



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph- 2210707, Fax – 2210707, E-mail : cgrfkalyan@mahadiscom.in

EE/CGRF/Kalyan/

Date of registration: 01/09/2017

Date of order : 12/10/2017

Total days : 42

IN THE MATTER OF GRIEVANCE NO. K/E/1252/1476 OF 2017-2018 OF SHRI DEEPAK P. NIRGUDE, BARRACK NO. 1679, SECTION 25, BEHIND CANARA BANK, ULHASNAGAR-421 004, DIST. THANE, REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT BILLING DISPUTE.

Shri Deepak P. Nirgude,
Barrack No.1679, Room No.1,
Section 25, Behind Canara Bank,
Ulhasnagar 421004,
Dist. Thane.

(Consumer No.021516055780) ... (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution
Company Limited

Through it's Nodal Officer/Addl.EE.

Kalyan Circle-II, ... (Hereinafter referred as Licensee)

Appearance : For Licensee - Shri D.B. Kumbhare-AEE-Ulhas-S/dn. IV.
For Consumer – Shri Deepak Nirgude- in person.

[Coram- Shri A.M.Garde-Chairperson, Shri A.P. Deshmukh-Member Secretary
Mrs.S.A.Jamdar- Member (CPO)].

1] Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003 (36/2003). Hereinafter for the sake of brevity referred as 'MERC'. This Consumer Grievance Redressal Forum has been established as per the notification issued by MERC i.e. "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum &

Ombudsman) Regulation 2006” to redress the grievances of consumers vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is referred as ‘Regulation’. Further the regulation has been made by MERC i.e. ‘Maharashtra Electricity Regulatory Commission. Hereinafter referred as ‘Supply Code’ for the sake of brevity. Even, regulation has been made by MERC i.e. ‘Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply & Determination of Compensation) Regulations, 2014.’ Hereinafter referred ‘SOP’ for the sake of convenience (Electricity Supply Code and other conditions of supply) Regulations 2014’.

2] Briefly, the facts are that, Mr. Deepak Nirgude, having a consumer No. 021516055780 complained that his electricity supply failed on 3/6/2017 at 21:40 P.M. and was restored on 4/6/2017 at 11:50 A.M.

3] Consumer further states that he tried to contact with Licensee officials on their mobile but same was not reachable. Hence, on 5/6/2017 he personally visited Licensee’s Office. But the consumer found the Officials’ non co-operative. The consumer alleged that he requested the Officials of the Licensee to take his complaint, but according to the consumer, Licensee did not pay heed to his request.

4] Consumer, therefore, approached this Forum and requested/ prayed for compensation.

5] According to the consumer, he is entitled for compensation under Clause 6.2 and 6.3 of MERC (Standard of Performance of Distribution Licensees) Period for Giving Supply and Determination of Compensation)Regulations, 2014.

6] On receiving the grievance, it’s copy along with it accompaniments were sent to the Nodal Officer vide letter No. EE/CGRF/Kalyan/438 dated 01/9/2017.

An appearance was put on behalf of Licensee through Mr. Kumbhare. He produced some documents on record. However, he stated that as he has taken a charge of Ulhas-Sub/Dvn.IV recently. He is not in a position to reply the queries of the Forum regarding this grievance application.

7] After perusal of the documents on record, we have noticed that instructions were issued to arrange rectification of fault and same was done. Documents also show that fault was reported at 23:30 hrs. on 3/6/2017 by the consumer and it was cleared at 11:00 hrs. on 4/6/2017.

8] Licensee has produced the Xerox copies of RTI report and complaint book regarding power supply failure on 3/6/2017 etc before the Forum. It is noted that Licensee tried to rectify the fault at their end, but not within the stipulated time prescribed in Clause 6.2 of MERC (Standard of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014. Which reads as under:-

“The Distribution Licensee shall, in the case of 33 kV/22/11 kV/400 V/230 V overhead line breakdowns, restore the power supply to the consumer within four (4) hours in Class I, within six (6) hours in Urban Areas and within twenty – four (24) hours of the receipt of a complaint in Rural Areas.”

9] To the query of the Forum for delay in rectifying the fault, Licensee explained that there was one more complaint which was received by Licensee at 22:30 hrs. on 3/6/2017 before this complaint. The previous complaint was for cable fault which took around 6 hours to rectify and after that this complaint was attended, hence the delay.

10] We have observed that electricity supply was not there in consumer's area for 13 hrs 20 minutes and more which commenced at on 3/6/2017 at 21:40 P.M. and was restored on 4/6/2017 at 11:00 A.M. According to us, it amounts to procedural lacuna. Regarding the grievance of consumer

towards not wearing ID card by AEE of Ulhasnagar-iv, we are of the opinion that in absence of any evidence to establish the above said fact we cannot give any directions in respect of that.

11] Taking into consideration, all the above facts, we are of the opinion that consumer is entitled for compensation as per Appendix A Level of Compensation payable to consumer for failure to meet standards of performance-

2] Restoration of Supply----

(ii) 33 kV/22 kV/400 V Overhead line breakdown	Four (4) hours (Class I Cities Areas) <u>Six (6) hours (Urban Areas)</u> Twenty-Four (24) hours (Rural Areas)
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Hence the order.

ORDER

- 1] Grievance application of consumer stands allowed.
- 2] The Licensee is directed to pay an amount of Rs.500/- to the consumer towards compensation as explained in Para 11.
- 3] Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

We are displeased by the remarks passed by the consumer in his letter dated 3/10/2017, addressed to The Hon'ble Chairperson CGRF, for which a show cause notice has been issued to the consumer.

Date: 12/10/2017.

(Mrs.S.A.Jamdar)
Member
CGRF, Kalyan

(A.P.Deshmukh)
Member Secretary
CGRF, Kalyan.

(A.M.Garde)
Chairperson
CGRF, Kalyan.

- a) The consumer if not satisfied, may file representation against this order before the Hon. Ombudsman within 60 days from the date of this order at the following address.

"Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51".

- b) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or
- c) delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” at the following address:-
“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”
- d) It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.