



Consumer Grievance Redressal Forum, Kalyan Zone  
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**NO. K/E/1436/1689 TO K/E/1461/1715 OF 2017-18**

Date of registration : 14/09/2018  
Date of order : 17/10/2018  
Total days : 33

**COMMON ORDER IN THE MATTER OF GRIEVANCE NOS. K/E/1436/1689 TO K/E/1461/1715 OF 2017-18 IN RESPECT OF SANTOSH J.SHETTY, GALA NO.1061/2/20, SAGAR NAKA, MAIN ROAD, DAHANU ROAD, DAHANU, DIST.PALGHAR, PIN CODE - 401 602 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING SOP.**

- 1] **Mr.Santosh J.Shetty, K/E/1436/1689 of 2017-18**  
Gala No.1061/2/20, Sagar Naka, Main Road,  
Dahanu Road, Pin Code- 401 602,  
(Con.No. 005520102118)
- 2] **Mr.Santosh J.Shetty, K/E/1437/1690 of 2017-18**  
Gala No.1061/1/3, Sagar Naka, Main Road,  
Dahanu Road, Pin Code- 401 602  
(Con.No. 005520101944)
- 3] **Mr.Santosh J.Shetty, K/E/1438/1691 of 2017-18**  
18/14 Janardan Arcade, 1st Floor, Main Road,  
Dahanu Road, Pin Code 401 602  
(Con.No. 005521004438)
- 4] **Mr.Santosh J.Shetty, K/E/1439/1692 of 2017-18**  
Gala No.1061/2/14, Sagar Naka, Main Road,  
Dahanu Road, Pin Code- 401 602  
(Con.No. 005520102053)
- 5] **Mr.Santosh J.Shetty, K/E/1440/1693 of 2017-18**  
13 Janardan Arcade, Tal-Dahanu,  
Dist-Palghar, Pin Code 401 602  
(Con.No 005520384415)

- 6] **Mr.Santosh J.Shetty, K/E/1441/1694 of 2017-18**  
Gala No.16, Sagar Naka, Main Road,  
Dahanu Road, Pin Code- 401 602  
(Con.No. 005520101910)
- 7] **Mr.Santosh J.Shetty, K/E/1442/1695 of 2017-18**  
Gala No.1061/1/10, Sagar Naka, Main Road,  
Dahanu Road, Pin Code- 401 602  
(Con.No. 005520102011)
- 8] **Mr.Santosh J.Shetty, K/E/1443/1696 of 2017-18**  
Gala No.1061/2/12, Sagar Naka, Main Road,  
Dahanu Road, Pin Code- 401 602,  
(Con.No. 005520102037)
- 9] **Mr.Santosh J.Shetty, K/E/1444/1697 of 2017-18**  
Gala No.1061/1/2, Sagar Naka, Main Road,  
Dahanu Road, Pin Code- 401 602  
(Con.No. 005520101936)
- 10] **Mr.Santosh J.Shetty, K/E/1445/1698 of 2017-18**  
Gala No.1061/2/19, Sagar Naka, Main Road,  
Dahanu Road, Pin Code- 401 602  
(Con.No. 005520102100)
- 11] **Mr.Santosh J.Shetty, K/E/1446/1699 of 2017-18**  
Gala No.1061/1/16, Sagar Naka, Main Road,  
Dahanu Road, Pin Code- 401 602  
(Con.No. 005520102070)
- 12] **Mr.Santosh J.Shetty, K/E/1447/1700 of 2017-18**  
Gala No.1061/1/14, Sagar Naka, Main Road,  
Dahanu Road, Pin Code- 401 602  
(Con.No. 005520101952)
- 13] **Mr.Santosh J.Shetty, K/E/1448/1701 of 2017-18**  
Gala No.1061/1/2, Sagar Naka, Main Road,  
Dahanu Road, Pin Code- 401 602,  
(Con.No. 005520101936)
- 14] **Mr.Santosh J.Shetty, K/E/1449/1702 of 2017-18**  
Gala No.1061/2/15, Sagar Naka, Main Road,  
Dahanu Road, Pin Code- 401 602  
(Con.No. 005520102061)

- 15] **Mr.Santosh J.Shetty, K/E/1450/1703 of 2017-18**  
Gala No.1061/1/18, Sagar Naka, Main Road,  
Dahanu Road, Pin Code- 401 602  
(Con.No. 005520101995)
- 16] **Mr.Santosh J.Shetty, K/E/1451/1704 of 2017-18**  
Gala No.1061/1/5, Sagar Naka, Main Road,  
Dahanu Road, Pin Code- 401 602.  
(Con.No 005520101961)
- 17] **Mr.Santosh J.Shetty, K/E/1452/1705 of 2017-18**  
Gala No.1061/1/6, Sagar Naka, Main Road,  
Dahanu Road, Pin Code- 401 602  
(Con.No. 005520101979)
- 18] **Mr.Santosh J.Shetty, K/E/1453/1706 of 2017-18**  
Gala No.1061/1/1, Sagar Naka, Main Road,  
Dahanu Road, Pin Code- 401 602  
(Con.No. 005520101928)
- 19] **Mr.Santosh J.Shetty, K/E/1454/1707 of 2017-18**  
Gala No.1061/1/9, Sagar Naka, Main Road,  
Dahanu Road, Pin Code- 401 602  
(Con.No. 005520102002)
- 20] **Mr.Santosh J.Shetty, K/E/1455/1708 of 2017-18**  
Gala No.1061/2/18, Sagar Naka, Main Road,  
Dahanu Road, Pin Code- 401 602.  
(Con.No. 005520102096)
- 21] **Mr.Santosh J.Shetty, K/E/1456/1709 of 2017-18**  
Gala No.1061/2/11, Sagar Naka, Main Road,  
Dahanu Road, Pin Code- 401 602.  
(Con.No. 005520102029)
- 22] **Mr.Santosh J.Shetty, K/E/1457/1710 of 2017-18**  
Gala No.1069, Sagar Naka, Main Road,  
Dahanu Road, Pin Code- 401 602.  
(Con.No. 005521018174)
- 23] **Saroja J.Shetty, K/E/1458/1711 of 2017-18**  
Post-Dahanu Road, Tal-Dahanu, Dist-Palghar,  
Pin Code- 401 603  
(Con.No. 005521019869)

- 24] **Saroja J.Shetty, K/E/1459/1712 of 2017-18**  
11 Janardan Arcade,Tal-Dahanu, Dist-Palghar,  
Pin Code 401 602  
(Con.No. 005520665686)
- 25] **Amita S.Shetty, K/E/1460/1713 of 2017-18**  
12 Janardan Arcade,Tal-Dahanu,  
Dist-Palghar, Pin Code 401 602.  
(Con.No. 005520665678)
- 26] **Amita S.Shetty, K/E/1461/1714 of 2017-18**  
14 Janardan Arcade,Tal-Dahanu, Dist-Palghar,  
Pin Code 401 602,  
(Con.No. 005520384423)
- 27] **Narendra R.Patel, K/E/1462/1715 of 2017-18**  
A.M.Society, Dahanu Road, Dahanu, Dist.Palghar,  
Pin Code - 401 602,  
(Con.No. 005530002545) . . . (Hereinafter referred as consumers)

V/s

Maharashtra State Electricity Distribution  
Company Limited,  
Through it's Nodal Officer,  
Palghar Circle, Palghar . . . (Hereinafter referred as Licensee)

**Appearance** : For Licensee - 1) Shri.Ramesh B.Kadam, AEE, Palghar Division  
2) Shri.B.S.Dhodi, Dy.EE, Dahanu S/Dn.

For Consumer - Absent

[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 Redressed 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

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Commission. [Electricity Supply Code and other conditions of supply 2005] 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.

2) Main contention of all the applicants is that, there was no supply of power for six hours from 10.00 am to 16.00 pm on date 20/04/2018, without any valid reason. Hence compensation is demanded as per Regulation 3.2 & clause 2 (i) of Appendix 'A' of SOP regulation 2014.

3) Consumers approached to the officers of MSEDCL for claim of compensation within 60 days from failure of Distribution Licensee from meeting the standards of performance & before IGRC on date 02/05/2018. Hearing of IGRC took place on date 29/05/2018 & issued order on date 19/07/2018. IGRC rejected the SOP claims stating that the supply was off due maintenance work , which was very essential.

4) Individual Notices were given to Licensee, who appeared and filed common reply on date of hearing.

5) In its reply Licensee contended that on 20/04/2018, Deputy Executive Engineer, Dahanu Road had taken outage on 11 kv Dahanugaon and 11 kv Dahanu Road feeder emanate from 33/11 kv Dahanu Road Substation for tree cutting and pre-monsoon maintenance work from 11:30 am to 03:30 pm under maintenance order to M/s Shiva Electric company. The work of replacement of damaged/rusted electric poles was taken in hand under 'IPDS' scheme. The work was taken in hand to provide uninterrupted power supply to the consumer and to avoid electrical accidents due to deteriorated infrastructure. In the month of March-2016 and April-2016 there was important examinations of 10<sup>th</sup> and 12<sup>th</sup> students and rainy season was about to start. The period for carrying out maintenance work was very less. Hence the supply was kept off on date 20/04/2018 to carry out the emergency maintenance work.

For carrying out maintenance work one day is fixed in the week i.e. Friday for Palghar district. Hence all the consumer know about the fact. That maintenance work is carried out on Friday.

Licensee again contends that on 20/04/2018 the supply was off for 5 hours (i.e. less than 6 hours) hence consumer is not entitled for compensation under SOP regulation. Licensee also quoted that, in the matter of MCGM v/s MERC reported in 2016 (2) BOM CR 722, Bombay High Court, with regard to SOP Regulations and Licensee's obligations, has observed, that to hold the distribution licensee absolutely to a rigid and

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inflexible time period irrespective of issues beyond its control, would be entirely unworkable and unjust.

6) consumer representative submitted additional common rejoinder in which he contends that :-

i) *It is false and untrue to say that the power supply was stopped/closed from 10:30 am to 03:30 pm. In fact and in reality the same was stopped/closed from 10:00 hrs to 16:00 hrs. It is to be noted that the responded has admitted that the power supply was stopped/closed and as such it comes in fuse off call of clause 2(i) of Appendix "A" the MERC (SOP) Regulations 2014.*

ii) *The reasons given in the reply for closing/stopping the power are patrolling, tree cutting etc. for pre monsoon maintenance and repairing, no exemptions are allowed or permissible for such things in the MERC (SOP) Regulations 2014.*

iii) *It is stated without any authentic proof or showing the provisions for the same the MERC (SOP) Regulations 2014 that Friday is fixed as weekly off for Palghar District. The respondent be asked for the details of such weekly off for areas like Mulund, Thane, Pune and other cities. In the absence ant proof for the same it is submitted that the same must be rejected. If such directions are issued its source of power also must be disclosed. Source of power under which it is issued is not known has no legal status (Chief Secretary to government of Mysore V.S.C. Chandraiah 1967 SLR 155)*

iv) *The Bombay High Court Judgment cited by the Respondent does not apply to the present case as the circumstanced are quite different. It needs to be confirmed as to whether it was based on "power off" situation created by the Licensee as in the present case or on situation created by the calamities beyond the control of human beings. The said judgment is in respect of applicability of rigidity and inflexibility of time taken in spite of genuine great effort by Licensee. The same thing does not exist in present case.*

v) **(a)** *it is well settled that absolute enactment must be obeyed absolutely or fulfilled exact (Pratap Singh V.Shri.Krishna 1956 SC 140 = 1956 (2) SCR 1029 = 1956 SCJ 143)*

**(b)** *it is not the function of the court of law to give to the words a sustained and unnatural meaning or add to the words of status certain words which will change the scope of the Act (I.T. Comm.V. Elphinstone S & W Mills AIR 1960 SC 1023 – Comm.V. Tej Singh AIR 1959 SC 352)*

**(c)** *An interpretation which would defeat the object of the legislature should not be adopted (Asia Industries V.Sarup Singh AIR 1966 SC 346)*

**(d)** *Words which are clear and precise are to be given their natural meaning (Ramswami V.State AIR 1958 SC 56)*

Hence it is humbly it is humbly and most respectfully prayed that the applications of the aforesaid Applications be allowed and all the reliefs claimed be allowed.

7) We have gone through the submissions made by both parties & heard the argument of Licensee. The main issue is grant of compensation as per MERC (SOP) regulation 2014. Appendix 'A' clause 2 i.e. Restoration of supply is reproduced here.

## **2. Restoration of Supply**

<b>Supply Activity/Event</b>	<b>Standard</b>	<b>Compensation payable</b>
<b>ii) 33kV/22kV/11kV/400V Overhead Line breakdown</b>	<b>Four (4) hours (Class - I cities areas)</b>	<b>Rs.50 per hour or part thereof delay</b>
	<b>Six (6) hours (Urban Areas)</b>	
	<b>Twenty-four (24) hour (Rural areas)</b>	

We checked the interruption report with permit book & logbook, it is matching. There was interrupted supply of 5 hours. From the log book it is clear that the Licensee staff was taken outage for maintenance work.

As per this clause supply of Dahanu road should have been restored within 6 hours as it is an urban area. Whereas supply remain affected for 5 Hours, for which Licensee claims that, it was due emergency maintenance work.

8) Now if Distribution Licensee has to give compensation, then the question is what the SOP should be? In this case the Consumer claims compensation for 6 hours. From the log sheet record the supply was interrupted for 5 hours on 20/04/2018 from 10:30 am to 03:30 pm. In urban area compensation payable if the supply is off for more than six hours.

Hence as per Appendix 'A' clause 2 (ii) of SOP regulation 2014, Distribution Licensee has to pay compensation if the interruption is more than 6 hours. As the supply was not off for more than 6 hours, no compensation allowable is permissible/allowed as per clause 6.2 of MERC (Standards of Performance of Distribution Licensees, period for Giving Supply and Determination of Compensation) Regulation, 2014.

Hence the order.

**ORDER**

The Grievance applications are hereby rejected.

Dated : 17/10/2018

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

(A.P.Deshmukh)  
MemberSecretary  
CGRF, Kalyan.

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

**NOTE**

- 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.*



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