

**Maharashtra State Electricity Distribution Co. Ltd.'s
Consumer Grievance Redressal Forum
Nagpur Zone, Nagpur**

Case No. CGRF(NZ)/164/2016

Applicant : Shri Manik G. Patil
At.Vadner
Tq.Hinganghat
Dist.Wardha.

Non-applicant : Nodal Officer,
The Executive Engineer,
O&M Division,MSEDCL, Hinganghat.

Applicant's Representative :- Shri Bobde,

Respondent by:- 1) Shri Awachat, Dy.E.E., Hinganghat (R) S/Dn.

Quorum Present : 1) Shri Shivajirao S.Patil
CHAIRMAN

2) Mrs.V.N.Parihar
Member/Secretary

3) Shri N.V.Bansod,
Member

ORDER PASSED ON 23.11.2016.

1. The applicant filed present grievance application before this Forum on 10.10.2016 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as said Regulations).

2. Applicant's case in brief is that on 12-03-2013 there was heavy wind and storm. Therefore two different electric wires of L.T. line touched to each other and due to the storm there was fire to the grass belt (Dhura) on the boundary mark and

in this fire 15 tick wood trees were burnt. Therefore applicant claimed compensation of Rs.113099/-. Applicant approached to the learned IGRC but no compensation is given. Therefore applicant approached to this forum.

3. Non-applicant, denied applicant's case by filing reply dated 15.11.2016. It is submitted that there was fire and therefore 15 tick wood trees were burnt. There was no valuation certificate of Tahasildar. Applicant was directed to produce the same. Letter issued by Taluka Agricultural Officer was produced before IGRC which was not received to non-applicant. Proposal is sent to superior officer.

4. Forum heard arguments of both the sides and perused record.

5. It is noteworthy that date of alleged incident of burning the trees is 13-03-2013. Grievance application is submitted to this forum on 10-10-2016. **According to Regulation 6.6 of the said Regulation "The Forum shall not admit any grievance unless it is filed within two (2) years from the date on which cause of action has arisen"**. In this case cause of action arisen on 12-03-2013. Therefore it was necessary to the applicant to approach this forum within 2(two) years i.e. on or before 11-03-2015 but present grievance application is filed on 10-10-2016. Therefore it is barred by limitation. It is noteworthy that the applicant applied to IGRC on 07-06-2016 and at that time also the matter was barred by limitation. Furthermore IGRC is not a forum but it is cell. Therefore we hold that according to Regulation 6.6 of the said Regulation matter is barred by limitation. Therefore applicant is not entitled for any compensation.

6. Furthermore in grievance application of the applicant it is specifically mentioned on 12-03-2016 there was heavy wind and storm due to which the wire of

L.T. line touched to each other and therefore 15 tick wood trees were burnt.
Regulation 11 of MERC (Standards of performance of Distribution Licensee, period for giving supply and determination of compensation) Regulations, 2014 reads as under;

“11. Exemptions

11.1 Nothing contained in these Regulations shall apply where, in the opinion of the Commission, the Distribution Licensee is prevented from meeting his obligations under these Regulations by-

(i) force majeure events such as cyclone, floods, storms, war, mutiny, civil commotion, riots, lightning, earthquake, lockout, fire affecting licensee’s installations and activities;

(ii) outages due to generation failure or transmission network failure;

(iii) outages that are initiated by the National Load Despatch Centre/ Regional Load Despatch Centre/ State Load Despatch Centre during the occurrence of failure of their facilities;

iv) or other occurrences beyond the control of the Distribution Licensee:”

Therefore storm, heavy wind lightening and fire affecting licensees installation and activities are the occurrences beyond the control of Distribution Licensee and therefore according to Regulation 11.1 (i) & (iv) of MERC’s

SOP Regulation Distribution Licensee is not responsible to pay any compensation to the applicant. For these reasons in our opinion grievance application deserves to be dismissed.

7. Hence we proceed to pass the following order.

ORDER

1. Grievance application is dismissed.

Sd/-
(N.V.Bansod)
MEMBER

sd/-
(Mrs.V.N.Parihar)
MEMBER/SECRETARY

sd/-
(Shivajirao S. Patil),
CHAIRMAN