



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

WRIT PETITION NO. 5374 OF 2023

The Maharashtra State Electricity
Distribution Company through its
Nodal Officer, Superintending
Engineer (Operation & Maintenance),
Nagpur Rural Circle, MSEDCL, Nagpur } .. **Petitioner**

Versus

M/s.Shiva Steel Industries Nagpur
Private Limited through its Director,
R/o S.No.51/2, Plot No.24,
Village – Kadholi, Bhandara Road,
Tal.Kamptee, District-Nagpur 441202 } .. **Respondent**

Mr. Devendra Mohgaonkar, Advocate for petitioner.
Mr. Parth Malviya, Advocate for respondent.

CORAM : ROHIT W. JOSHI, J.

DATED : DECEMBER 16, 2025

ORAL JUDGMENT

(1) **Rule.** Rule made returnable forthwith. Heard finally with the consent of the learned counsel appearing for the parties.

(2) The present petition take an exception to order dated 10/07/2023 passed by the Consumer Grievance Redressal Forum (hereinafter referred to as '**CGRF**') in case No.64/2023, whereby the

CGRF has directed the petitioner to give incremental benefit to the applicant by proportionately deducting the number of days during which there was power outage and to pay compensation to the respondent consumer for delay in restoration of power supply as provided at Sr.No.2(ii) Annexure-II of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulation, 2021 (hereinafter referred to as '**MERC Regulation, 2021**').

(3) The respondent is High Tension Consumer of the petitioner. In the month of March and May, 2023 there was power failure for a period of 16 days and 08 days respectively. The respondent filed an application as per Clause 7 of the MERC Regulation, 2021 for redressal of its grievance praying for grant of fixed demand charges and also additional incremental short fall, on account of power outage. Vide order dated 10/07/2023 CGRF has partly allowed the said application inter alia directing the petitioner to grant incremental benefit to the applicant by proportionately deducting the number of days during which there was power outage and to pay compensation to the respondent consumer for delay in restoration of power supply as provided at Sr.No.2(ii) Annexure-II of MERC Regulation, 2021. It is not in dispute that the power outage on both occasions due to storm, which

is natural calamity. Perusal of Regulation 18 and 26 will make it clear that Distribution Licensee cannot be made liable for payment of any compensation in case of power outage due to natural calamity including storm. Perusal of paragraph 8 of the order will demonstrate that CGRF has recorded finding that the power outage was due to storm which is natural calamity beyond the control of the petitioner. Having found so, the authority has recorded that although disruption was not for reasons attributable to the petitioner and was in fact for reasons beyond its control, there was a delay in providing intimation to the respondent consumer about the tentative period within which the supply could be restored resulting in breach of obligation under Clause 18.3 of the MERC Regulation, 2021.

(4) In view of above, the said Authority has directed the petitioner Distribution Licensee to make payment of compensation as per Annexure-II entry at Sr.No.2(ii). Perusal of the said entry will demonstrate that delay in issuing intimation as regards tentative period of restoration of supply cannot be a ground for directing payment of compensation under the said provision. The impugned order is, therefore, unsustainable to the extent that it directs the petitioner to pay compensation to the respondent consumer.

(5) The petitioner has not advanced any submission with

respect to the direction regarding incremental benefit issued under Clause (2) of the operative order.

(6) In view thereof, the petition is partly allowed. Clause (3) of the operative order dated 10/07/2023 passed by CGRF in Case No.64/2023 is hereby quashed and set aside. Rest of the order is maintained. Parties to bear their own costs.

[ROHIT W. JOSHI, J.]

KOLHE