



Consumer Grievance Redressal Forum, Kalyan Zone  
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**NO. K/E/1562/1852 OF 2018-19**

Date of registration : 19/03/2019

Date of order : 02/05/2019

Total days : 44

**IN THE MATTER OF GRIEVANCE NOS. K/E/1562/1852 OF 2018-19 IN RESPECT SHRI.NARENDRA RAVJIBHAI PATEL, NEELKANTH, ANAND MANGAL SOCIETY, DAHANU ROAD, DIST-PALGHAR, PIN CODE – 401 602 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING SOP.**

- 1] Shri.Narendra Ravjibhai Patel,  
Neelkanth, Anand Mangal Society,  
Dahanu Road, Dist-Palghar,  
Pin Code – 401 602  
(Consumer No. 005530008811) . . . (Hereinafter referred as consumers)  
V/s
- 2] Maharashtra State Electricity Distribution  
Company Limited,  
Through it's Nodal Officer,  
Palghar Circle, Palghar . . . (Hereinafter referred as Licensee)

**Appearance :** For Licensee - Shri.Vikas Kanase, AE, 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 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 applicants Shri.Narendra Ravjibhai Patel, Dahanu Road is that, there was no supply of power 8 hrs 45 min. from 10:30 hrs to 19:15 hrs on date 02/11/2018. Hence compensation is demanded as per MERC SOP Regulation.

3) Consumer approached to IGRC, Vasai for claim of compensation within 60 days from failure of distribution Licensee from meeting the standards of performance 27/11/2018. Hearing of IGRC took place on date 03/01/2019 & issued order on date 22/01/2019. IGRC rejected the SOP claims stating that the supply was off due to incident beyond control of MSEDCL. As per MERC regulation (SOP) 2014 clause no.11.1 (2) the said reason is exempted for giving SOP.

4) Notice was given to Licensee vide letter no.EE/CGRF/Kalyan/114 dt.20/03/2019 to which Licensee appeared and filed reply on date of hearing.

5) **Licensee in its reply contents that :**

i) *That, MSEDCL denies all contention raised in the grievance except those herein admitted below.*

ii) *MSEDCL submits that the said consumer is connected on 11 KV Dahanu Gaon Feeder emanating from 33/11 KV Dahanu Road Sub Station. This feeder tripped and breakdown occurred on this feeder on date 02.11.2018 @ 10 : 25 hrs and the power supply to this consumer got interrupted. The V-cross arm on HT pole of this feeder at Jalaram Mension building in Dahanu Town was found dismantled. Therefore, permit was taken on this feeder and necessary repair work was carried out. This feeder was charged again and power supply was restored @ 12:05 hrs on the same day. The total period of breakdown was 1 hr and 40 minutes. It is less than 6 hrs.*

iii) *That as per Appendix "A" Clause 2 (ii) of MERC SOP regulation 2014, distribution licensee has to pay compensation if the interruption period is more than 6 hours in urban areas.*

iv) *Appendix "A" Clause 2 of MERC SOP regulation, 2014 is reproduced here as below:*

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

*The total period of interruption was 1:40 Hrs. As the power supply to this consumer was not off for more than 6 hours, no compensation allowable is permissible / allowed to this consumer as per clause 6.2 of MERC (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014. On perusal of the permit book and log book and log sheet, it is clear that the total period of interruption was 1:40 Hrs. Copies of permit book and log book and log sheet are attached herewith as Annexure "A", page no. 1 to 3.*

v) *That on same day, emergency outage was taken from 14 : 10 hrs to 19 : 13 hrs in 132/33 KV Dahanu EHV Sub Station by MSETCL. This power supply interruption for 5:03 Hrs was due to transmission network failure of MSETCL. Hence, as per MERC SOP Regulation 2014, clause no 11.1 (ii), there is an exemption to grant compensation in such situation.*

*MERC SOP Regulation 2014, clause no 11.1 is reproduced here for sake of brevity.*

### **11. Exemption:**

**11.1** *Nothing contained in these Regulation 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:*
- ii) Outages that are initiated by the National Load Dispatch Centre/Regional Load Dispatch Centre / State Load Dispatch Centre during the occurrence of failure of their facilities :*
- iv) or other occurrences beyond the control of the Distribution Licensee :*  
*Provided that the Distribution Licensee shall not be excused from failure to maintain the standards of performance under these Regulations, where such failure can be attributed to negligence or deficiency or lack of preventive maintenance of the Distribution system or failure to take reasonable precaution on the part of the Distribution Licensee.*

*As such MSEDCL was not liable for any SOP compensation in view of above provisions.*

6) Consumer filed rejoinder on date 02/04/2019 stating the record produced by the respondent is not acceptable and the same are false & fabricated, restoration time is not permissible in any other events. The exemption under clause 11.1 (2) is allowed only in the opinion if the MERC is produced. Consumer also relied on electrical ombudsman representation no. 1 to 27 of 2019.

7) We have gone through the documents submitted by both. As per log book and permit book submitted by Distribution Licensee, it is clear that supply was off on 02/11/2018 from 10:25 am to 12:05 pm due to 11 kv Dahanu road feeder breakdown.

Again permit taken by EHV substation from 02:30 pm to 06:55 pm for maintenance work. Hence supply was not continuously off for period 10:25 am to 07:15 pm. Supply was off in two parts i.e. 1 Hr 40 min and 5 Hr 3 min.

In this situation supply interruption has not exceeded 6 hours limit of SOP regulation. There is no clause showing time limit for restoration of supply in case of scheduled outage. We cannot blame Distribution Licensee for the same because maintenance is the essential activity for keeping the system healthy. In such situation Distribution Licensee has to take precaution to give public notice in advance. Here Distribution Licensee claims that the outage was carried out for emergency work. Permit book of EHV substation also mentions 'Hot Spot' work in their remark, hence Distribution Licensee cannot be held responsible for interruption of supply. In these circumstances SOP demand for interruption of supply cannot be upheld.

Hence the Order

### **ORDER**

**Grievance application is hereby rejected.**

Date: 02/05/2019

(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.*