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CONSUMER GRIEVANCE REDRESSAL FORUM
THE TATA POWER COMPANY LIMITED

Office: Distribution Customer Services
1st Floor, Dharavi Receiving Station
Near Shalimar Industrial Estate
Matunga, Mumbai 400 019
Phone: 67172710 Fax: 67172730
e-mail: grievance.cell@tatapower.com

Ref.CGRF/TPC/2013/37

Date: 21/08/2013

Case No.CG/6/2013
Date of Hearing: 25/07/2013

In the matter of Mr. Anil J Tanna V/s The Tata Power Co. Ltd
Reg. Redressal of grievance by the Forum and passing of order

This is with reference to the grievance submitted in Schedule-A form to CGRF received on 01.07.2013 and this office letter No.CGRF/TPC/2013 dated 15/07/2013 wherein CGRF (TPC) granted a personal hearing to Mr. Anil J Tanna (Consumer No. 2140492) and representatives of TPC Limited on 25th July 2013 at 14.30 Hrs.

Mr. Anil J Tanna (Consumer No.2140492) is having three phase power supply with tariff category LTI –Residential.

The following persons were present:

CGRF Members:

- 1) Mr. R V Hegdekar, Chairperson
- 2) Mr. Bhalchandra A. Naik, Member
- 3) Mr. Vrushal N. Pimple, Member

On behalf of the Complainant:

- 1) Mr. Anil J Tanna (Mobile 9324044657)


On behalf of The Tata Power Company Limited:

- 1) Mr. Gaurav Gautam
- 2) Mr. Sunny Puthran

Details of deliberations

The consumer had mentioned about power supply failure at 23.14 hrs of 12.08.2011 vide his letter dated 16.8.2011 but informed during the hearing that the supply was restored within one hour. He had no complaint regarding compensation towards power failure as it was restored within SOP norms.

In his first letter dated 16/08/2011, he had requested "to evaporate confusion" as regards the responsibility in case of power failure as he had already received clarification from Reliance in their letter dated 06/05/2011 that he being the consumer of Tata Power any query/correspondence to be dealt with by Tata Power only.

Therefore he wanted Tata Power to respond and explain the reasons and onus/responsibility and status of Tata Power Company Ltd under the condition of Power failure as electricity supply network belongs to R-Infra & wheeling charges are recovered from the change-over consumer.

He got the correct information only after about 11 months for which he had to spend money towards courier/postal expenditure/stationery/Xerox/travelling. Numerous reminders dated 2.9.2011, 17.9.2011, 7.10.2011, 11.11.2011, 1.12.2011, 21.12.2011, 26.1.2012, 28.2.2012, 10.3.2012, 31.3.2012, 27.4.2012, 31.5.2012, 26.6.2012 to MERC, 18.7.2012 to MERC, 21.7.2012 to MERC, 27.7.2012, 30.7.2012 was posted by speed-post/courier/R.P.A.D for getting the correct information.

Consumer requested the Forum to direct Tata Power to reimburse undue expended amount of Rs. 4,000/-.


The Tata Power had sent a written reply to the Forum as well as to the complainant vide letter dated 16.07.2013. The relevant points reiterated by the representative of the Tata Power during the hearing are as follows:

1. Tata Power had received the first letter from the Mr. Anil Tanna on 16th August 2011, regarding the complaint of power supply failure. The said letter was replied by us through our letter dated 23rd Aug 2011. Again on 17th Sept 2011, Tata Power received a letter from Mr. Anil Tanna ("**Consumer**") as a reminder raising the same issue as done in his letter dated 16th August 2011.
2. Thereafter, on 21st July 2012, Tata Power received letter from the Consumer wherein the Consumer has referred about 11 reminders that the Consumer has sent to Tata Power. However, we want to bring on record that besides the above three letters (16th Aug 2011, 17th Sep 2011 and 21st July 2012), we had not received any reminder from the Consumer. The letter dated 21st July was also replied by us through our letter dated 26th July 2012.
3. Thereafter, we had received another letter from Mr. Anil Tanna, on 27th July 2012 followed by another letter on 30th July 2012, in which he has given the details of the reminders & has expressed dissatisfaction about the service received from utilities. From all the above letters, it appeared that the Consumer was not satisfied with the treatment undergone by the Consumer during the power failure on 12th August 2011, in which he had to first approach R Infra followed by Tata Power. Further in the letters the Consumer had sought an explanation on the applicability of wheeling charges.

We through our reply dated 23rd August 2011 and reply letter dated 2nd August 2012 clarified the Consumer that the network supplying power to the consumer belongs to R Infra and hence only R Infra would be in position to provide the reason for failure of the power.

4. Thereafter, the Consumer has taken up the said issue with MERC and on query of MERC, we have replied to MERC with a copy to Consumer stating all the above facts vide letter dated 13th Aug, 2012.
5. The Consumer again wrote a letter to us vide letter dated 03/08/2012 and a letter dated 16/08/2012 addressed to Chief Administrative Officer, MERC.

Both the letters were replied by us to Consumer vide our letter dated 11th Sep, 2012 wherein we tried to address the issue of Consumer pertaining to failure of power supply to his premises and his confusion with respect to responsibility for such failure and the liability of compensation.





By the said letter we informed the Consumer that as per regulations of Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005, every Distribution Licensee shall maintain the standards of performance specified in the Regulations and any failure by the Distribution Licensee to maintain the standards of performance specified in these Regulations shall render the Distribution Licensee liable to payment of compensation to a person claiming such compensation under the provisions of the Electricity Act, 2003. We also informed the Consumer that though the Consumer has changeover supply from R Infra to Tata Power Company, the Tata Power Company shall be the sole interface for the Consumer and therefore responsible for adherence to Standard of Performance relating to period of giving supply, quality of supply (voltage, harmonics), system of supply, restoration of supply, restoration in burnt meter cases, reconnection on payment of amounts due, etc. However, as the network belongs to the R Infra, R Infra is duty bound to maintain the standards of performance specified in the Regulations and in case of any failure or fault pertaining to network, Tata Power Company shall have the right to demand from the R Infra any reimbursement of compensation paid to affected consumers. In the present case of failure of power supply, on intimation from Consumer, we have intimated failure of supply and escalated the same to R Infra to look in the matter. But, as informed by R Infra, such failure of supply was resolved with the SOP norms and hence no compensation can be granted to the Consumer.

6. Thereafter Consumer raised same queries through various correspondences along with reimbursement for the charges of Courier and RPAD. All the letters received by Tata Power were replied vide letter dated 20/10/2012, 07/11/2012, 10/01/2013 and 18/01/2013. Needless to mention, but as the Consumer was satisfied with the reply given in the letter dated 13/10/2012 addressed to MERC with a copy to Consumer and letter dated 11/09/2012 addressed to Consumer, the Consumer raised its concern majorly towards reimbursement of charges towards correspondence. The said fact is also confirmed from the fact that the Consumer has raised a concern for reimbursement of charges towards correspondence made to Tata Power and not towards compensation for any non-compliance of SOP norms.
7. On 04/03/2013, the Consumer filed a complaint before IGR cell. After verifying the data on record, the IGR cell sent a reply dated 03/05/2013 to Consumer. In the said reply, IGR cell informed the Consumer that Tata power has responded and addressed the query raised by the Consumer and also informed the Consumer that Tata power is not responsible for any expense borne by the Consumer towards courier, postal charges, stationary, photo charges, stationary, photo copies and travelling expenses.
8. The Consumer approached CGRF, wherein the Consumer claimed reimbursement of the expense incurred by the Consumer towards the correspondence sent to Tata Power.

We strongly deny each and every contention mentioned in the complaints, with respect to action taken by us on the Complaints lodged by the Consumer.

We reiterate and rely on the contents stated herein. We reiterate that the issue raised by the Consumer was with respect to failure of power supply and the onus of responsibility for the said failure. The said issue was addressed time and again by us, through our letters and correspondence, wherein the responsibility issue was clearly explained. The other issue of Consumer claiming reimbursement of charges borne by Consumer towards Courier, postal charges, stationary, photo charges, stationary, photo copies and travelling expenses is also addressed informing the Consumer that such type of charges cannot be granted by us. We also want to add for the sake of argument and without making any admission and without prejudice to our rights, that the Consumer could have saved such amount of courier or postal charges by tendering all such letters to the nearest Customer Relations Centre. This was also informed to the Consumer through


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our letter dated 20/10/2012. But, instead of doing the same, the Consumer has been sending all the letters through Courier and Post.

Further, we put the Consumer to strict proof about the letters sent by Consumer through Couriers and Post. The Consumer has to prove through documentary evidence regarding service of all the letters as mentioned or referred in his Complaints.

9. Thus, there is no case on merits and thus prayed that the complaint be dismissed.

Based on documents submitted by The Tata Power Co. Ltd and the outcome of deliberations with the complainant & the representatives of Tata Power, the Forum observed that:

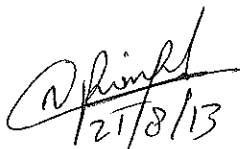
Tata Power had received the first letter from Mr. Anil Tanna on 16th August 2011, regarding the power supply failure and its responsibility. The said letter was replied by Tata Power on 23rd Aug 2011. On going through the reply given by Tata Power dated 23.08.2011, Tata Power had made it clear to the consumer that the change over consumers from Reliance to Tata Power are charged wheeling charges as a network used to supply electricity belongs to R-Infra. Further Hon'ble MERC order No. 50 dated 15.10.2009 has also been mentioned in the said letter by Tata Power. In the same order the onus of responsibility is clearly spelt out in Appendix 1- Detailed Operating Procedure for Changeover. Had consumer referred to the said order further correspondence would not have been necessary.

Order from Forum:

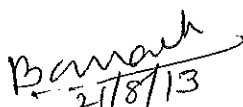
In view of above the case is dismissed being devoid of any merit.

The grievance of the complainant will stand closed at this stage.

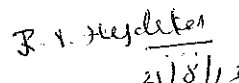
If Consumer is not satisfied with the decision of the Forum, he may make a representation to the Electricity Ombudsman in Schedule B form within sixty (60) days from the date of this order. Contact details of the Electricity Ombudsman appointed or designated by MERC under Regulation 10 is "Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606-608, 6th Floor, Keshava Building, Bandra-Kurla Complex, Bandra (E), Mumbai-400 051. Tel: 022-26592965/26590339/30680528.



(Vrushal N. Pimple)
Member



(Bhalchandra A. Naik)
Member



(R. V. Hegdekar)
Chairperson

To

1) Mr. Anil J Tanna,
B-613/14, 6th Floor, Samartha Deep,
Indradarshan Complex-III, K.L. Walwalkar
Marg, Oshiwara, Andheri(W),
Near Saraswat Bank, Mumbai 400 053.

2) Mr. M. Shenbagam,
Gen. Manager (DCS),
Tata Power Co. Ltd.,
Mumbai 400 019.

Copy to:

- 3) Mr. V. H. Wagle, Dy. Gen. Manager (Regulations), Tata Power Co Ltd., Mumbai
4) Mr. Gaurav Gautam, Nodal Officer, Tata Power Co. Ltd., Mumbai