

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

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**Case No. CGRF(NZ)/53/2018**

Applicant : Shri Nimdev R. Wagh,  
Dsoda, Post – Magrul,  
Tah. - Samdrapur,  
Hinghanghat.

Non-applicant : Nodal Officer,  
The Executive Engineer  
Hinghanghat Division, MSEDCL,  
Hinghanghat.

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Applicant represented by : 1) Shri B. V. Betal,  
Non-applicant represented by: 1) Shri H. P. Pawade, Exe.Engineer, MSEDCL.

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Quorum Present : 1) Shri Vishnu S. Bute,  
Chairman.  
2) Shri N.V.Bansod,  
Member  
3) Mrs. V.N.Parihar,  
Member Secretary

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**ORDER PASSED ON 30.05.2018**

The applicant is an agriculturist. He has a pumpset for irrigation purpose. He stated that the D.P. was bent and the wires were broken. So his pump was not having electricity supply during the period from 11.05.2017 to 24.05.2017. (The applicant has not mentioned the timing in the application, in Schedule A or the written notes of argument). The applicant claimed compensation @ Rs.50/- per hour for the aforesaid period. He also demanded compensation of Rs.20,000/- for physical and mental harassment

A compensation of Rs.3000/- is claimed for travel expenses.

The IGRC Wardha dismissed his claim vide order No. SE/Wardha Tech/IGRC/No. 14028 dt. 21.10.2017. Feeling aggrieved by this order the applicant presented this application under the provisions of Regulation 6.4 of the MERC (CGRF & EO) Regulations 2006.

The respondent submitted parawise reply. On 28.05.18 both the parties were present. They were heard.

Shri B. V. Betal, a representative argued for the applicant that the power supply to his Ag. Pump stopped on 11.05.2017. There was no supply till 24.05.2017. So a compensation @ Rs.50/- per hour may be awarded for the above period. The compensation of Rs.20,000/- may be awarded for physical and mental agony. Rs.3,000/- may be awarded towards travel expenses.

In reply Shri H. P. Pawade, Executive Engineer, Hinghanghat Dn. admitted that the supply was disrupted during the period from 11.05.17 to 24.05.17. On receipt of the complaint the respondent look immediate action and the supply was restored.

However the claim of the applicant is not legal and proper. In view of the aprovisions of Regulation 12.2 the applicant ought to have claimed compensation within 60 days from 11.05.2017. In other words he should have claimed compensation on or before 13.07.17. As such the claim is barsed by limitation. The application may be dismissed.

After the hearing was over the case was discussed among the members of the Forum. The Chairperson and the Member Secretary were of the opinion that the applicant is not entitled for compensation. However the Member (CPO) took a different view.

A dissenting note given by Ld. Member reads as under,  
Arguments heard on 28.05.2018 and perused all the papers on record.

(1) It is admitted fact that applicant informed orally to the non applicant on 11.05.2017 that the supply of his pump was off due to tilting of D.P. caused breaking of service line wires and same is confirmed by Deputy Executive Engineer. Vide letter dated 24.05.2017 It is also undisputed fact that supply of his pump was restored on 24-5-2017 at 4 p.m.

(2) Applicant claimed SOP compensation for late restoration, Rs.10000/- for harassment and mental agony & Rs.300/- for Travelling expenses.

(3) The point for my consideration's are

(A) Whether the applicant is entitled for SOP compensation? Yes.

As per, MERC (SOP) Regulations 2014 (Appendix "A"-2(iv), in case of Distribution 'Transformer failure as in the present case, it was mandatory to restore supply within 48 hours i.e. on or before 13.05.2017 but the supply was restored on 24.05.2017 at 4 p.m. and hence applicant is entitled for SOP compensation from 13.05.2017 (5 p.m.) to 24.05.2017 (4 p.m.) @ Rs.50/- per hour or part thereof of delay.

(4) Non applicant alleged that applicant should have asked for SOP compensation within 60 days from 13.05.2017 and applicant complained after

2 months on 21.09.2017 and as per Reg. 12.2 of SOP Regulations, complaint be dismissed.

Hon'able Justice K.J. Rohee (E.O. Nagpur) by order dated 19.08.2016 in Representation No. 34/2016 – Shri Sunil S. Chambhare v/s. Exe.Engineer, MSEDCL Hinganghat – “it may be noted that clause 12.2 of SOP. Regulations is applicable only when the consumer files his claim with Distribution licensee. The said limitation of 60 days does not apply when the consumer files his claim of compensation with the forum.

The above order of E.O. was complied by the same Executive Engineer in the present case as it was binding on them as per reg. 17.18 of MERC (CGRF & EO) Regulations 2006, and remain unchallenged. Hence allegations of non applicant is futile attempt and deserves to be discarded. Amount of compensation shall be recovered from the erring officials as per ratio laiddown by Supreme Court of India, in petition i.e. Lucknow Dev.. Authority v/s M.K. Gupta.

(4) Applicant's request for compensations for mental & physical harassment and travelling charges etc. needs no consideration as duration is short & without cogent evidence.

(5) In view of the above observations. In Application deserves to be allowed.

### **ORDER**

1. Non Applicant shall pay the amount of SOP compensation for period 13-05-2017 (5pm) to 24.05.2017(4pm) @ Rs.50/- per hour or part there of delay.

2. The compliance of this order shall be done (Within 30 days from the date of this order).

**Naresh Bansod  
Member (CPO)**

We have perused the note. There is no dispute about the facts and figures of the case. The Member firmly affirmed that in view of the judgement given by Hon. Ombudsman Nagpur, in representation no. 34/2016 on 19.08.2016 (Shri Sunit Chambhare v/s Exe.Engineer MSEDCL Hinganghat) the claim is not time barred. The applicant may be awarded the compensation.

We have perused the record. The applicant neither in his application nor at the time of hearing referred to the above case any way. Naturally the respondent is not heard on this point. If we consider this case non applicant has no opportunity to put forth his say. This will amount to injustice on the non applicant. So we disagree with Ld. Member.

It is admitted position that the Ag. Pump of the applicant was not having a power supply during 11.05.2017 to 24.05.2017. However the respondent contend that the applicant has not claimed the compensation within the stipulated period.

Regulation 12.2 of the MERC (Standards of performance of distribution licensees, period for giving supply and determination of compensation) Regulation 2014, reads as under,

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 the instant case the power supply was disrupted on 11.05.2017. So in view of the aforesaid provision the applicant should have claimed compensation on or before 13.07.2017. He claimed the compensation on 21.09.2017. So we are of the considered opinion that the claim is barred by limitation.

Hence the following order by majority.

**ORDER**

The application is dismissed.

Sd/-  
**N.V. Bansod**  
MEMBER

Sd/-  
**Mrs. V.N.Parihar**  
MEMBER SECRETARY

Sd/-  
**Vishnu S. Bute,**  
Chairman