

could not water their farm and put to loss of 60% of the crop of cotton & gram. According to complainants, the cost of transportation of failed transformer and New after replacement has been borne by complainant as per instruction of N.A. and also incurred expenditure of labour towards loading/unloading and erection. Complainant further prayed for SOP compensation as per Electricity Act-2003 section 57 and crop compensation of 4 to 5 Lakhs, alongwith refund of expenditure incurred for transportation and labour. Complainant also prayed for giving direction to MSEDCL to take action as per Electricity Act-2003 on illegal connection on the said transformer. Complainant Annexed bunch of documents such as Adhar Card, Ration card, Panchanama of revenue authority, bill towards expenditure incurred, information under RTI, and failure report of transformer.

2. In spite of 15 days notice N.A. MSEDCL did not file reply on record upto 20.02.2017 & requested time for filing reply up to 23.02.2017. N.A. submitted the reply by email on 27.02.2017. According to N.A. it is denied that transformer was in failed condition for 4 months but alternative supply arrangement was made. According to N.A. expenditure of transportation was incurred by the complainant as per their consent. According to N.A. expenditure for erection is not incurred by complainant and fact mentioned in the complaint at para no 3 & 4 of the complaint are denied. According to N.A. complainant have not installed capacitor and found to be using auto switch. N.A. also denied the fact in their reply that failure of transformer is attributed to illegal connections of the said transformer. N.A. in their reply have stated the fact that there is no source of water to the well of Sau. Asha Mahadeo Barpatil in Gut No. 22 for which conn.No. Ag- 290030043578 is released by MSEDCL. According to N.A. panchnama for crop damages is not in order. N.A. in their reply have stated that complainants have not claimed SOP compensation within 60 days as per regulation 12.2 of SOP regulation 2014 and hence claim for SOP be rejected.

3. N.A. representative didnot remain present for the hearing fixed on 22.03.2017,while complainants alongwith representative were present. During hearing on 31.03.2017, representative of complainants brought to the notice of forum about failure of transformer on 15.07.2016 which was replaced but with failed unit and three times said transformer was replaced up to 25.11.2016 hence damaging the crop for want of watering the field. It is also brought on record that N.A. MSEDCL have not provided the copy of reply and also MRI copy and hence according to complainant the N.A.'s say which was reproduced in the order of IGRC & in their reply that supply was restored and fed from another transformer in 2nd Nov-2016 should not be accepted, as supply was never restored up to 25.11.2016. According to complainant N.A. MSEDCL failed to meet standards of performance specified in SOP regulation and entitled for compensation of Rs. 50/- per hr, alongwith compensation for loss of crop as per the valuation /panchanama of revenue authority. Representative of the complainants on interrogation from the forum have accepted that claim for SOP compensation Rs.50 per Hrs is not claimed earlier than 15.12.2016. Claim for SOP compensation was first submitted to IGRC Buldhana on 15.12.2016 as stated by the representative. Further argued and prayed for settlement of SOP compensation by forum & its payment by cash or cheque and further requested to not to adjust such claim through energy bills. Complainants representative requested to forum to direct MSEDCL to pay Rs.300/- towards the cost of conveyance for journey on 22.03.2017 when N.A. representative was absent for hearing. Alongwith letter for Rs.300/- complainant representative filed on record additional documents such as i) Panchanama ii) failure report on 15.07.2016 iii) failure report of 30.09.2016 iv) application for disconnection of illegal connection v) application for MRI vi) report of installation of capacitor. Complainants representative lastly prayed for SOP compensation for 134 days & alongwith compensation for damages to crop and cost.

4. Heard learned representative of N.A Shri A.G. Kathode Dy.E.E. Jalgaon Jamod. N.A. in their reply have categorically denied that transformer was in failed condition for 4 months. According to N.A. supply was restored from another transformer. According to N.A. complainant is not entitle for SOP compensation as per section 12.2 since it is not claimed within 60 days from first occurrence of 15.07.2016. During hearing N.A. brought to the notice of forum that said transformer was failed 3 times and not 4 times as claimed by complainant on 15.07.2016, 30.09.2016, and 26.10.2016 and admitted that transformer was not in working condition from 1) 15.07.2016 to 17.08.2016, 2) 30.09.2016 to 18.10.2016 3) 26.10.2016 to 25.11.2016 but supply to the Ag. pump of complainant was restored from another transformer for the period 02.11.2016 to 25.11.2016 and filed in support permission of Electrical Inspector dtd. 18.07.2016. During hearing N.A. brought to the notice of forum that panchanama on record filed by the complainant for claiming crop compensation has been objected and appeal has been filed before Tahsildar Jalgaon Jamod dtd.01.02.2017 and Tahsildar Jalgaon Jamod vide letter 21.02.2017 has ordered to carryout panchanama on facts, and report is still awaited. N.A. also brought on record about panchanama given by complainant on dtd. 16.12.2016 and submitted to Taluka Agricultural Officer Jalgaon Jamod dtd. 17.02.2017 differ and hence should not be accepted as evidence and hence requested forum to reject the claim for crop damages. Further N.A. during hearing brought to the notice of forum that from 15.07.2016 maximum period was rainy season and hence complainant is claiming compensation on false pretext. Further N.A. representative brought on record that transformer transportation expenditure was incurred by complainant as per their consent for which expenditure of Rs.1000/- is acceptable to N.A. Claim for other occasion as claimed by the complainants be rejected. N.A. filed on record Electrical Inspector letter dtd.

18.07.2016, MSEDCL letter datd. 01.02.2017 and Tahsildar Jalgaon Jamod letter 21.02.2017.

5. On perusal of complaint with documents, N.A. reply and arguments of N.A. as well as complainant, Forum finds substance in the complaint that transformer from where supply was fed to Ag. pump of complainant failed on 15.07.2016 and continuity of supply is restored from 25.11.2016. As per MSEDCL supply was available during period 17.08.2016 to 30.09.2016 and 18.10.2016 to 26.10.2016. To ascertain the facts forum directed MSEDCL to submit failure and commissioning report of each transformer which has failed on 18.07.2016, 30.09.2016 and 26.10.2016. In response to the directive given by forum N.A. MSEDCL have filed original record of gate pass book containing gate passes from 318 to 400 & 101 to 200 for the period of 28.07.2016 to 11.03.2017 for verification of forum and also filed zerox copies of commissioning report for 17.08.2016 & 18.10.2016 & 25.11.2016 signed by Jan Mitra. In spite clear directives as per provisions of the regulation MSEDCL have not submitted on record transformer failure report by JE/AE of the area and submitted some copies of ERP report Fed to computer which is not visible. On verification of original record by forum it is found the replacement of transformer has been carried out by N.A.MSEDCL on 17.08.2016 , 18.10.2016 & 25.11.2016. Forum is satisfied from the facts brought on record that the said transformer was in service for the period 17.08.2016 to 30.09.2016 & from 18.10.2016 to 26.10.2016. Further document which is letter from Electrical Inspector No. 638 Dt.18.07.2016 for giving permission to charge 6 Nos transformer has no relation whatsoever with present case and does not prove the fact that supply to the Ag. pump of complaint was fed from another transformer from 02.11.2016 to 25.11.2016 . No work order or gate pass of additional material required for alternative arrangement has been filed by MSEDCL.

6. Forum find substance in the fact that claim for SOP compensation should be preferred within 60 days as per SOP regulation 2005 read with amendment 2014. From the available record it is admitted fact that claim for SOP compensation by both the complainants is preferred on 15.12.2016 before IGRC Buldhana. So according to regulation complainant is not entitled for SOP compensation prior to 15.10.2016. As established transformer was not in service for the period 15.07.2016 to 16.08.2016, 30.09. 2016 to 17.10.2016 , 26.10.2016 to 25.11.2016 . So, complainant is entitled for SOP for the period 26.10.2016 to 25.11.2016 for 31 days. The complainant is not entitled for SOP compensation for 15.07.2016 to 16.08.2016 & 30.09.2016 to 17.10.2016 as not claimed within 60 days of its failure to attend. Forum is satisfied as per the admission given by N.A. that complainant has incurred expenditure towards transportation Rs.1000/- and is entitled for refund of Rs.1000/- . It could not be brought on record that the erection of transformer has been carried out by the complainant hence complainant is not entitled for labour charges towards erection. It is admitted facts on record that N.A. did not remain present on 22.03.2017 when complainant was present and hence is entitled for conveyance Rs.300/- as claimed. For the claim of crop compensation no order of revenue authority is filed on record by complainant, on the contrary two panchanama are on record signed by same authority which differ from one - another and forum finds substance in facts brought on record by N.A. that revise order from Revenue authority in appeal is awaited. Forum is not inclined to accept the claim for crop damages. With these observations forum proceeds to pass following unanimous order.

// ORDER //

1. That the Complaint No.08/2017 is hereby partly allowed. The N.A. MSEDCL is directed to pay SOP compensation to both the complainants
 - i) Ag- 290030157573, & ii) Ag- 290030043578 each for 31 days at the rate

Rs.1200/- day amounting Rs. 37200/- each (Thirty seven thousand two hundred only) as per Appendix "A" (2) (iv) of SOP regulation-2014,to be adjusted in the forthcoming bills of the complainants.

2. The N.A licensee is directed to compensate the complainant Shri Mahadeo Sakharam Barpatil Rs.1000/- towards cost incurred for transportation to be adjusted on the forthcoming bills of the complainants.
3. The N.A. MSEDCL is directed to pay Rs. 150/- each to both the complainants towards cost of conveyance.
4. That the compliance report be submitted within period of two month from this order.

Sd/-
Member/Secretary

Sd/-
Member (CPO)

Contact details of Electricity Ombudsman appointed by MERC (CGRF&EO) Regulations 2006 under Regulation 10:

THE ELECTRICITY OMBUDSMAN,
Office of Electricity Ombudsman (Nagpur)
Plot No.12, Shrikrupa, Vijaynagar, Chhaoni,
Nagpur-440 013.
Phone : 0712-2596670

No.CGRF /AKZ/ AKL/ 62

Dt. 03 /04/2017

To,
The Nodal Officer,
The Executive Engineer
MSEDCL,O&M Division,
Malkapur

The order passed on 03/04/2017 in the Complaint No. 8/2017 is enclosed herewith for further compliance and necessary action.

**Secretary,
Consumer Grievance Redressal Forum,
MSEDCL, Akola Zone, Akola**

Copy fwcs to:-

- 1) The Superintending Engineer, MSEDCL, O&M Circle, Buldhana.
- 2) Shri Mahadeo Sakharam Barpatil & Sau. Asha Mahadeo Barpatil
At Post Sungaon , Tq. Jalgon Jamod. Distt. Buldhana.