

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.5374 OF 2016

The Executive Engineer (O & M) Division, Maharashtra State Electricity Distribution Co. Ltd.,
through Dy. Sr. Engineer MSEDCL Sub. Div. Goregaon, Dist. Gondia.

Vs.

Shridhar Rice Corporation through its Gopal Agrawal Bapubodlwale and another.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A. M. Quazi, Advocate for petitioner.
Mr. R. A. Jain, Advocate for respondent no.1.

CORAM : AVINASH G. GHAROTE, J.

DATE : MARCH 05, 2020.

1. The petition challenges that part of the order dated 22.07.2015, as passed by the Electricity Ombudsman, Nagpur, in representation No.24/2015, which directs the petitioner to pay compensation of Rs.1 Lakh to the respondent for illegal disconnection and electric supply for the period 26.02.2014 to 26.03.2014. The only reason for awarding this compensation as is reflected from Para 13 of the impugned order, is that the same has been awarded, considering the industrial activities of the appellant and it was working season of the rice mill. No material whatsoever appears to have been considered for recording of this finding. Except for the single line, there is nothing in the entire order as to how the figure of Rs.1 Lakh has been arrived at on account of the so claimed damages.

2. The learned counsel for the respondent no.1 submits that Para 17.15 of the Regulations of 2006 empowering the Ombudsman, permit him to issue directions, to pay such amount as may be awarded by it as compensation to the consumer for any loss or damage suffered by the consumer, the proviso however, states that in no case shall any consumer be entitled to indirect, consequential, incidental, punitive or exemplary damages, loss of profits or opportunity. Since the provisions of regulation 17.15(e) empower the electricity Ombudsman to issue directions as contemplated therein, in respect of compensation for any loss or damage suffered by the consumer, and since the direction is clearly unsustainable the order of the electric Ombudsman, Nagpur to the extent it awards damages as reflected from para (d) of the operative part of order dated 22.07.2015 is quashed and set aside and the matter is remitted back to the electric Ombudsman, to decide the issue of compensation, strictly in consonance with the limitations as contained in regulation 17.15(e). The petition is accordingly disposed of.

JUDGE