

**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**

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**No. / CGRF /Nashik/NRC/NR.Dn/441/24-14/**

**Date:**

**(BY R.P.A.D.)**

**Date of Submission of the case : 26/08/2014**

**Date of Decision : 23/09/2014**

To.

- 1) M/s. New Natraj Industries .  
Plot No. B-70- 71 , MIDC,  
Sinnar, Nashik 422113  
(Consumer No. 075949019590)

Complainant

- 2) Nodal Officer ,  
Maharashtra State Electricity Distribution Com. Ltd.,  
Rural Circle office, Vidyut Bhavan ,  
Nashik
- 3) Executive Engineer (Rural)  
Maharashtra State Electricity Distribution Com. Ltd.  
Patel Chember , Nashik .

Distribution Company  
(Respondent)

**DECISION**

M/s. New Natraj Industries , (hereafter referred as the Complainant ) Sinnar Nashik is the HT Industrial consumer of the Maharashtra State Electricity Distribution Company Ltd. (hereafter referred as the Respondent). The Complainant has submitted grievance against MSEDCL for not restoring the supply after the fault in stipulated time as prescribed in the Standards of Performance of Distribution Licensees. 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 Respondent , the consumer has submitted a representation to the Consumer Grievance Redressal Forum in Schedule "A. The representation is registered at Serial No.153 of 2013 on 26/08/2014

The Forum in its meeting on 28/08/2014, decided to admit this case for urgent hearing in view of the disconnection on 05/09/2014 at 11.30 am in the office of the forum . A notice dated 28/08/2014 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.

Smt. S.P.Gajbe, Dy. Executive Engineer Rural Circle Office Nashik, Shri A. R, Chavan Executive Engineer (Rural) Dn. Nashik, Shri. Umesh Patil, Dy. Executive Engineer Rural Circle Nashik ., Shri. N. B. Rohankar Asstt. Engr. represented the Distribution Company during the hearing. Shri Anupam Ghosh appeared on behalf of the consumer.

**Consumers Representation in brief :**

1. The complainant is HT Consumer of MSEDCL. On 10<sup>th</sup> February 2014 at about 20:30 Hrs, there was a Sparking at the HT Metering Cubicle of MSEDCL installed at the factory. The incident was duly informed to Mr. Labde of MSEDCL Sinnar Sub Station on the same day. Follow up written reminders and requests were issued as detailed below :

- a. On 14/02/2014 to A.E. Sinnar I S/Dn.
  - b. On 18/02/2014 to S.E. O&M Circle Nashik.
  - c. On 21/02/2014 to A.E. Sinnar I S/Dn.
  - d. On 31/03/2014 to S.E. through htconsumer@mahadiscom.in
  - e. On 19/06/2014 to S.E.
  - f. On 25/08/2014 to S.E. O&M Circle Nashik.
  - g. On 25/08/2014 to A.E. Sinnar I S/Dn.
2. In addition, numerous visits and calls were also made to the relevant MSEDCL Offices. However, MSEDCL had failed to restore the power supply at the factory. Finally the complainant had to file a Grievance with IGRC on 19<sup>th</sup> June 2014. The IGRC till date, has failed to restore power supply at the factory.
  3. HT Metering Cubicle is a property of the MSEDCL and the consumer do not have the authority to operate or handle it. Since 10<sup>th</sup> Feb 2014, till date, there is No Supply of electricity to the factory from the point of supply. This is because of faulty MSEDCL's Metering Cubicle, which even after timely and repeatedly informing the concerned MSEDCL authorities, was not rectified. Hence it is totally incorrect on the part of MSEDCL to issue bills for the relevant period for which MSEDCL has failed to provide the Electric Power.
  4. This is clearly a case of non compliance of CONDITIONS OF SUPPLY BASED ON THE MAHARASHTRA ELECTRICITY REGULATORY COMMISSION (ELECTRICITY SUPPLY CODE & OTHER CONDITIONS OF SUPPLY) REGULATIONS, 2005 and Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014.
  5. In the CONDITIONS OF SUPPLY BASED ON THE Maharashtra Electricity Regulatory Commission Regulations, 2005, the Commission clearly states in Page 6 as follows :  
 "1.37 "POINT OF SUPPLY" means the point at the outgoing terminals of the MSEDCL's cut outs 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 MSEDCL's metering cubicle placed before such HT Consumer's apparatus;"
  6. In the CONDITIONS OF SUPPLY BASED ON THE Maharashtra Electricity Regulatory Commission Regulations, 2005, the Commission clearly states in Page 22 as follows :  
 "9.1 Except where the consumer elects to purchase a meter, the MSEDCL shall provide its own meter to all L.T. consumers and shall provide HT metering cubicle to all HT consumers, which shall remain the property of the MSEDCL and in no circumstances, shall be operated, handled or removed by any person other than the employee and / or representative of the MSEDCL...."
  7. In the CONDITIONS OF SUPPLY BASED ON THE Maharashtra Electricity Regulatory Commission Regulations, 2005, the Commission clearly states in Page 35 as follows :  
 "21.3 BURNT METER:  
 21.3.1 Where, upon a complaint by the consumer or inspection by the authorized representative of the MSEDCL, meter is found to be burnt, the MSEDCL shall recover the cost / price of the meter from the consumer, the cost of other apparatus and any other applicable deposits & charges based on the "Schedule of Charges" as approved or as may be approved by the Commission and shall restore the power supply after replacement of the meter within 24 hours in town and cities and 48 hours in rural areas and failing to do so, shall pay compensation as per Appendix-A of prevailing Standard of Performance regulations;"
  8. In the STANDARDS OF PERFORMANCE OF DISTRIBUTION LICENSEES, PERIOD FOR GIVING SUPPLY AND DETERMINATION OF COMPENSATION (MERC REGULATION 2014), The Honorable Commission clearly states in Page 31 as follows :  
 "Appendix A LEVEL OF COMPENSATION PAYABLE TO CONSUMER FOR FAILURE TO MEET STANDARDS OF PERFORMANCE  
 Supply Activity/Event 2. Restoration of Supply (ii) 33kV/ 22kV/ 11kV/400 V Overhead line; Standard Four (4) hours breakdown (Class I cities areas) Six (6) hours (Urban Areas) Twenty-four (24) hours (Rural Areas) Compensation Payable Rs 50 per hour or part there of delay" As no effective action was taken by MSEDCL Employee's in regard to restoring the Supply of electricity at the Factory, a Complaint was filed with MSEDCL's IGR Cell on 19<sup>th</sup> Aug 2014, for which hearing was conducted on 12<sup>th</sup> Aug 2014, and an Order no. 4747 Dated 16 Aug 2014 was Passed. However the Order cites the Distribution Licensee's internal communication and does not consider the MERC's regulation on "Conditions of Supply" and "Standards of Performance of Distribution Licensees". As a result the

complainant till date is not getting Any Electricity Supply from 10<sup>th</sup> Feb 2014, however they are being issued an Electricity Bill every month, which are paid Timely but Under Protest; and absolutely no action is being taken by MSEDCL to restore Power Supply.

**Demands of the Complainant:**

1. To order MSEDCL to restore the power supply at the earliest.
2. To Order MSEDCL to refund the Electricity Bills paid s from 10<sup>th</sup> Feb 2014 till the Date of restoration of power supply, along with interest at bank PLR Rate.
3. To Order MSEDCL to pay compensation as per the conditions of supply for not restoring the supply within stipulated time of 24 hours, from 10<sup>th</sup> Feb 2014 till the date of restoration of supply.
4. To take effective steps to prevent such blunder to take place in the future, because of negligence on the part of MSEDCL.
5. To make any such order, as deemed fit.

**Arguments from the Distribution Company.**

The Distribution Company submitted a letter dated 04/09/2014 from the Nodal Officer, MSEDCL, Nashik Rural Circle Office, a letter dated 04/09/2014 from the Executive Engineer, Nashik Rural Divn. Office and a soft copy of the office note dated 03/09/2014 by the Nodal Officer sent by e-mail in this case. Putting forth the arguments on the points raised in the grievance. The representatives of the Distribution Company stated that:

1. M/s. New Natraj Industries, Plot No. B-71 & 72 MIDC Malegaon Sinnar Dist. Nashik Consumer No.075949019590 sanctioned load 300 KVA is an MSEDCL's HT consumer connected on 11 KV Industrial feeder No. 3 emanating from 132/33/11 KV S/Stn. At Malegaon Sinnar.
2. On 10/02/14 in the evening @ 08.15 hrs., it is reported by MSEDCL that a heavy Cubical Blast occurred at M/s. Natraj Industries. It is seen that it was not been reported by M/s. Natraj Industries to MSEDCL. The whole feeder was under breakdown condition for 04.30 hrs, & MSEDCL employee carried out patrolling work to find out the detection of fault. It took @ 4.30 hrs to detect the fault & isolate the faulty unit & restore the supply to other consumers.
3. MSEDCL has suffered a loss of Rs. 96,500/- as it was unable to sale (sell) energy to the consumer for 04.30 hrs. period.
4. M/s. New Natraj Industries has initiated (intimated) the fault occurrence to MSEDCL vide letter dt. 14/02/2014 seen received lately. If the fault would have been restored by MSEDCL with less time avoiding the MSEDCL's loss of Rs. 96,500/-.
5. The Superintending Engineer Nashik Rural Circle vide C/NSKZ/T-2/NR-510/5733 dt.27/08/2007 has instructed to provide the check meter within 2 months . It was agreed by M/s. New Natraj that they will install the additional check point metering within 2 months. However the same is not been installed by the consumer. If the check metering is available the consumers supply would not have been affected. Also the MSEDCL's energy loss could have been avoided.
6. As per MERC's Conditions of Supply regulations 2005(2010) Sr. No. 9 The MSEDCL shall not be responsible for any damage to the meter installed in the consumer premises of the Consumer on account of any reason. In case of burnt meter, it shall be replaced by MSEDCL and supply restored to the consumer provided that the MSEDCL may recover the price of the meter from the consumer, as approved from time to time by the commission.
7. As per the SOP Regulation (Burnt Meter) procedure, where upon a complaint by the consumer or inspection by the authorized representative of the MSEDCL, meter is found to be burnt, the MSEDCL shall recover the cost/price of the meter from the consumer, the cost of apparatus and any other applicable deposits & charges based on 'Schedule of Charges' as approved or as may be approved by the Commission and shall restore the supply after replacement of meter within 48 hours in Rural areas.
8. The MSEDCL has issued a notice vide AE/SNR-1/Tech/1650 dtd. 11/02/2014 to the consumer for submission of test report megger values for cable, cable joint kit and metering cubical at an earliest so that the faulty equipments will be replaced as per MSEDCL procedure. It is intimated by the Dy. Ex. Engineer Sinnar-1 that the notice is pasted by the MSEDCL employee on the factory entrance as nobody was there to accept the same.

9. The reply of consumer on the same is not been submitted. Also the amount for replacement of faulty equipment is also not paid. The consent of the consumer for procurement of PT by MSEDCL is also not seen & supply is not restored.
10. As per consumer's application dt. 22/08/2014, the supply of M/s. New Natraj Industries is restored on dt. 03/09/2014 after replacement of faulty one phase PT.
11. The Hon'ble Chairman is requested to recover the amount Rs. 96,500/- for which the energy could not be sold by MSEDCL from the consumer and issue it to MSEDCL. It is requested to give decision in favor of MSEDCL.

**Action by IGRC :**

1. Internal Grievance Redressal Cell Nashik Rural Circle conducted hearing on the complaint submitted on 19/06/2014
2. After hearing both the parties IGRC gave decision as per letter dated 16/08/2014 as under:  
*The consumers supply is not restored after recovery of necessary charges , for replacement of burnt metering equipment.*  
*The consumer's request is not accepted.*

**Observations by the Forum:**

1. There was sparking at HT cubical installed at the factory on 10/02/2014 at 20.30 hrs. The complainant states that the matter was reported to the staff ( One Mr. Labde) at the Sinnar Sub Station immediately followed by a letter dated 14/02/2014 to AE Sinnar I Sub Division (which is acknowledged by this office) . But letter does not make any mention of 1) replacement of the cubical and 2) Stoppage of Supply or restoration request .
2. The complainant wrote a letter dated 17/02/2014 to AE Sinnar I Sub Division (which is acknowledged by the office on 21/02/2014) with a copy given to the Nashik Rural Circle office (which is acknowledged by that office on 18/02/2014). In this letter there is mention of disconnection of supply since 10/02/2014.
3. The complainant then sent an e-mail at htconsumer@ mahadiscom.in dated 31/03/2014 meant for AE Sinnar I Sub Division with a request to restore the supply disconnected since 10/02/2014 with copies of the correspondence done earlier and letter dated 31/03/2014 addressed to the Sub Division and Rural Circle of Distribution Company with a request to rectify the fault and restore the supply disconnected since 10/02/2014. There is no action/reply to this communication by Distribution Company.
4. Finding no response , the complainant submitted the grievance to IGRC on 19/06/2014 with a claim for compensation. The IGRC gave decision as per letter dated 16/08/2014
5. Later the complainant found that a letter from the A.E. Sub Div Office, Sinnar was pasted on their Factory Gate on 21/08/2014. The letter shows the date as 11/02/2014. Hence the complainant reported this matter by letter dated 22//08/2014 to the SE Nashik Rural Circle (which is acknowledged by the office on 25/08/2014) with copy to A.E. Sub Division, Sinnar. The complainant informed that this letter was not there prior to 21st Aug 2014. The complainant stated that they have made numerous correspondences in this regard for the restoration of the supply. Further, it was informed that they had checked the insulation Resistance of the Cable, after it was disconnected from the Metering Cubicle by MSEDCL Testing Employees, and was found to be correct.
6. The Nodal Officer has not furnished the detailed reply to the Forum covering all the points raised by the complainant including what action was taken on consumer's letters given since 14/02/2014 till 22/08/2014 . The office note dated 03/09/2014 sent by e-mail to the Forum does not take cognisance of all the points.
7. There are many lapses in handling this case by the Distribution Company as noted below:
  - a. The nodal officer in his office note states that "*M/s. New Natraj Industries has intimated the fault occurrence to MSEDCL vide letter dt. 14/02/2014 seen received lately. If the fault would have been restored by MSEDCL with less time avoiding the MSEDCL's loss of Rs. 96'500/-.*" At same time it also states that : "*The MSEDCL has issued a notice vide AE/SNR-1/Tech/1650 dtd. 11/02/2014 to the consumer for submission of test report megger values for cable, cable joint kit and metering cubical at an earliest so that the faulty equipments will be replaced as per MSEDCL procedure.*" .If the matter is not reported till 14/02/2014 , then how a letter dated 11/02/2014 is issued by the MSEDCL.
  - b. Close scrutiny of the said letter 11/02/2014 reveals that :

- i. The concerned AE had knowledge about the fault (blast in metering cubicle reported by telephone message by JE Sinnar I) that occurred on 10/02/2014 as mentioned in this letter.
  - ii. The delivery of this letter is disputed as there is no acknowledgement of this letter by the consumer. The Distribution Company has not recorded any evidence of absence of any person at the premises on 11/02/2014 while pasting the said letter .
  - iii. The Distribution Company states that it was pasted on the premises of the consumer on 11/02/2014 as the door of the factory was locked. But the complainant disagrees with this claim and states that such a notice was not at all there prior to 21/08/2014. It was pasted only on 21/08/2014 after the decision dated 16/08/2014 was issued by the IGRC
  - iv. The letter mentions that “ *the door is locked and no security available*” . It is not understood , how in advance the concerned MSEDCL office visualized while preparing this letter. that the “door is locked and no security is not available” at the time of delivering the letter .
  - v. The purpose of issuing the letter is not understood. There is no instruction in this letter to the complainant regarding replacement of faulty part at their cost. On the contrary it is assured that “ *after getting the test report megger values for cable, cable joint kit and metering cubical , the faulty equipments will be replaced as per MSEDCL rules.*”
  - vi. It seems to be an intimation of the disconnection of supply . The supply can be disconnected by the Distribution Company only in the event of detection of the electricity theft (section 135 of the EA 2003) and in case of default in payment of the electricity charges (section 56 of the EA 2003) that too after issuing 15 days notice in writing. The disconnection on account of any fault/maintenance is temporary and the supply needs to be restored after rectification of the fault within time limit as stipulated in Standards of Performance .
  - vii. The Distribution Company claims that there was no person to receive the letter .But it is reported that the MSEDCL and MIDC bills during this period were regularly delivered and the same were being paid by the consumer.
  - viii. It is also reported by the complainant that he has made many personal visits to the offices of the Distribution Company for follow up . Then it is surprising that the Distribution Company is not able to hand over any communication to the complainant and has to resort to pasting a letter at the premises of the consumer.
8. Normally the Distribution Company should not stop at the first attempt of failure to serve the notice/letter. It should attempt next time again. But there is nothing on the record to show any further communication in this regard made by the Distribution Company for further almost six months. On the contrary , the complainant has issued letters on 14/02/2014, 17/02/2014 , e-mail dated 31/03/2014 and made personal visits which are not responded. The Distribution Company should have replied these letters referring to the said letter dated 11/02/2014.
9. While delivering the letter , the Distribution Company has not resorted to the procedure as mandated under section 171 of the EA 2003 which provides directives for “**Service of notices, orders or documents**” as under:
- (1) *Every notice, order or document by or under this Act required, or authorised to be addressed to any person may be served on him by delivering the same after obtaining signed acknowledgement receipt therefor or by registered post or such means of delivery as may be prescribed -.....”*
- (a) *where the Appropriate Government is the addressee, at the office of such officer as the Appropriate Government may prescribe in this behalf;*
  - (b) *where the Appropriate Commission is the addressee, at the office of the Appropriate Commission;*
  - (c) *where a company is the addressee, at the registered office of the company or, in the event of the registered office of the company not being in India, at the head office of the company in India;*
  - (d) *where any other person is the addressee, at the usual or last known place of abode or business of the person.*

*(2) Every notice, order or document by or under this Act required or authorised to be addressed to the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the owner or occupier of the premises (naming the premises), and may be served by delivering it, or a true copy thereof, to some person on the premises, or if there is no person on the premises to whom the same can with reasonable diligence be delivered, by affixing it on some conspicuous part of the premises*

10. The Distribution Company has not acted properly following the directions under Supply code and EA 2003 after the fault was noticed /reported on 11/02/2014.

a. In fact it was responsibility of the Distribution Company to replace the faulty part of the meter (cubicle) by recovering the cost from the consumer in view of section 14.2.3 of Supply Code 2005::

*“Where, upon a complaint by the consumer or inspection by the Authorised Representative, the meter is found to be burnt, it shall be replaced and supply restored to the consumer.*

*...Provided that the Distribution Licensee may recover the price of the new meter from the consumer:.....”*

b. On the subject of ‘**Restoration of Supply**’ the Supply Code, 2005 provide as under:

*“16.1 Except where the supply of electricity is disconnected on account of failure of the consumer to comply with his obligations under the Act or these Regulations, the Distribution Licensee shall bear the costs for restoration of supply to the consumer.*

*16.2 Where, upon settlement of any grievance or dispute in this regard, the consumer is required to bear the costs of restoration, the Distribution Licensee shall restore supply to the consumer upon payment by the consumer of such charges, as approved by the Commission under Regulation 18:.....”*

c. After failure to serve the said letter dated 11/02/2014, it was duty of the Distribution Company to enter the premises of the consumer and carry out inspection, testing and repair in view of the powers under section 163. (1) of the EA 2003 reproduced as under:

*“A licensee or any person duly authorised by a licence may, at any reasonable time, and on informing the occupier of his intention, enter any premises to which electricity is, or has been, supplied by him, of any premises or land, under, over, along, across, in or upon which the electric supply-lines or other works have been lawfully placed by him for the purpose of –*

*(a) inspecting, testing, repairing or altering the electric supply lines, meters, fittings, works and apparatus for the supply of electricity belonging to the licensee; .....”*

But no action was taken by Distribution Company for more than 6 months in repairing the meter or restoring the supply. There is no notice issued to the complainant by the Distribution Company to pay the cost of repair when the complainant was consistently asking to restore the supply. Alternatively, the Distribution Company could have repaired the cubicle and debited the charges to the consumer. But the Distribution Company remained inactive for almost six months.

11. The Nodal Officer stated that the supply was not restored by MSEDCL for the want of the consent of the consumer for procurement of PT. But it is surprising to note that the supply of M/s. New Natraj Industries is restored later on 03/09/2014 after replacement of faulty one phase PT on the basis of the consumer’s application dt. 22/08/2014 and after the case was submitted to the CGRF on 26/08/2014. It is worthwhile to note that the said letter dated 22/08/2014 by the consumer does not carry any “consent for procurement of PT” Then how was repair done and power restored? If this is done now, this could have been done earlier also. There was apparently no change in the circumstances between 11/02/2014 and 02/09/2014. This indirectly establishes that the delay is unjustified.

12. From the above facts on the record, the Forum concludes that there has been inordinate delay in correcting the fault and restoring the supply by the Distribution Company.

13. Now turning to the claim of compensation by the complainant for delay in restoring the supply. It is seen that during the currency of grievance, the case is covered by two set of regulations related to SOP.

a. The grievance arose on 10/02/2014 when the MERC (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005 were prevailing. These are now replaced by MERC (Standards of

Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014 with effect from 20/05/2014. The claim of the compensation will have to be dealt in the light of applicability of these regulations to this case.

i. Section 7.1 of the SOP Regulations 2005 on “**Burnt Meter**” is as under:

*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.*

ii. Based on the SOP Regulations 2005, MSEDCL has issued guidelines for “Conditions of Supply”. The relevant paragraph on “**BURNT METER**” under the same is reproduced below

*21.3.1 Where, upon a complaint by the consumer or inspection by the authorized representative of the MSEDCL, meter is found to be burnt, the MSEDCL shall recover the cost / price of the meter from the consumer, the cost of other apparatus and any other applicable deposits & charges based on the “Schedule of Charges” as approved or as may be approved by the Commission and shall restore the power supply after replacement of the meter within 24 hours in town and cities and 48 hours in rural areas and failing to do so, shall pay compensation as per Appendix-A of prevailing Standard of Performance regulations.*

iii. Proviso to the Section 12 of SOP Regulations 2005 is as under:

*“.....Provided also that no claim for compensation shall be entertained if the same is filed later than a period of sixty days from the date of rectification of the deficiency in performance standard:....”*

In this case the Distribution Company failed to restore supply disconnected on 10/02/2014 within the stipulated period as provided under regulation 7.1 of SOP Regulations 2005. But neither the Distribution Company restored supply nor the complainant has filed any claim for compensation on this ground till 19/05/2014 (i.e. till continuation of the SOP Regulations 2005). As such the claim of compensation can not be considered under SOP Regulations 2005.

b. The revised MERC (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014 have following provisions regarding “**Determination of Compensation**”

*12.1 The compensation to be paid by the Distribution Licensee to the affected person is specified in Appendix A of these Regulations.*

*12.2 The Distribution Licensee shall be liable to pay to the affected person, such compensation as provided in Appendix A to these Regulations :*

*Provided that any person who is affected by the failure of the Distribution Licensee to meet the standards of performance specified under these Regulations and who seeks to claim compensation shall file his claim with such a Distribution Licensee within a maximum period of sixty (60) days from the time such a person is affected by such failure of the Distribution Licensee to meet the standards of performance :*

In this case, the supply was disconnected on 10/02/2014 and should have been restored on 12/02/2014 [within 48 hours as stipulated]. The complainant got affected w.e.f. 13/02/2014. The claim of compensation should have been filed by him before 14/04/2014 [within 60 days]. But the same is actually filed on 19/06/2014 in the complaint submitted to the IGRC. Hence the claim is also not valid under SOP Regulations, 2014.

14. Though, the case is worth paying compensation, it can not be considered by the Forum on the above mentioned technical grounds of time limit. The fact remains that there was an abnormal delay in restoration of the supply and lapses in following the correct procedure as per MERC regulations and the Electricity Act, 2003 as highlighted in the preceding paras. This can not be ignored. Hence the Forum recommends that the matter should be investigated in detail by the appropriate authorities and suitable action taken against the erring staff.

15. The complainant has demanded to refund the Electricity Bill paid from 10<sup>th</sup> Feb 2014 till the date of restoration of power supply . But the billing is done at minimum rate for zero consumption and as per rule. Hence can not be refunded.
16. The Nodal officer has requested the Forum to recover the amount Rs. 96,500/- on the ground that the whole feeder was under breakdown condition for 04.30 hours due to this fault and the MSEDCL was unable to sell energy to the consumers during this period. But he has not quoted any regulation /rule under which such a recovery can be demanded. The Nodal Officer is advised to properly examine legal aspects of this demand. More ever the Forum is not empowered to order any such recovery from the consumer. Hence the request is rejected by the Forum.

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 claim of compensation and refund of the electricity bill paid can not be considered..
2. 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.
3. 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.
4. 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

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.