

# BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

## REPRESENTATION NO. 94 OF 2021

In the matter of damage to electrical gadgets due to voltage fluctuations and grant of  
compensation

Geeta V. Sodha ..... Appellant

V/s.

Adani Electricity Mumbai Ltd. (AEML)..... Respondent

Appearances:

Appellant : Jayesh Sodha, Representative

Respondent: 1. Mritunjay Jha, Dy. General Manager and Nodal Officer  
2. Shrikant Pathak, Asst. Vice President  
3. Sandesh Mane, Asst. Vice President  
4. Suresh Patil, General Manager

**Coram: Deepak Lad**

Date of hearing: 24<sup>th</sup> January 2022

Date of Order: 3<sup>rd</sup> February 2022

## ORDER

This Representation is filed on 29<sup>th</sup> December 2021 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 1<sup>st</sup> December 2021 passed by the Consumer Grievance Redressal Forum, AEML (the Forum).

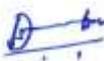
  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



2. The Forum, by its order dated 01.12.2021 has dismissed the grievance application in Case No.10013/2021 being time barred.

3. Aggrieved by the order of the Forum dated 01.12.2021, the Appellant has filed this Representation which is taken in brief as under: -

- (i) The Appellant is a residential consumer (No.151356328) at Flat No. 402, Girnar Apartment, S.V. Road, Malad (W), Mumbai since last 40 years.
- (ii) The Appellant had lodged a complaint to the Respondent for 'No Supply' to her premises on 07.06.2019. The Respondent attended the complaint by bypassing the burnt cut out /MCB and gave 'Temporary Connection' initially for 4 days but then extended for over 100 days i.e., for about 3 months without any reason. The Appellant faced power fluctuations at midnight resulting damages to her electric gadgets like TV, Refrigerator, A.C., and Washing Machine hence, she lodged a complaint on power fluctuations. The Respondent officer/s inspected the premises and attended the complaint. However, the Respondent refused to pay compensation towards damage to electric gadgets. The Appellant was forced to bear this loss of about Rs.1,25,000/- for no fault.
- (iii) The Appellant raised legal queries vide complaint Ticket No.156047 which are still unanswered. The Appellant had also suffered 'No power supply' on 22.08.2019. The Appellant paid the electricity bill by force despite the Respondent's failure to meet the standard of performance, as there was deficiency in services.
- (iv) The issue of 'Temporary Connection' was unattended for over 3 months. The Appellant filed the grievance with the Internal Grievance Redressal Cell (IGRC) on 25.11.2019 for compensation of Rs.1,25,000/- towards damage of home appliances due to power fluctuations. The IGRC, by its order dated 14.01.2020 has rejected the grievance. The IGRC and other authorities have limited powers to award compensation for negligence by the Respondent, and so the Appellant had been asking the Respondent to provide a letter to settle this matter before the Consumer Court, but the Respondent diplomatically avoided it.
- (v) There was lot of correspondence between the Appellant and the Respondent however, the Respondent never reciprocated in a positive way. Not satisfied with

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



the order of the IGRC and various correspondence of the Respondent, the Appellant approached the Forum on 30.09.2021. The Forum, by its order dated 01.12.2021 has dismissed the grievance application considering it time barred.

- (vi) The Forum failed to understand the basic issue and rejected the Appellant's grievance application as the Appellant was in continuous follow up with the Respondent, hence, filed the present Representation.
- (vii) The Appellant prays for justice by seeking replacement of damaged TV, A.C., Refrigerator, Washing Machine or Compensation of Rs.1,25,000/- as deem fit against the negligence of the Respondent.

4. The Respondent by email dated 18.01.2022 has submitted its reply, which in brief is stated as below: -

- (i) The Appellant is a Residential consumer (No.151356328) at 402, Girnar Apartment, S.V. Road, Malad (W), Mumbai.
- (ii) The Appellant has filed the present Representation related to replacement of alleged damage to her household gadgets like T.V., A.C., Washing Machine and Refrigerator or seeking compensation of Rs.1,25,000/-. It is further alleged by the Appellant that, there is negligence of over three months for keeping "Temporary Connection" to the Appellant causing damage to her gadgets due to power fluctuations.

**Preliminary Submissions: -**

- (iii) The Representative of the Appellant has not submitted any authority letter from the registered consumer to file the present Representation. Hence, the present representation is liable to be rejected on this ground.
- (iv) That, the following pointed submissions are imperative for the proper adjudication of the captioned Representation, and the same may be read in conjunction with the foregoing preliminary submissions, wherever the context so requires.
- (v) At the outset, the Respondent repudiates all and singular allegations as made against it by the Appellant, as the same are false, unfounded and nothing shall be deemed to be admitted unless same is specifically admitted hereunder.

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



(vi) The present Representation is filed by the Appellant before the Forum after lapse of limitation as provided under the provisions of CGRF & EO Regulations 2020. The Regulation 7.8 reads as under: -

*“7.8. 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.” (Emphasis added).*

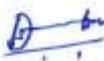
(vii) The Respondent submits that it was alleged by the Appellant that due to fluctuations in electric supply on 26.07.2019, her electric gadgets got damaged. The cause of action is more than two years old and hence, grievance cannot be filed before the Forum.

(viii) The Appellant filed grievance before the IGRC on 25.11.2019. The IGRC, by its order dated 14.01.2020 has rejected the grievance. The IGRC observed that

*“Since there was additional protection on both the ends of supply the delay in rectifying the cut out does not qualify for the deficiency in service when looked along with the deluge position and the extended rainy season. With respect to the burning of the gadgets this forum directs the applicant to give exact dates when this happened and the AEML representative to check from the available inputs if there was any fluctuation in supply during the said period. From AEML system records it is clear that there was no such common fluctuation in voltage during that period, hence this Forum is of opinion that the Applicant to pay the outstanding Electricity bills which are correct as per the past record and average consumption. It is also indicated that AEML shall attend the Cutout /MCB complaints on priority.”*

(ix) In the event, if the Appellant was not satisfied with the resolution provided by the IGRC, she had the option to file her grievance before the Forum within reasonable time as stipulated in the Regulations, however, she did not approach the Forum. Subsequently, the Appellant filed the grievance with the Forum on 30.09.2021, which was rejected by it being time barred. The cause of action was related to ‘No Supply’ complaint of the Appellant which was lodged in the system on 07.06.2019 at 08:16 hrs. The Appellant failed to submit any evidence in support of her allegation and therefore the present grievance is rightly rejected by the Forum.

(x) The present Representation is entirely misconceived and frivolous, vexatious, malafide, and without any sufficient cause, hence, it is liable to be rejected. The Respondent craves leave to rely upon the Regulation 19.25 of the CGRF & EO

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



Regulations 2020 (the erstwhile Regulation 17.10 of CGRF & EO Regulations 2006). The Regulation 19.25 reads as under:

*“19.25. The Electricity Ombudsman may reject the representation at any stage, if it appears to him that the representation is:*

*(a) frivolous, vexatious, malafide;*

*(b) without any sufficient cause;*

*(c) there is no prima facie loss or damage or inconvenience caused to the*

*a. Complainant:*

*ii. ....”*

- (xi) It is submitted that the allegation of the Appellant regarding “temporary connection” is incorrect. In fact, there was no ‘temporary connection’ as such, ever granted to the Appellant. It is submitted that on 07.06.2019 at 08:16 hrs, ‘No Supply’ complaint was received. Upon site visit, it was observed by the Respondent that cut-out was burnt. Therefore, to restore supply, the Respondent bypassed the burnt cut-out. Further, the Appellant is trying to mislead this Hon’ble Authority by stating that the Respondent’s officer inspected her damaged electrical gadgets and higher meter reading. This is totally false, unfounded, and fabricated because the Respondent’s officers never inspected the so-called damaged gadgets of the Appellant.

**Main Submissions:**

- (xii) On 07.06.2019 at 08:16 hrs. first time ‘No Supply’ complaint was received from the Appellant. Accordingly, on 07.06.2019 at 08:58 hrs, the Respondent deputed its fuse man to verify and attend the complaint at site. It was observed during site visit that the cut out was burnt, so he bypassed it, and restored the power supply to the premises keeping in mind that the consumer should not face any inconvenience. It was clarified to the Appellant that mere bypassing the cut-out would not result into any fluctuations or increase in meter consumption as alleged by her.
- (xiii) It is submitted that despite explaining entire facts and details, the Appellant made various communications which were duly replied by the Respondent. The Respondent kept on records the reply letters dated 12.05.2021, 23.06.2021, 15.07.2021, 03.09.2021, 14.09.2021, 20.09.2021 which were sent to the Appellant. In spite of providing all explanation and providing best services even during the

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



testing time of Covid-19 situation, the Appellant is reluctant to understand the facts and blatantly casting aspersions against the Respondent.

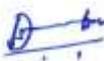
- (xiv) It is pertinent to mention that bills to the Appellant have been raised as per the tariff applicable from time to time as per the tariff orders of the Maharashtra Electricity Regulatory Commission (the Commission), and the interest on arrears and delay payment charges have been levied in accordance with it which the Appellant is under obligation to pay the same. In the event, the consumer neglects to pay the charges for the electricity consumed to the licensee, then licensee is empowered to take action including disconnection of supply in accordance with the Section 56 (1) of the Electricity Act, 2003 (the Act). In the present case, the Appellant was under obligation to pay the outstanding dues. It is submitted that the bills raised to the consumer is as per the consumption recorded in the meter, and there is no high meter reading due to bypassing of the cut out as alleged by the Complainant.
- (xv) In the present case, the Appellant did not pay the bill even after receipt of the notice and repeated reminder, therefore, the Respondent was constrained to disconnect the supply as per the process on 22.08.2019. Pursuant thereto on 23.08.2019, the Appellant paid the dues and accordingly, the supply was restored on 23.08.2019.
- (xvi) The Respondent submits that issues raised by the Appellant in her complaint vide token No.156047 have already been appropriately replied to him vide letter dated 29.05.2021, however she is reluctant to understand facts.
- (xvii) It is submitted that the claim of replacement of alleged damage to gadgets /compensation of the Appellant is based purely on the assumption without any substance. The Respondent denies all the singular allegation levied against it and vehemently deny that Appellant is entitled for any compensation and or any relief as claimed for.
- (xviii) In view of the above-mentioned facts and circumstances, it is most respectfully prayed that this Hon'ble Authority be pleased enough to reject the representation.

5. The Appellant has submitted rejoinder against the reply of the Respondent vide email dated 19.01.2022 stating as under: -

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



- (i) The Representative is a sole care-taker in the family while registered consumer Geeta Sodha is a senior citizen and mother of the Representative. She is blind with one eye and cannot move out on her own. Thus, if any formalities of any signature required, the Representative can provide the same as been done in IGRC and Forum.
- (ii) The quoted Regulation 7.8 of CGRF & EO Regulations 2020 is not applicable as the Appellant has made request to AEML between the IGRC Order and Forum submission to jointly (?) represent this matter before the Consumer Court, Bandra as this is not a billing related matter but it is a case of negligence in services. However, it is unfair that the Respondent nor Forum has mentioned this cause of delay.
- (iii) Respondent is attempting to confuse the Hon'ble Electricity Ombudsman with misleading date stating that "due to fluctuations in electric supply on 26.07.2019 her gadget got damaged". This date is mentioned out of subsequent complaint while the incident of sudden electricity failure only to Appellant's meter happened during mid-night hours and the immediate complaint was done by calling on 1933. In addition, similar electric cut happened second time also after some heavy fluctuations were observed in tube lights etc. and only then upon investigation that the Appellant had learned that she was provided "Temporary Connection" exclusively while other building members had a regular connection.
- (iv) In fact, an officer of the Respondent, Mr. Patil had inspected her premises after this second fluctuation case and had seen that TV, Refrigerator, A.C. were not working while later discovered that Washing Machine's display was not visible clearly. To understand, all these gadgets damage had one thing in common i.e. PCB of gadget was an issue and so, such "Temporary Connection" has only to be blamed. Had the Respondent timely regularized her connection after first cut-off and not taken over 3 months, then such gadget loss would have been saved.
- (v) Respondent statement that the present Representation is without sufficient cause is not correct as the Appellant has actually suffered losses for untimely and negligent service of the Respondent.

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



- (vi) With respect to objection stating "temporary connection" is incorrect -- in fact, Respondent had officially mentioned it in their records at the time of complainant and also admitted in IGRC. So, suddenly if Respondent is changing its mind to claim this as incorrect is unacceptable and to be treated as manipulation with the facts in this case.
- (vii) The Respondent has stated that it has replied the Appellant vide its few letters, though correct, it is highly diplomatic in nature and without any relief to the Appellant.
- (viii) Respondent is trying to run away from its obligation arising out of poor service which resulted in loss to the Appellant.
- (ix) Lastly, as repeatedly claimed by Respondent that the Appellant did not approach the Forum within time frame, again the responsibility & fault lies with the Respondent to fail to reply on request of Complainant that case be referred to Consumer Court as the Forum may not have rights on cases beyond billing related issues while this is the case of negligence in service.
- (x) Finally, consumers are not illiterates and dumb to tolerate and accept whatever the service utilities say to save their own skin.

6. The hearing was held on 24.01.2022 on e-platform through video conferencing due to the Covid-19 Epidemic. The Appellant argued as per her written submission. The Appellant further argued that the complaint was given on the Respondent's toll free No. 19122 and the said complaint was solved at midnight itself. A 'temporary connection' was given which was, initially, for few days but due to negligence of the Respondent, this temporary connection was continued beyond 3 months resulting into fluctuations in power supply. These power fluctuations caused damage to her electronic household gadgets like T.V., A.C., Washing Machine, etc. amounting to Rs.1,25,000/-. The Forum failed to understand the basic issue while passing the order as cause of action was in continuous in nature and rejected the Appellant's grievance application without any base. The Appellant prays that the Respondent be directed to pay compensation of Rs.1,25,000/- towards damages of home appliances due to power fluctuations.

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



7. The Respondent argued in line with its written submission. The Respondent further argued that the Representative of the Appellant has not submitted any authority letter from the registered consumer to file the present Representation. Hence, the present representation is liable to be rejected on this ground. The Respondent further argued the case on limitation as provided under the provisions of CGRF & EO Regulations 2020. The cause of action is more than two years old and hence, grievance cannot be entertained by the Forum. Therefore, it has rightly rejected the same. The Respondent stated that there was additional protection on both the ends of supply and the delay in rectifying the 'cut out' does not qualify for the deficiency in service. There was no such common fluctuation in voltage faced by the other consumers in the entire building during the said period. The connection provided to the Appellant was only bypassing the cut out while attending No Supply Complaint, and it cannot be said to be temporary in nature and the allegation of Appellant regarding "temporary connection" is incorrect. The Respondent prays that the Representation of the Appellant be rejected.

### **Analysis and Ruling**

8. Heard the parties and perused the documents on record. In this case, I noted following issues:

- (a) The Respondent attended the 'No supply' complaint of the Appellant by bypassing the burnt 'cut out'. This bypass arrangement has been confused with the word 'temporary connection'.
- (b) The Appellant claimed that the Respondent's officers inspected the damaged gadgets whereas it has been strongly denied by the Respondent.
- (c) It is specifically noted that at IGRC or for that matter at Forum, nowhere the issue of non-submission of substantive proof of damages suffered to the appliances of the Appellant has been discussed, deliberated, or questioned. Moreover, Appellant did not appear to have taken up this issue in this fashion at IGRC or the Forum or during the hearing before the undersigned as if it is non-issue. In fact, it is rather the main issue which is conspicuously absent in the entire adjudication process.
- (d) It is an admitted position that the Respondent failed to replace the burnt 'cut out' within a period of 100 days. This puts the Respondent in bad light. It is also

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



important to note down here that though the Respondent bypassed the cut out and restored the supply to avoid prolonged interruptions to the Appellant, the fact remains that the Appellant's own protection system (MCB) is supposed to have been in place as mandated by the Regulations which is protection for consumer's installation. When the Appellant was confronted on this, he was silent on this.

- (e) The first 'No supply' complaint is on 07.06.2019 which was immediately attended to. However, during which occurrence the gadgets actually got damaged, is nowhere explicitly brought on record. The Appellant approached the Forum on 30.09.2021 which is after two years from the date of cause of action and the Forum is not at liberty to entertain the same in view of the express obligatory provision mandated under Regulation 6.6 of CGRF Regulations 2006 as the cause of action dates back to June 2019.
- (f) Moreover, if it is assumed without admitting, for the sake of understanding that the Appellant has suffered damages to her various electrical appliances due to voltage fluctuations, and demands compensation for the consequential loss, the Regulation 8.2 (c) of CGRF & EO Regulations 2006 does not support the claim of the Appellant. The same is quoted below:

*“8.2 If, after the completion of the proceedings, the Forum is satisfied after voting under Regulation 8.1 that any of the allegations contained in the Grievance is correct, it shall issue an order to the Distribution Licensee directing it to do one or more of the following things in a time bound manner, namely-*

(a) .....

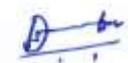
(b) .....

(c) *to pay such amount as may be awarded by it as compensation to the consumer for any loss or damage suffered by the consumer.*

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

(d) .....

(e) ..... ***“ (Emphasis added)***

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



- (g) The provision of this Regulation 8.2 quoted above, appears to be known to the Appellant as it is submitted by the Appellant that she understands that the Forum may not be empowered to grant the compensation demanded by her and therefore, it is necessary to go to the Consumer Court. The Appellant does not stop here but makes a submission that she requested the Respondent to jointly (?) go to the Consumer Court. This has been captured at para 5 (ii) above. This is simply incomprehensible and cannot be understood by the undersigned.
- (h) During the hearing, the Respondent pointed out that the Representative of the Appellant has not submitted the authorization letter from the registered consumer, Geeta Sodha. It is observed by this office that the `X Form of IGRC` and the `Schedule A Form` of the Forum was signed by the registered consumer whereas the `Schedule B` submitted with this Representation is signed by the Representative, and not by the registered consumer. The explanation offered by the Appellant's Representative is that the registered consumer was feeling in disposed and her signature could not be obtained.

9. In view of the critical observations enumerated above, the case is not only time barred in view of the Regulation 6.6 of CGRF Regulations 2006, but it does not stand scrutiny on merit too. I, therefore, reject this Representation.

10. I also direct the secretariat of this office to scrutinize all documents of representations in future carefully with respect to legal compliances such as signature of the Appellant, etc.

11. The Representation is disposed accordingly.

Sd/-  
(Deepak Lad)  
Electricity Ombudsman (M)

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai

