

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005.
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Case No. 40 of 2010

In the matter of
Complaint filed by Shri Vitthal Sidram Burute, Shegaon, under Section 142 of the Electricity Act, 2003, against MSEDCL, alleging non-compliance of the Order dated March 3, 2010, passed by the CGRF, Kolhapur Zone.

Shri V.P. Raja, Chairman
Shri Vijay L. Sonavane, Member

Shri Vitthal Sidram Burute, Shegaon, Dist. Sangli ...Complainant

V/s

Maharashtra State Electricity Distribution Company Limited, ...Opponent
through its' Executive Engineer & Nodal Officer, Vishrambaug, Sangli,
Executive Engineer, Kavathemahakal, Sangli
Asst Executive, Jat, Sangli

ORDER

Date: 8th November, 2010

Shri Vitthal Sidram Burute filed a complaint before the Commission on September 1, 2010, against Maharashtra State Electricity Distribution Company Limited ("MSEDCL"), the Opponent, under Section 142 of Electricity Act, 2003 (EA 2003), with a request to initiate appropriate action against the Opponent for non-compliance of an Order passed by the Consumer Grievance Redressal Forum ("CGRF"), Kolhapur Zone, dated March 3, 2010.

2. The prayers made by the Complainant are as under:

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१) ग्राहक तक्रार निवारण मंच व विद्युत लोकपाल विनियम, २००६ च्या कलम ८.७ नुसार माननीय कोल्हापूर मंचाचा आदेश क्र. ग्राहक तक्रार क्र. १०८/२००९ पत्र क्रमांक ३२४ दि. ०३.०३.२०१० चे पालन प्रतिवादी करणे हे प्रतिवादी यांना बंधनकारक होते.

(The Opponent was bound to comply with the order passed by Consumer Grievance Redressal Forum, Kolhapur, in consumer complaint No.108/2009, as



per Regulation 8.7 of MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman), Regulations, 2006.)

२) वितरण कंपनीने दोन बिलिंग सायकल मध्ये ही प्रक्रिया चालू न केल्याने ग्राहक तक्रार निवारण मंच व विद्युत लोकपाल विनियम, २००६ च्या कलम २२ मधील तरतूदीनुसार अधिनियमाच्या कलम १४२ नुसार कडक कारवाई व्हावी ही विनंती.

(To take appropriate action against the Opponent under Section 142 of EA, 2003, in line with Regulation 22 of MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman), Regulations, 2006, since it has failed to implement the order even after completion of two billing cycles.)”

3. The facts of the matter in the complaint, are as under:
 - a) The Complainant submits that a new completed application form was submitted on September 10, 2007 to Opponent (MSEDCL)'s Jat Sub-Division, for getting electricity supply to his residential premises at Shegaon, Taluka Jat, Dist. Sangli. The Opponent acknowledged the same by giving the receipt for Rs.25/- as the processing fee paid by the Complainant on the same day.
 - b) That according to the MERC (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005 (“SoP Regulations, 2005”), since it required installation of one pole line for giving connection, the Complainant was supposed to get the Invoice (intimation for the charges to be borne by the applicant) from the Opponent within one month of application i.e., by October 9, 2007.
 - c) The Complainant submits that when, in-spite of requesting repeatedly, he did not receive approval/ the Invoice due from the Jat Sub-Division and Branch Office, Shegaon, of MSEDCL, in line with the MERC Regulations he approached the Internal Grievance Redressal Cell (IGRC) at Circle office, Vishrambaug, Sangli, on May 15, 2009, demanding for the Invoice against his application for the domestic supply, and also for getting the ‘compensation’ as per the SoP Regulations, 2005 - due to the delay in receiving the Invoice. (As brought out in the CGRF’s Order, the Complainant received the Invoice on August 1, 2009.)
 - d) Since no decision was given by IGRC, and so being aggrieved, the Complainant filed a representation before the CGRF, Kolhapur Zone, on October 7, 2009, demanding compensation.
 - e) As per the order of CGRF, Kolhapur Zone, dated March 3, 2010 (no.108-09), during the hearing held by CGRF, on January 4, 2010, the Opponent accepted that there was delay in giving the Invoice since the work involved 0.06 LT Line with one pole. Also, the Opponent had submitted that the Complainant had given in writing that it does not have any demand for compensation. Further, the Opponent had submitted that the Complainant was going to get the supply on January 4, 2010.
4. CGRF, considering that there was delay in receiving the Invoice by the Complainant (SoP Regulations 4.4 to 4.7), and considering Regulation 12 of the SoP Regulations, 2005, decided that the delay of non-compliance of 94 weeks was to be compensated @Rs.100/- per week as per Appendix ‘A’ of SoP Regulations, 2005. Thus, the CGRF, vide its Order dated March 3, 2010, directed that ‘as per the Complainant’s demand, for



the delay of 94 weeks, a compensation of Rs.9400/- should be paid'. The amount was to be adjusted in the electricity bills.

5. After the CGRF's aforesaid order, the Opponent issued the first bill to the Complainant on April 9, 2010. On complaining to the Assistant Engineer, Jat Sub-division, about the non-compliance of the CGRF's Order in this bill, the Complainant was told that it had happened since the bill was issued after the CGRF's Order and information was not fed in the Computer database, and, in the next energy bill the adjustments would be made.
6. Even in the next energy bill to the Complainant on July 08, 2010, the CGRF's Order was not complied with. As submitted by the Complainant in this complaint before the Commission, when an enquiry was made by the Complainant, with the Jat Sub-Division, the reply to him was that *the penalty levied as per the CGRF Order will be recovered from the salary of the employees, therefore we would not give you the compensation.*
7. Being aggrieved due to the alleged non-compliance of the CGRF's order within 2 billing cycles (as per the proviso to the Regulation 12.1 of the SoP Regulations, 2005), and as the period was getting over in July 2010, and, further suspecting that the Opponent does not want to pay the amount of Compensation, the Complainant filed this complaint before the Commission under Regulation 22 of MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006, and, Section 142 of the EA 2003.
8. The Commission vide its Notice dated September 23, 2010, scheduled a hearing in the matter, on October 11, 2010, in the office of the Commission.
9. In response to the abovesaid Notice, on October 8, 2010, the Commission's office received two Affidavits, submitted individually by the Complainant and the Opponent, conveying as follows:
 - (i) The Complainant submits that *the Opponent has agreed to comply with the CGRF Order dated March 3, 2010 and also to pay the amount of Compensation as per the Order passed by the CGRF, Kolhapur.* The Complainant *is agreeable to the mutual understanding with the Opponent.* Further, the Complainant requested the Commission's permission for withdrawing the present complaint, and also to remain absent from the scheduled hearing.
 - (ii) The Opponent submits that it will comply with the CGRF's Order of March 3, 2010, and pay the compensation of Rs.9400/- to the Complainant by cheque, before October 11, 2010. The Opponent further requested the Commission to dismiss the Case 40 of 2010, and not to take any action against it. The Opponent also requested permission, to remain absent from the scheduled hearing.
10. The Commission decided to have the hearing as scheduled in the matter. At the hearing held on October 11, 2010, the Complainant was not present, and, the Opponent was represented by MSEDCL's Shri S. D. Dabade, Executive Engineer, and Shri A. K. Kulkarni, Junior Engineer. During the hearing the Opponent submitted that the said compensation was already paid to the Complainant, by a cheque.



11. Taking into consideration the developments in the matter and the material placed on record, the Commission accepts the request of the Complainant to withdraw the complaint filed before the Commission.

Accordingly, the present complaint stands dismissed as withdrawn.

The Commission expresses its displeasure in regard to the procedure followed by MSEDCL in this case. MSEDCL should not drive a consumer to the Commission to file a complaint against it before complying with orders and directions of the CGRFs. There is a cost and effort of the consumer that is involved in filing such complaints to MERC which ultimately have to be withdrawn because of compliance made by MSEDCL at the last minute due to filing of such complaints. The time of the Commission also gets wasted in the process.

The Commission directs its secretariat that a copy of this Order be forwarded to the Managing Director of MSEDCL so that in future it is ensured by MSEDCL that no such casual tactics are followed.

(Vijay L. Sonavane)
Member

(V. P. Raja)
Chairman



(K. N. Khawarey)
Secretary, MERC