be penalised for failing to adopt legal proceedings when the facts or material necessary for him to do so have been wilfully concealed from him and also that a party who has acted fraudulently should not gain the benefit of limitation running in his favour by virtue of such fraud.**” (Emphasis added)*

In conclusion, the case of Pallav Sheth v. Custodian establishes a pivotal legal precedent regarding Section 17 of the Limitation Act, 1963, where fraud or mistake impacts the limitation period for filing a suit or application. Specifically, if the suit or application arises from the defendant's fraud, concealment of the right to sue, or fraudulent withholding of a necessary document, the limitation period begins only upon the plaintiff discovering the fraud or mistake, or when it could have been discovered with reasonable diligence. This provision ensures that a party is not penalized for failing to act when critical information was wilfully concealed and prevents a fraudulent party from benefiting due to their deception.


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



The Appellant asserts that, upon receiving the RTI response on 7.10.2022, revealing relevant information, the grievance application was promptly filed before the Forum. This action initiated the cause of action, which continues thereafter.


Section 22 of the Limitation Act, 1963, states that

“Continuing breaches and torts. —In the case of a continuing breach of contract or in the case of a continuing tort, a fresh period of limitation begins to run at every moment of the time during which the breach or the tort, as the case may be, continues.”

- (viii) In this context, **the unauthorized tapping of the DDF constitutes a continuing breach of contract. The repeated interruptions and resulting losses endured by the Appellant represent ongoing harm, with each instance of tapping and service interruption initiating a new limitation period. This continuous nature of the breach enables the Appellant to seek redress for the entire period during which the unauthorized tapping and related disruptions occurred, without being constrained by the original incident.**
- (ix) The Appellant referred to the order issued by the Commission in the case of Maharashtra Rajya Veej Grahak Sanghatna v/s Maharashtra State Electricity Distribution Company Limited, (Case No. 56 of 2007). At point 12(1)(i), the definition of DDF is stated as follows:

*“(g) Dedicated distribution facilities” means such facilities, not including a service line, forming part of the distribution system of the Distribution Licensee which are clearly and **solely dedicated to the supply of electricity to a single consumer** or a group of consumers on the same premises or contiguous premises;*

It is clear from this defined term that mere extension or tapping of the existing line (LT or HT) cannot be treated as Dedicated Distribution Facility. Such extension or tapping being part of the common network will be affected due to any fault or outages on the common network and cannot be considered as a facility solely or clearly dedicated for giving supply. Thus, in the distribution system, Dedicated Distribution Facility means a separate distribution feeder or line emanating from a transformer or a substation or a switching station laid exclusively for giving supply to a consumer or a group of consumers. The transformer or the substation


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



can also form a part of Dedicated Distribution Facility if it is provided exclusively for giving supply to these consumers and no other consumer is fed from the said transformer/substation. Also, Dedicated Distribution Facility cannot be shared in future by other consumers. Such facilities cannot be imposed on a consumer. If the consumer does not seek Dedicated Distribution Facility, the licensee has to develop its own infrastructure to give electric supply within the period stipulated in Section 43 of the EA 2003 read with the Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005. In fact, the licensee should take advance action to develop the distribution network, based on the survey of growth pockets and demand projections so as to fulfil 'Universal Service Obligation' as per the spirit envisaged in the EA 2003 and the Regulations made there under."

(x) The above-mentioned definition of DDF clearly indicates that:

For a facility to be DDF:


- a) A separate distribution feeder should be laid from substation or switching station or transformer.
- b) It should be for giving supply exclusively for a consumer or a group of consumers.
- c) Transformer or substation can be a part of DDF only if no other consumer is fed from that transformer or substation.
- d) DDF cannot be shared by other consumers in future.

A facility cannot be DDF, if

- (i) It is a tapping of existing HT feeder.
- (ii) If the extension is from a common network.

(xi) The Appellant's HT connection has been further tapped without its consent. The Single Line Diagram (SLD) obtained under the RTI Act has been submitted before the Electricity Ombudsman. The SLD clearly and unequivocally establishes that the connection is tapped and does not qualify as a DDF.

(xii) In the Judgment dated 18.01.2017 in Writ Petition No. 2798 of 2015 of Hon'ble Bombay High Court in the case of Maharashtra State Electricity Distribution Company


 (Dilip Dumbre)
 Secretary
 Electricity Ombudsman Mumbai



Limited and Another Vs. M. R. Scion Agro Processors Private Limited and Another reported in 2017 DGLS (Bom.) 2112 wherein it is states that:


“9. There cannot be a second opinion, that the orders which are passed by the Maharashtra Electricity Regulatory Commission would become relevant from the point of view of the consumer's interest. So also, the regulations which are framed under the Electricity Act, 2003 as noted above and relevant to the facts of this case, are required to be interpreted in a manner which are beneficial to the consumers. Further when it comes to distribution of electricity, the petitioners are in a monopolistic or in a dominant position, as no other player is in the field at least in this case. In this situation the consumers, (respondent No.1 in this case) cannot be said to be in a sound bargaining position in demanding supply of electricity and its terms and conditions. This inequality becomes relevant when such agreements as the MOU in the present case are required to be considered by the Court. The applicability of doctrine of inequality to such contracts cannot be ignored. It is in this circumstance that the orders passed by the MERC and the statutory regulations play a pivotal role for protection of the consumer's interest. Thus, in entering into such agreements the petitioners in their public character cannot be oblivious of the statutory regulations and the obligations cast on them under the various orders, which are passed by the authorities under the Act and which become binding on the petitioners as in the present case. Nor can the petitioners enter into such agreements which would defeat the regulations or render nugatory the orders passed by the adjudicating authorities under the Act.... ” (Emphasis added)

The extract from point 9 underscores the significance of consumer protection and highlights the restrictions placed on electricity or power companies in forming contracts that disadvantage consumers.

- (xiii) The Appellant referred to the judgment dated 16.07.2024 in Writ Petition No. 7152/2019 in the case of Maharashtra State Electricity ... vs. Slidewell Meilleur Tech. Pvt. Ltd. This case addressed the question of limitation and its implications, as outlined below:

73. The discussion above leads to the following conclusions:

(a) The decision of Division Bench of this Court in *MSEDCL vs RSR Mohota Spinning and Weaving Mills Limited and another (supra)* has held that the



(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



*period of limitation prescribed by Regulation 6.6 of Regulations 2006 are **directory**. The decision though stayed by the Apex Court, **will not destroy the binding effect of the judgment** as a precedent as the Apex Court has not laid down any proposition of law inconsistent with the one declared by the High Court which is impugned. (Emphasis ours)*

The Forum, in the Impugned Order, noted that the limitation period is two years from when the cause of action arises. However, in *Maharashtra State Electricity ... vs. Slidewell Meilleur Tech. Pvt. Ltd.*, it was held that Regulation 6.6 of the CGRF and EO Regulations, 2006, which sets the two-year limitation for consumer grievances, is directory rather than mandatory. This interpretation ensures the regulation serves as a guideline for convenience rather than a strict legal requirement.

- (xiv) The Forum, by its order dated 02.01.2025, acted contrary to the law and established norms of justice. It erred by observing that the Respondent had cheated the Appellant twice—first, by granting permission for an Express DDF feeder and subsequently allowing other consumers to use the same line. The appropriate reference point is when the Appellant became aware of the tapping through the RTI response on 07.10.2022. This omission of crucial dates led to an inaccurate assessment of the Appellant's timelines.
- (xv) The Appellant, therefore, prays that the Respondent be directed: -
- to refund the full amount of the infrastructure cost incurred by the Appellant**, including all applicable taxes, centage charges, and related expenses, as per the sanctioned estimate provided by MSEDCL within a stipulated timeline.
 - to provide just and adequate compensation for all losses sustained by the Appellant as a direct result of the previously reported tripping incident.
 - Further, direct MSEDCL to implement measures to ensure a reliable and consistent power supply in the future, strictly adhering to the standards and provisions outlined in the Electricity (Rights of Consumers) Rules, 2020, and the Maharashtra Electricity Regulatory Commission's Supply Code, 2021.


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai




- d) to grant interest on the aforementioned amounts, calculated from the date of initial connection until the date of actual payment, at a rate of 9% per annum, as fair compensation for the delayed refund and associated financial prejudice.

4. The Respondent initially submitted a half-finished reply wherein the interruption report and its maintenance report were not submitted. During the course of the hearing, the Respondent was directed to furnish a comprehensive report of the infrastructure work carried out by the Appellant, the interruption report from Jan.2024 onwards, and pre maintenance works carried out to reduce breakdown, within a period of two weeks.

5. The Appellant was also directed to provide details of the First Express Feeder and Second Express DDF Feeder as claimed in the representation, along with all relevant documents, including the work completion report and single line diagram, by 07.04.2025. However, the Appellant has failed to submit the work completion report and the single line diagram of the work conducted despite follow-up by this office.

6. As per the directions during the hearing, the Respondent submitted a detailed reply vide its email dated 23.04.2025, the contents of which are summarized below:

- (i) A single Line Diagram of 22 KV Khardi Incomer Feeder (Annexure A), originating from the 100/22 KV Kambare Substation, showing the connected HT consumers along with the respective dates of power supply, has been kept on record. *[Note: The 22 KV Khardi Incomer Feeder supplies power to 32 HT consumers. We note that 6 consumers along the line from Kambare substation to Khardi Incomer Feeder were given connections well before 2007; therefore it is impossible that these connections were given on the DDF line, since the DDF was installed only in 2007. This clearly indicates that the line from Kambare substation to Khardi feeder was installed by MSEDCL (erstwhile MSEB) prior to 2007. A brief analysis of this line diagram is done later.]*


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai




- (ii) Interruption details for the 22 KV Khardi Incomer Feeder during the period from January 2024 to June 2025 have been charted as below:

Table 3:

Monthwise Interruption Report from JAN-24 To JUN-25 for 22 Khardi Incomer Feeder										
Month			Planned Shutdown		Hand Trips		Forced Shutdown		Grand Total	
	No of Tripping	Total Duration (Hrs)	No of Planned Outage	Total Duration (Hrs)	Total Hand Trip	Total Duration (Hrs)	No of Breakdown	Total Duration (Hrs)	Total Nos	Total Interruption Period (Hrs)
Jan-24	10	01:29	01	05:31	00	00:00	01	00:45	12	7:45:00
Feb-24	06	01:13	00	00:00	05	01:01	04	04:57	15	7:11:00
Mar-24	07	01:13	00	00:00	00	00:00	02	02:24	09	3:37:00
Apl - 24	06	01:06	01	04:55	00	00:00	03	03:14	10	9:15:00
May-24	07	01:46	00	00:00	02	00:47	06	06:50	15	9:23:00
Jun-24	08	01:39	01	07:16	02	00:32	05	05:02	16	14:29:00
Jul-24	26	05:12	00	00:00	01	00:02	03	05:01	30	10:15:00
Aug-24	21	05:47	02	11:10	02	00:47	13	32:41	38	2:25:00
Sept. 25	13	02:38	01	05:31	00	00:00	03	03:52	17	12:01:00
Oct.-24	31	07:29	01	05:06	04	01:11	09	28:21	45	18:07:00
Nov-24	19	03:29	01	04:19	06	01:15	03	02:49	29	11:52:00
Dec-24	08	01:13	00	00:00	02	00:38	01	01:18	11	3:09:00
Jan-25	06	00:56	02	13:26	03	01:29	00	00:00	11	15:51:00
Feb-25	08	01:44	00	00:00	03	00:21	05	07:14	16	9:19:00
Mar-25	06	01:29	00	00:00	01	00:16	01	01:48	08	3:33:00
Apl -25	14	03:29	03	12:15	03	00:15	04	03:29	24	19:28:00
May-25	15	07:52	04	16:33	06	00:30	05	07:52	30	32:47:00
Jun-25	21	08:20	03	12:30	06	00:45	05	08:20	35	29:55:00
Total	232	58:04:00	20	98:32:00	46	9:49:00	73	125:57:00	371	292:22:00

- (iii) **Maintenance of 22 KV Khardi Incomer Feeder:** This is a very important Feeder; it is incomer to 22 KV Khardi Switching Station, and 31 HT Consumers including the Appellant are also connected on this feeder. The Respondent is maintaining this feeder through special inspections and specific improvement works to improve reliability of supply. The details of the work to be carried out and work completed till date are as below:

Table 4:


 (Dilip Dumbre)
 Secretary
 Electricity Ombudsman Mumbai




Sr. No.	Maintenance Activity	Quantity to be completed	Work Completed	Work yet to be completed	Remarks
1	Patrolling & Tree Cutting	460	180	280	Prevent outages by ensuring vegetation does not interfere with the lines.
2	Replacement of Pin Insulators	38	18	20	Maintain insulation quality to prevent short circuits and enhance reliability.
3	Replacement of Disc Insulators	27	12	15	Ensure structural integrity and insulation for improved performance.
4	Oiling/Greasing of GOD Contact	7	4	3	Reduce friction, prevent wear, and ensure smooth operation.
5	Changing of Contact of GOD	7	7	Nil	Enhance switching efficiency and maintain operational reliability.
6	Replacement of Jumpers	48	18	30	Ensure stable connections and reduce the risk of conductor failures.
7	Replacement of Damaged Poles	24	12	12	Strengthen structural integrity and avoid accidental collapses.
8	Restraining of HT Loose Spans	80	30	50	Prevent sagging and ensure proper conductor alignment for consistent supply.
9	Replacement of Deteriorated/Old Conductors	30	3	27	Improve conductivity and minimize the risk of line breakage.

The balance work is in progress, and is expected to be completed by 15/05/2025.

(iv) The Respondent has proposed various works to improve supply at Khardi substation. The details are as below:

- An additional incomer line of 8 Km from 220/22 KV Washala Sub station is proposed in MIDC DPR. This will provide another source of supply in case of breakdown/shutdown of the existing 22. KV Khardi Incomer Feeder.
- A separate 22 KV substation is proposed for the upcoming MIDC at Khardi which will help to provide uninterrupted power supply to industrial consumers.
- A 1.5 Km link line is proposed from Pradhanpada to Khardi Incomer feeder by tapping Samrudhi express feeder.
- Link line of 1 Km to Khardi Incomer from proposed MIDC substation is proposed.



 (Dilip Dumbre)
 Secretary
 Electricity Ombudsman Mumbai



- (v) The 22 KV Khardi Incomer Feeder is an express feeder, (in a way, a VIP feeder) supplying to only the 22 KV Khardi Switching Station and 32 HT consumers. Currently, this feeder spans a total length of approximately 32 km. The 22 KV Khardi Switching Station is located around 21.6 km along the feeder, while (the tapping point for) "Lalit Pipes" is situated at approximately 23 km. The tapping connection work to supply power to "Lalit Pipes" from the 22 KV Khardi Incomer Feeder was carried out under the DDF scheme, with an estimated cost of Rs.27,07,365/-, as detailed in the sanction letter dated 11.10.2007. *(It is noted that further details regarding this estimate such as break-up of costs and length are not presently available at the Circle Office, which was established in 2012).* This estimate facilitated the use of the 22 KV Express Feeder, exclusively designated for HT consumers. Prior to this, the 22 KV supply to "Lalit Pipes" was routed through a different rural feeder. *[Note: It is seen that the connections beyond Lalit Pipes (No. 27 to 32) were given connections between 2019 and 2024.]*
- (vi) The Respondent has assured that efforts will be made to minimize interruptions through proper maintenance practices. The Appellant is encouraged to visit and discuss any specific maintenance-related issues directly with the Respondent.
- (vii) In light of the above, the Respondent prays that the representation of the Appellant be rejected.

7. A second hearing was conducted on 5th May 2025 via video conferencing, wherein both parties were present. In compliance with the directions issued during the first hearing, the Respondent submitted a detailed reply, which has been incorporated in Paragraph 6 above.

The 22 kV Khardi Incomer Feeder is a critical feeder line and serves as an incomer to the 22 kV Khardi Switching Station, supplying power to 32 HT consumers, including the Appellant. It was noted that the Respondent had not completed the scheduled maintenance work at the time of the hearing. However, the Respondent assured that the pending maintenance


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



would be completed by 15th May 2025. Accordingly, this Authority directed the Respondent to adhere to the proposed timeline for completion of the maintenance work and to submit the feeder interruption report for the 22 kV Khardi Incomer Feeder covering the period up to June 2025 for monitoring purposes.

Pursuant to the said direction, the Respondent submitted the maintenance and interruption report via email dated 21st July 2025. The Appellant also submitted a detailed power failure report for the period up to May 2025, which has been placed on record and tabulated in **Table 2**. The Respondent's interruption report has been incorporated in **Table 3**.


Upon review, it is observed that the frequency of interruptions increased during the months of May and June 2025, primarily due to the early onset of the monsoon season.

Analysis and Ruling

8. Heard the parties and perused the documents on record. The Appellant is a 22 KV HT Consumer (No. 015749019945) from 31.12.1996 for manufacturing Submerged Arc Welded (SAW) Pipes. The details of the connection are already charted in Table 1.

9. The issue arises as to when the cause of action arose for the grievance raised by the Appellant. The Respondent claims that the cause of action arose in around 2007 when the infrastructure work of Rs. 27,07,365/- was carried out by the Appellant under the DDF scheme. On the other hand, the Appellant claims that the cause of action arose on 07.10.2022 when it received information under the RTI Act that many other consumers were connected to the same line. We have examined both these contentions, and we do not find any merit in the Appellant's contention.

10. It is possible that many important documents (such as the line diagram of the Appellant) have become misplaced or untraceable after such a long lapse of about 17 years. Despite repeated directives from this office, neither the Appellant nor the Respondent have been able to provide **documents showing the exact works carried out by the Appellant** in 2007,



(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



especially Single Line Diagram which can clearly establish whether (and which) other consumers have been connected on the particular length of the HT line laid down by the Appellant. We also noticed another anomaly in the Single Line Diagram of 22 kV Khardi Incomer feeder provided by the Respondent. This diagram shows a distance of only 1.4 km from Khardi substation to the tapping point for Lalit Pipes. We can only guesstimate that this tapping point to Lalit Pipes must be 2.4 km so that the total distance would match the estimate length of 3.8 km. However, parties have failed to produce a clear Single Line Diagram to confirm this issue. Prima facie it does seem that six other consumers (No. 27 to 32) have been given connections from this line beyond the tapping point for Lalit Pipes. However the back up line to these connections consists of 21.6 km of the line set up by MSEDCL at its own cost. Looking at the line diagram supplied by MSEDCL, the entire expenditure and work of laying the line from Point Zero (Kambare substation) to Point 24 (Khardi Switching Station), which comes to 21.6 km, was done by MSEDCL. Further, the line from Point 26 (Lalit Pipes) to Point 32 (Kahan Packaging) was also laid by MSEDCL. Only a small intermediate portion from Point 24 to 26 (1.4 km) was laid by Lalit Pipes. Further, all the connections to consumers from No. 1 to 23, which the Appellant is objecting to, were provided along the line route which was set up by MSEDCL at its cost. Only one consumer (No.25) was provided supply in 2013 through a tapping point along the 1.4 km line set up by Lalit Pipes, which was 12 years ago. The Appellant has failed to produce any line diagram to indicate anything to the contrary, particularly the fact that it set up a length of 1.4 km (out of a total length of 32 km) under the DDF scheme in 2007. Hence, prima facie the Appellant has no right to claim that the entire line supplying to 32 consumers falls under the DDF scheme.

11. Had the Appellant approached the Forum in time, it might have been possible to dig out the relevant document, especially its Single Line Diagram. The consumer could have approached the Forum at least in 2013, if not earlier. This indicates that the Appellant's representation is indeed time barred.

12. However, we have decided to delve into this issue deeper in the interest of reducing power interruptions and ensuring reliable power supply for the sake of all the 32 industries


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai




which are getting power supply from the 22 kV Khardi Incomer. Accordingly, the Respondent was directed during the second hearing to provide a clear time bound action plan as to how reliable power supply would be established for the Appellant as well as the other industrial consumers. The Respondent gave an assurance during the hearing that all the required works would be completed by 15th May 2025 under DPDC scheme. However larger works have a back-up ring system which might take longer, and the Respondent could not give a clear committed timeline in this regard.

13. The Respondent committed that the power interruptions would continuously reduce by 15th May 2025, and the data in this regard would be provided by mid-June 2025, showing the comparative map and duration of forced break down.

14. The Appellant contended that he obtained the first connection through a 22 KV HT Express Feeder and/or Dedicated Distribution Feeder (DDF) on 26.10.1995, covering all associated costs. Despite this, frequent power disruptions led to substantial business losses. Given the necessity of an uninterrupted power supply, the Appellant, after an unsuccessful attempt in 1995, secured approvals for a second DDF at a cost of Rs. 27,07,365/- as per the sanction dated 11.10.2007. The consumer executed the work after paying supervision charges of Rs.36,422/- on 29.10.2007. This feeder was designated solely for the Appellant. However, upon discovering unauthorized usage of the exclusive DDF line, the Appellant filed a grievance with the Forum on 17.04.2024. The Appellant seeks a refund of the full infrastructure costs, including applicable taxes and charges, as per MSEDCL's sanctioned estimate, and improvements in the quality of power supply.

15. The Respondent contended that the Appellant is seeking a refund of Rs. 27,07,365/- incurred under the DDF Scheme in 2007. The Appellant in his own interest set up 3.5 Km. 22 KV Feeder work by giving an undertaking that no claim would be made in future. (Out of this, only 1.4 km seems to be along the length of the line, while 2.4 km was exclusively from the tapping point to Lalit Pipes.) The Appellant never raised this issue in 2007, and for the first


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



time complained in 02.05.2024. Therefore, the Appellant's claim is time barred and not maintainable at the outset.

16. The Respondent has proposed various measures to improve supply at Khardi substation as explained in Para 6 (iv). The Respondent assures continued efforts to minimize power disruptions through proper maintenance and invites the Appellant to discuss specific concerns.


17. Considering the various submissions, arguments, judgments, orders referred by the Appellants and the Respondent, this Authority has framed the following issues to consider the maintainability as well as merit of these Representations.

Issue A: Whether grievances submitted before the Forum are maintainable as per Regulation 6.6/7.8 of CGRF & EO Regulations 2006/2020 respectively?

The supply of the Appellant was first released on 31.12.1996 on 22 KV Kasara Rural Feeder. The Appellant might have paid Rs. 2,26,980/- towards proportionate charges for renovation of Kasara Feeder, as mentioned in the sanction letter dated 26.10.1995. (The Appellant did not produce any receipt of this payment.) This activity is before the Electricity Act, 2003 came into force.

The Appellant seeks a refund of Rs. 27,07,365/- incurred thereafter under the DDF Scheme in 2007. The Appellant in his own interest seems to have set up 3.5 Km length of 22 KV Feeder work, out of which only 1.4 km is common and along the main line, while 2.4 km is exclusively for Lalit Pipes, i.e. from the tapping point to Lalit Pipes. (Work completion report was not furnished by the Appellant even though it was directed to produce the same along with single line diagram to confirm the above details.) The Appellant did not raise this issue within two years i.e. by 2009 and approached the Forum for the first time only on 02.05.2024.

In exercise of the powers conferred on it by sub-sections (r) and (s) of Section 181 read with sub-sections (5) to (7) of Section 42 of the Electricity Act, 2003 (36 of 2003) and all other powers enabling it in this behalf, the Commission notified the CGRF & EO Regulations 2006. If the Respondent fails to take cognizance of the consumer's


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



complaints / grievances, the consumer can approach the Grievance Redressal Mechanism framed under the Act, and the Regulations made thereunder.

The Regulation 6.6/7.8 of CGRF & EO Regulation 2006/2020 states that,

“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.”


In the instant case, the Appellant has filed its grievance application in the Forum on 02.05.2024. The Forum, by its order dated 02.01.2025 has rejected the grievance being time barred. The case laws referred to by the Appellant are not applicable in the present case. The Hon’ble Supreme Court in its judgment dated 13.03.2019 in Civil Appeal No. 2960 of 2019 has laid down that there is no necessity to go on merits, and a plaint can be rejected, if it is clearly barred by limitation. Considering the above statutes, the case is time barred as per Regulation 6.6 /7.8 of CGRF & EO Regulations 2006/2020.

Issue A is answered as NEGATIVE.

Issue B: Whether the Appellants are eligible for refund of infrastructure cost of Rs. 27.07 lakhs in view of the work carried out in 2007 under DDF Scheme?

The order of the Hon’ble Bombay High Court, Judicature at Nagpur in W.P. No. 1588 of 2019 dated 08.01.2020 (MSEDCL V/s Electricity Ombudsman, Nagpur and M/s. Mahamaya Agro Industries Ltd) is on record. The reasoning and ratio of the said case is squarely applicable to the present case. The Hon’ble High Court has quashed the Order passed by the Electricity Ombudsman, Nagpur, in which the EO had directed MSEDCL to refund the cost of infrastructure of 0.4 km H.T. line to M/s Mahamaya Agro Industries Ltd. The relevant extract of the Hon’ble Bombay High Court, at Nagpur bench Order is reproduced below:

“28 I have considered the contentions of the litigating sides on the merits of their claim as they insisted that I should deal with their entire submissions, notwithstanding the issue of limitation. I find that the conduct of the consumer of agreeing to the expenditure which the consumer has actually incurred for


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



installing infrastructure facilities and the meter storeroom and then turn around after the entire laying of 11 KV line has been completed and after the consumer has enjoyed the electricity supply for its industrial purposes, is inappropriate.

29....

30. In view of the above, the first Petition No.1588/2019 filed by the company is allowed in terms of prayer clause (1). The impugned order dated 17.10.2018 shall stand quashed and set aside to the extent of the challenge and the conclusions arrived at by the forum by its order dated 25.06.2018 are sustained.”

The Appellant is not entitled to any refund as per the case law cited above.

Issue B is answered as NEGATIVE.


18. The Respondent has proposed various works to improve reliability of supply at Khardi substation as follows:-

- An 8 km additional incomer line from 220/22 KV Washala Substation under MIDC DPR, providing an alternate supply in case of breakdowns.
- A separate 22 KV substation for the upcoming MIDC at Khardi to ensure uninterrupted industrial power.
- A 1.5 km link line from Pradhanpada to Khardi Incomer Feeder via Samrudhi Express Feeder.
- A 1 km link line connecting Khardi Incomer Feeder to the proposed MIDC substation.

The Respondent is advised to prioritize the completion of these works.

19. Considering the above facts, the Appellants' Representations are time barred and also do not stand on merit. Hence, the Representations are rejected and disposed of accordingly.

Sd/-
(Vandana Krishna)
Electricity Ombudsman (M)


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

