

CONSUMER GRIEVANCE REDRESSAL FORUM
(Established under the section 42 (5) of the Electricity Act, 2003)
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION COMPANY LTD.
NASHIK ZONE

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Office of the
Consumer Grievance Redressal Forum
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Dwarka, NASHIK 422011

No. / CGRF /Nashik/NRC/NR.Dn/438/21-14/

Date: 12/09/2014

(BY R.P.A.D.)

Date of Submission of the case : 04/08/2014

Date of Decision : 12/09/2014

To.

1) M/s. Polygenta Technologies Ltd, .
Gat No. 265/1-266 Village Avankhed,
Tq. Dindori, Dist. Nashik 422 201
(Consumer No. 057469020390)

Complainant

2) Nodal Officer ,
Maharashtra State Electricity Distribution Com. Ltd.,
Rural Circle office, Vidyut Bhavan ,
Nashik

Distribution Company
(Respondent)

3) Executive Engineer (Rural)
Maharashtra State Electricity Distribution Com. Ltd.
Patel Chember , Nashik .

DECISION

M/s. M/s. Polygenta Technologies Ltd , (hereafter referred as the Complainant). Dindori Nashik is the HT Industrial consumer of the Maharashtra State Electricity Distribution Company Ltd. (hereafter referred as the Distribution Company) on 33 KV HT Express Feeder. The Complainant has submitted grievance against MSEDCL for refund of 2% voltage surcharge collected during April 2010 to July 2012. The Complainant has filed a complaint regarding this with the Internal Grievance Redressal Committee of the Maharashtra State Electricity Distribution Company Ltd. But not satisfied with the decision of the IGRC , the consumer has submitted a representation to the Consumer Grievance Redressal Forum in Schedule "A". The representation is registered at Serial No.140 of 2014 on 04/08/2014.

The Forum in its meeting on 05/08/2014, decided to admit this case for hearing on 26/08/2014 at 11.30 am in the office of the forum . A notice dated 05/08/2014 to that effect was sent to the appellant and the concerned officers of the Distribution Company. A copy of the grievance was also forwarded with this notice to the Nodal Officer, MSEDCL, Rural Circle Office Nashik and to the Executive Engineer (Rural Dn) ,Nashik, for submitting para-wise comments to the Forum on the grievance within 15 days under intimation to the consumer.

Shri. B. N. Sawant, Nodal Officer, Shri A. R, Chavan Executive Engineer (Rural) Dn. Nashik, Shri. A. G. Gaidhani , Asstt. Engr. represented the Distribution Company during the hearing. Shri S.S. Shah, Shri. T. N. Agrawal appeared on behalf of the consumer.

Consumers Representation in brief:

1. The complainant is the consumer having presently Contract Demand of 8,000 KVA and availing power supply since 23.05.2009 through 33 Kv HT dedicated feeder.
2. The MSEDCL had illegally charged 2% voltage surcharge in energy bills from April 2010 to July 2012 (28 months) although they are the only one consumer connected on express feeder. In case only one connection exists on the dedicated feeder, the tariffs should be charged on the basis of consumption recorded by the meters installed at the source of supply (EHV Level) and at the consumer's end (Premises), whichever is higher, without any levy of voltage surcharge 2%.
3. The meter installed at EHV S/S Dindori was out of service during this period of 28 months, hence MSEDCL charged 2% additional charges. The meter installed at EHV S/S is property of MSEDCL, hence any repair & maintenance has to be carried out by MSEDCL. The consumer should not have been penalised by overcharging by 2% due to abnormal delay by 28 months period taken by DISCOM for repair of EHV S/S meter.
4. The grievance was filed with IGRC on 09.05.2014, hearing was conducted on 17.06.2014. The decision of IGRC received on 17.07.2014 is not acceptable, hence this grievance application is filed with CGRF.
5. As per SOP regulation 2005, the supply above 5000 KVA is to be released on EHV level. However, the MERC's order dt.05.03.2010 for case no. 71 of 2009 allows; under the following circumstances supply can be released at voltage level lower than specified:
 - (i) Space constraint for construction of EHV sub-station.
 - (ii) Cost of EHV Sub-station.
 - (iii) Time required for construction of EHV sub-station
 - (iv) Right of way/Way Leave/clearance problems
 - (v) Non-availability of prescribed voltage level infrastructure.
6. On the basis of above, the MSEDCL sanctioned load of 8,000 KVA on 33 KV level, the voltage lower than specified in SOP.
7. Before commencing the supply, the MSEDCL installed & commissioned two separate energy meters i.e. one in consumer's premises & other at Dindori EHV S/S.
8. As per the Commission's clarificatory order dt.09.11.2010 for Case No. 52 of 2010, if the consumer is connected on dedicated feeder (only one connection on the said feeder) the monthly energy billing is to be done based on the consumption, whichever is higher, between the meter installed at source of supply (at EHV level) and at the consumer end (premises). In no case 2% voltage surcharge is applicable to the consumer connected on express/dedicated feeder.
9. The commission approved recovery of 2% voltage surcharge on 05.03.2010 vide case No. 71 of 2009 to recover the same from the consumer who is connected on non-express/dedicated feeder (more than one connection on the said feeder). In such cases of non-express feeder only levy of 2% extra units on the monthly energy consumed by the applicant was approved.
10. After failure in the month of April 2010 of the CT's of check meter installed at EHV S/S, the MSEDCL bypassed the meter instead of repairing the same and started charging 2% extra from April 2010 onwards till the check metering. CT's were repaired in July 2012. It is responsibility of MSEDCL to repair the meter within reasonable time period after failure of metering equipment installed in its own EHV S/S. As the MSEDCL took 28 months to repair the check meter and till such time collected illegally additional 2% voltage surcharge during the period from April 2010 to July 2012 (28 months) from the petitioner connected on 33 KV express feeder.
11. The complainant had requested the MSEDCL vide letter dt.05.02.2014 & 02.04.2014 to refund illegally collected 2% voltage surcharge, but neither received any response nor refunded excess money till filing of this grievance application.
12. The IGRC also rejected their petition for 2% voltage surcharge on the reason that "Supply is taken at voltage level lower than specified in SOP regulation with submission of undertaking on stamp paper." The undertaking itself is wrong & illegal as there is provision to get supply on lower voltage as per MERC's order dt.05.03.2010 for case no. 71/2009. The complainant had stated at that time that such undertaking is not in line with any provision/regulations of MERC,

however they had to give undertaking unwillingly as they had no other option/alternative to get the supply released at that instant.

13. Further again in the tariff order, dated September 12, 2010 in Case No. 111 of 2009 has the Commission inter alia clarified that levy of 2% Voltage surcharge is not applicable for consumers connected on Express Feeders.
14. In this case 2% voltage surcharge applied by MSEDCL as the meter installed in the EHV premises of MSEDCL was out of order for 28 months period. As per SOP, 2005 approved by MERC, the relevant clause for burnt meter reads as “7.1 Burnt Meter: The Distribution Licensee shall, in the case of a burnt meter, restore supply within twenty-four hours of the receipt of a complaint in towns and cities and within forty-eight hours of the receipt of a complaint in rural areas. The MSEDCL restored the supply immediately but bypassed the meter without taking any corrective action within reasonable time for repair of burnt CT's of energy meter of their own premises (i.e. EHV S/S, Dindori).
15. The SOP 2005 defines point of supply as: “(n) Point of supply” means the point at the outgoing terminals of the Distribution Licensee’s cutouts fixed in the premises of the consumer: Provided that, in case of HT Consumers, the point of supply means the point at the outgoing terminals of the Distribution Licensee’s metering cubicle placed before such HT Consumer’s apparatus”. It is very much clear that meters placed before the point of supply are in custody of MSEDCL. Even though main meter is in our premises, but the metering area is cordoned separately which is in control of MSEDCL, the consumer is not authorized to enter in the compound of metering area. Further, the check meter at EHV S/S of MSEDCL is about 3 Km away from our premises, hence the meter was totally in control of MSEDCL. In the event of any break down to meter at EHV S/S, it has to be taken care by MSEDCL within reasonable time so that consumer should not suffer due to longer break down. As per SOP, max. time allowed to restore the supply after repair of meter is 48 hrs for rural area.
16. Section-7 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005 reads as:
Maintaining the Property of the Distribution Licensee: No person other than an Authorised Representative or any other person authorised under the Act and the rules and regulations made thereunder shall be authorised to operate, handle or remove any electrical plant, electric lines or meter or break, remove, erase or otherwise interfere with the seals, name plates and distinguishing numbers or marks affixed on such property of the Distribution Licensee placed in the consumer’s premises:
17. As per the above regulation, consumer is not supposed to handle any work related with the meter, service line, EHV S/S etc. It is prime responsibility of distribution company to maintain the metering equipments in order at both the ends (main & check meter).
18. As the MSEDCL’s EHV meter remained under break down for longer time, hence they were facing line tripping due to earth fault & over current because of oil leakage problem of EHV metering CT/PT’s. To avoid frequent tripping & damage to the plant, ultimately they took initiative in July 2012 to repair MSEDCL’s meter at their cost. After repairing the EHV meter, the MSEDCL discontinued levy of 2% voltage surcharge from billing month Aug. 2012. It was primarily responsibility of MSEDCL to put the meter in good condition, however the complainant had repaired EHV S/S meter at their cost in the interest of avoiding frequent line tripping & break downs.
19. In one of the case, the MERC (Case No.31 of 2011) had passed an Order on June 2, 2011 inter-alia directing the MSEDCL to refund the amount collected from M/s R.L. Steel Ltd., Aurangabad against the voltage surcharge from April 2010 to October 2010. The Commission opined that the responsibility of installing meters of same class of accuracy at both the Substation and consumer ends rests with MSEDCL. Hence, responsibility of maintaining energy meter at Dindori EHV S/S rests with MSEDCL only.
20. Recovery of 2% Voltage surcharge from Express feeder consumer is not in line with any order of the Commission, hence u/s 62(6) of EA-2003; the MSEDCL is liable to pay interest at bank rate from the date of recovery till date of payment to the consumer .

Demands of the Consumer:

1. The MSEDCL violated Commission's orders dt.05.03.2010 for case No. 71/2009, clarificatory order dt.09.11.2010 for case No. 52/2010 & Tariff order dt.12.09.2010 for case No. 111/2009. The MSEDCL also violated SOP regulation 2005 clause 7.1; according to which the Burnt Meter should have been restored within 48 hrs time in rural area.
2. The MSEDCL please be directed to refund illegally collected additional 2% voltage surcharge levied to express feeder consumer for the period from April 2010 to July 2012 (total 28 months).
3. The amount should be refunded along with the accrued interest at bank rate as per section 62(6) of EA-2003 for recovery of amount exceeding the tariff determined by the Commission.
4. To take action against erring officials for violation of above MERC's orders & SOP 2005 and thereby illegally charged 2% voltage surcharge.
5. To reimburse about Rs.1.50 lakh towards cost of PT & CT's at EHV S/S end replaced by them, as MSEDCL failed to replace for longer time. It was prime responsibility of MSEDCL for maintenance of metering equipments at both the ends.
6. Compensation for mental agony, man hrs for follow up, travelling exp. etc. Rs.30,000/-

Arguments from the Distribution Company:

The Distribution Company submitted a letter dated 25/08/2014 from the Nodal Officer, MSEDCL, Nashik Rural Circle Office, a letter dated 25/08/2014 from the Executive Engineer, Nashik Rural Divn. Office and other relevant correspondence in this case. Putting forth the arguments on the points raised in the grievance. The representatives of the Distribution Company stated that:

1. As per MERC SOP Regulation contract demand 8000 KVA should be released on 132 KV, however as per consumers request the consumer is released on 33 KV level due to non availability of their financial position & space in their premises.
2. Consumer has given undertaking on 10/06/2008 to carry out the work in DDF Scheme to avail the supply on 33 KV level instead of 132 KV level.
3. Hence as per MERC guidelines SOP violated. To compensate the distribution loss including T/F loss 2% surcharge is allowed.
4. Head Office Mumbai vide their letter No. 36460 dtd. 29/09/2008, sanctioned the power supply of 8000 KVA Contract demand on 33 KV level. As per condition stated under b, d, e, HO Mumbai has clearly mentioned that if any modification/replacements of metering is involved at S/Stn and the cost involved will be borne by the consumer.
5. In case of dedicated feeder monthly billing will be done considering the aspect of the consumption whichever is higher between the meter installed at source of supply and at the consumer end premises, subject to conditions that both the meter at S/Stn end and consumer end were of same rating and same class of accuracy.
6. Consumer has carried out the entire work in DDF Scheme and supply was released on dtd. 23/05/2009, the metering at S/Stn end failed in April 2010. As per conditions specified above the faulty metering has to be replaced by the consumer, also guarantee period of metering was also not expired. As per MERC Electricity Supply Code and other condition of Supply Regulation 2005, Point No. 14.2.2 supply in these cases, if cut-off, shall be restored after installation of a new meter and payment by the consumer of the price of the meter, the cost of other apparatus, and any other applicable deposits and charges based on the approved schedule of charges under Regulation 18.
7. Due to failure of CT at S/Stn end whichever higher criteria for billing was not possible hence 2% voltage surcharge has been applied as per current billing system. Consumer has replaced the faulty CT in August 2012 and billing has been done on whichever is higher criteria till June 2014 as per current billing system. Hence there is no question of refund of 2% surcharge.

Action by IGRC :

1. Internal Grievance Redressal Cell Nashik Rural Circle conducted hearing on 17/06/2014 on the complaint submitted on 09/05/2014

2. After hearing both the parties IGRC gave decision as per letter dated 07/07/2014 as under:
The supply is taken at a voltage level lower than specified in SOP Regulation with submission of undertaking on stamp paper. Hence consumer's demand not accepted.

Observations by the Forum:

1. The issue is pertaining to the period April 2010- July 2012. The Distribution Company started charging 2% voltage surcharge in April 2010 to the complainant and continued it till July 2012. Thus issue first time arose in April 2010 and last time in July 2012. The complainant submitted the grievance to the IGRC on 09/05/2014 and submitted grievance to the Forum as per application dated 04/08/2014 against the IGRC decision dated 05/07/2014. As such in this case the cause of action arose on 05/07/2014. Hence the Forum has decided to admit this case as the grievance is within 2 years in terms of the regulation 6.6 of the MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 . The Hon'ble High Court Bombay has given a ruling in a similar case [Writ petition no.9455 of 2011: M/s. HINDUSTAN PETROLEUM CORPORATION LTD. V/s. MSEDCL] in its order dated 19/01/2012 as under:

“15 A perusal of the impugned order shows that the CGRF and the Ombudsman have proceeded on an erroneous assumption that cause of action has arisen on 1st July, 2008 and, hence, the grievance filed before the Forum at Sangli on 14th October, 2010 is beyond two years. Thus reasoning clearly over looks the definition of the word “Grievance” as provided under Regulation 2 (c) of the 2006 Regulations. Though time spent by the Petitioner before the Consumer Court cannot be excluded, one cannot lose sight of the fact that the Petitioner approached the Internal Consumer Grievances Cell for the first time on 14th October, 2010 and that grievance was rejected by the Internal Consumer Grievances Cell on 27th October, 2010. This, according to me is the date on which the cause of action for filing a complaint or Grievance before the Forum as defined under Regulation 2(c) really arose.”

2. During the course of hearing the Forum asked the Distribution Company to submit (before 01/09/2014), detailed estimates (with capital expenditure) given to the consumer at the time of power sanction and the complainant to submit copies of the letters/emails exchanged with the Distribution Company and the details of expenditure incurred on capital items at the time of release of supply. The Nodal Officer accordingly submitted the information as per letter dated 02/09/2014 . The complainant submitted copies of communications with the Distribution Company. The perusal of the information submitted reveal as under:
 - a. Additional meter at EHV Substation was installed at the cost of consumer as indicated in the sanction letter dated 29/09/2009.
 - b. The complainant has not made any communication objecting 2% voltage surcharge in 2010 and 2011. The e-mails are made in the Month of April 2012 and they are related to tripping of the supply.
 - c. The complainant has not submitted the details of expenditure incurred on capital items at the time of release of supply as asked by the Forum.
3. The Distribution Company has stated that the consumer has been given supply under DDF scheme and billing is done as per consumption whichever is higher between the meter installed at source of supply and meter at the consumer end. If this is so, there is no question of applying 2% voltage surcharge. Because as clarified in the MERC order dated 09/11/2010 [Case no. 52 of 2010]

“.....From the above, it is amply clear that the Commission has approved MSEDCL's request for levying Voltage Surcharge of 2% additional units to be billed, for supply to the consumers connected on Non Express Feeders (More than one connection on the said feeder) at voltages lower than that specified in the SoP Regulations, and also allowed MSEDCL to continue to charge on the basis of consumption recorded by the meters installed at the source of supply (EHV Level) and at the consumer's end (Premises) which ever higher, in case only one connection is on the said dedicated feeder without levy of Voltage Surcharge as an Interim relief....”.

:.....*The Commission in its Tariff Order dated September 12, 2010 in Case No. 111 of 2009 had further clarified in this regard. The relevant part on Page No. 172 of the said Tariff Order is reproduced below:*

“...Further, the Commission has accepted MSEDCL's request in the above-said Petition, and it is hereby clarified that the above Interim Relief is applicable for the consumers connected on Non Express Feeders (more than one connection on the said feeder), and in case only one connection exists on the said dedicated feeder, the tariffs should be charged on the basis of consumption recorded by the meters installed at the source of supply (EHV Level) and at the consumer's end (Premises), whichever is higher, without any levy of voltage surcharge.”(Emphasis added)......”

The Distribution Company in fact has resorted to this method of billing prior to April 2010 and after August 2012.

4. In this case the CTs at the EHV end burst in April 2010. Both the parties could not provide exact dates of the failure. There is no letter/email around April 2010 on the record from the complainant asking the Distribution Company to replace CTs. Neither the Distribution Company had asked the consumer to replace the CTs at their cost immediately. The metering equipment was bypassed and the position continued till July 2012. As the CTs are the part of metering equipment, the meter is supposed to have burst and stopped recording the consumption. According to the proviso to the regulation 14.2 of the MERC (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005 on the subject of “**Lost/Burnt Meters**”, it is directed that : “.....*the estimated electricity charges for the period for which meter was not available due to burning of meter may be billed to the consumer in the ensuing bill after supply is restored.*”

The Distribution Company should have billed the consumer using this regulation. But it used the formula of 2% voltage surcharge for billing during this period which is not relevant and not confirming to the MERC regulations as quoted above.

5. The Forum is of the view that the argument by the Nodal Office in his letter to the Forum that “Hence as per MERC guidelines SOP violated. To compensate the distribution loss including T/F loss 2% surcharge is allowed.” In a way the Distribution Company admits here that the MERC (SOP of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005 are violated in supplying power to this consumer from a low level voltage.

This consumer was sanctioned 8000 kVA power on 29/09/2008 and availing the same since 23/05/2009 As per clause 5.3 of the prevailing SoP Regulations,2005 specifies that installations with contract demand above 1,500 kVA and up to 5,000 kVA voltages are to be released, from 33 kV level. As such the violation was done by the Distribution Company itself and the consumer is not responsible as the Standards of Performance are prescribed for the Distribution Company and not for the consumer. The Distribution Company however supplied this consumer under the condition that monthly energy billing will be done on the basis of meter reading whichever is higher between meter installed at EHV S/S and meter at consumer end” in the sanction letter dated 29/09/2008.

6. This position continued till the MERC by order dated 05/03/2010 [71 of 2009] has permitted release of supply at lower voltages in certain circumstances as below:
 - (i) Space constraint for construction of EHV sub-station
 - (ii) Time required for construction of EHV sub-station
 - (iii) Right of way/Way Leave/clearance problems
 - (iv) Non-availability of prescribed voltage level infrastructure

Hence there is no violation of the MERC orders after 05/03/2010 and supply given at lower voltage is in conformity with MERC directives. Also now as per clause 5.3 of the new SoP Regulations,2014 supply from 33 kV level can be given for loads upto 10000 KVA.

7. After considering the above facts the Forum sets aside the application of 2% voltage surcharge for bills for the period April 2010 to July 2012. But the billing can not be done only on the basis of the units recorded on the meter at consumer end. The losses between EHV end and Consumer end are to be compensated as per billing methodology in the MERC order dated

09/11/2010 [Case no. 52 of 2010] read with regulation 14.2 of the MERC (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005 in this case . Hence the Forum directs the method of billing for the period April 2010 to July 2012 as under :

- a. Work out average units consumed per month for the period since date of supply to March 2010 (prior to April 2010 i.e. the month in which the meter burst) based on actual readings on the meter at EHV end.
 - b. This would be treated as the estimated units consumed every month for the period April 2010 to July 2012 on the meter at EHV end.
 - c. Compare it with units consumed every month for the corresponding month on the meter at consumer end.
 - d. Rework the bill for each month in this period based on higher units out of (b) and (c)
 - e. Adjust the amount actually paid every month and refund excess ,if any, with interest at bank rate as per section 62(6) of EA-2003
8. The Distribution Company has stated that , as per condition under HO Mumbai sanction letter it has been clearly mentioned that if any modification/replacements of metering is involved at S/Stn and the cost involved will be borne by the consumer. The perusal of the power sanction letter dated 29/09/2008 from the CE (Commercial) confirms that such a condition is provided at S.N. 6. Moreover regulation 14.2.2 of the MERC (Electricity Supply Code and other condition of Supply) Regulation 2005 provide that : “.....*Supply in these cases, if cut-off, shall be restored after installation of a new meter and payment by the consumer of the price of the meter, the cost of other apparatus, and any other applicable deposits and charges based on the approved schedule of charges under Regulation 18*” As such the replacement of the meter or its part is to be at the cost of the consumer. Hence the demand of the complainant for reimbursing the cost of replacement of PT & CT’s at EHV S/S end can not be accepted .
9. It is surprising to note here that the metering equipment at the EHV end was not repaired with replacement of CTs for a period of almost 28 months. Both the consumer and the Distribution Company are responsible for this delay and have failed in following the correct course of action. The argument of the complainant that “ *It was primarily responsibility of MSEDCL to put the meter in good condition, however we had repaired EHV S/S meter at our cost in the interest of avoiding frequent line tripping & break downs*” is not appropriate. The repair was ultimately carried out in August 2012 by the complainant and before doing that there is no communication on records since April 2010 to ask the Distribution Company to carry out the repair at their cost. The Distribution Company also remained inactive in this regard till April 2012 . It is seen that the Executive Engineer , Nashik Rural Division issued a letter date 27/04/2012 to the consumer asking to erect CT/PT. The Distribution Company should have enforced the consumer to replace CTs immediately by issuing notice or replaced the CTs adding the cost in the electricity bills well in time .
10. The regulation 7.1 of the MERC (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005 mandates that “ *The Distribution Licensee shall, in the case of a burnt meter, restore supply within twenty-four hours of the receipt of a complaint in towns and cities and within forty-eight hours of the receipt of a complaint in rural areas.*” As the Distribution Company has restored the supply within the stipulated time , there is no violation of this regulation.
11. The complainant has demanded to take action against erring officials for violation of above MERC’s orders & SOP 2005 and thereby illegally charged 2% voltage surcharge. The Forum suggests that the Superintending Engineer (Rural) may take suitable action on the persons responsible for wrong billing and delay in getting the CTs replaced.
12. Compensation for mental agony, man hrs for follow up, travelling exp. etc. is not according to any provision in the MERC (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations and hence not considered.

After considering the representation submitted by the consumer, comments and arguments by the Distribution Licensee, all other records available, the grievance is decided with the observations and directions as elaborated in the preceding paragraphs and the following order is passed by the Forum for implementation

ORDER

1. The billing for the period April 2010 to July 2012 based on 2% voltage surcharge is set aside.
2. Before the ensuing billing cycle from the date of this order , the Distribution Company should rework the monthly bills for the period April 2010 to July 2012 based on the methodology suggested in the preceding para (7) as above and adjust the amount actually paid every month and refund excess if any with interest at bank rate as per section 62(6) of Electricity Act, 2003.
3. As per regulation 8.7 of the MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 , order passed or direction issued by the Forum in this order shall be implemented by the Distribution Licensee within the time frame stipulated and the concerned Nodal Officer shall furnish intimation of such compliance to the Forum within one month from the date of this order.
4. As per regulation 22 of the above mentioned regulations , non-compliance of the orders/directions in this order by the Distribution Licensee in any manner whatsoever shall be deemed to be a contravention of the provisions of these Regulations and the Maharashtra Electricity Regulatory Commission can initiate proceedings *suo motu* or on a complaint filed by any person to impose penalty or prosecution proceeding under Sections 142 and 149 of the Electricity Act, 2003.
5. If aggrieved by the non-redressal of his Grievance by the Forum, the complainant may make a representation to the Electricity Ombudsman, 606, 'KESHAVA', Bandra Kurla Complex, Bandra (East), Mumbai 400 051 within sixty (60) days from the date of this order under regulation 17.2 of the MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006.

(Ramesh V. Shivdas) Member-Secretary & Executive Engineer Consumer Grievance Redressal Forum Nashik Zone	(Suresh P.Wagh) Chairman
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Copy for information and necessary action to:

- 1 Chief Engineer , Nashik Zone, Maharashtra State Electricity Distribution Company Ltd. ,
Vidyut Bhavan, Nashik Road 422101
- 2 Superintending Engineer, Maharashtra State Electricity Distribution Company Ltd. ,
Rural Circle office, Nashik Road.