

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

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**Case No. CGRF(NZ)/36/2017**

Applicant : Shri Ankush L.Raut  
At.Takli,Po.Sirasgaon, Tq.Hinganghat  
Dist. Wardha.

Non-applicant : Nodal Officer,  
The Executive Engineer,  
O&M Division,MSEDCL,  
Hinganghat.

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Appellant's representative :- Shri Betal,

Respondent by 1) Shri Pawade,EE, O&M Division,MSEDCL, Hinganghat  
2) Shri Awachat,Dy.E.E., Hinganghat S/Dn.

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

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**ORDER PASSED ON 21.04.2017.**

1. The Applicant filed present grievance application before this Forum on 06.03.2017 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as said Regulations).

2. Applicant's case in brief is that on 05-07-2016 some electric poles and wires were broken and damaged therefore supply was disconnected to agricultural connection

of the applicant. For the first time applicant sent written complaint regarding the same to MSEDCL on 01-08-2016. Supply was restored on 10-11-2016. Applicant approached to IGRC. IGRC passed order dated 07-09-2016 in case no.1063/2016 and directed to restore the supply but compensation is not granted. Therefore applicant approached to this forum and claimed compensation according to MERC's SOP Regulation.

3. Non-applicant denied the applicant's case by filling reply dated 05.04.2017. It is submitted that for the first time applicant complaint about disconnection of supply on 01-08-2016. Junior Engineer, Distribution Centre, Allipur conducted the enquiry and found that on 05-06-2016 there was heavy natural storm and lightening therefore many electric poles in that area were bent and failed down. There were electricity wires which were damaged during this period due to heavy storm and about 350 electric poles of LT line and 130 electric poles of HT line in Hinganghat Tahasil were broken and there were heavy rains. Division office of MSEDCL informed to superior about this serious incident as per letter no.3085 dated 24-06-2016. There was rain in the rainy season and it was unable to repair this work within stipulated time. After MSEDCL received written complaint of applicant dated 01-08-2016. MSEDCL sent Supervisor of contractor named Shri Prashant R.Gowarle and some employees of Distribution Centre, Allipur to refix the poles and to restore the supply immediately on 02-08-2016. But much water was stagnated in the field of applicant and others therefore it was impossible to do work. Spot was inspected from time to time and all those broken poles were refix and supply was restored on 02-10-2016. **According to Regulation 11.1(i) and (iv) of MERC (Standers of Performance of Distribution Licensees, Period for giving supply and determination of compensation)**

**Regulation 2014.** Storm is beyond the control of Distribution Licensee and therefore compensation can not be granted. Grievance application deserves to be dismiss.

4. Forum heard arguments of both the side and perused record.

5. There is difference of opinion amongst all 3 members of Forum. Therefore final decision is based on Majority view of Hon'ble Chairperson and Hon'ble Member/Secretary of the Forum, whereas dissenting note of Hon'ble Member(CPO) is noted in the last portion of the judgement and it is part and partial of the judgement **according to proviso 1<sup>st</sup> of Regulation 8.4 of the said Regulation.**

**Reasoning and finding of Majority view of Hon'ble Chairperson and Hon'ble Member/Secretary of the Forum.**

6. "Record shows that for the first time applicant sent written complaint about failure of supply on 01-08-2016 to MSEDCL. Record shows that till MSEDCL received complaint of the applicant, they were not knowing that about 480 electric poles were bent and broken and electric wire was damaged on 05-06-2016. When officer of MSEDCL has enquire after first complaint of applicant dated 01-08-2016 to see as to what happened, thereafter MSEDCL found that on 05-06-2016 there was heavy natural storm and due to this heavy storm 350 electric poles of LT line and 130 electric poles of HT line were bent and some of them even fell down and electric wire were damaged. Therefore heavy loss caused to MSEDCL.

7. In support of their contention, MSEDCL produced cutting of the News paper dated 05-06-2016. In this Paper News, it is specifically mentioned that there was heavy storm on 05-06-2016 and many electric poles were broken, wires were damaged, even many roofs of the houses were damaged, many big trees fell down. Even photographs of trees felling are also published in the News Paper dated 05-06-

2016. It is common sense that such News Paper can not be prepared later on.

8. MSEDCL informed to the superior as per letter dated 24-06-2016 outward no.3085 about this incident of storm and loss caused to MSEDCL. MSEDCL produced on record complete chart of Hinganghat Rural Sub-division showing therein nos. of HT poles were broken & nos. of LT poles were broken. Nos. of HT & LT poles were bent etc. and this chart clearly shown that 350 LT poles and 130 HT poles were broken and damaged due to storm dated 05-06-2016.

9. MSEDCL also produced complete chart of **“loss proforma information” for the period 01-06-2016 to 22-06-2016**. This document also corroborates that there was heavy storm on 05-06-2016. MSEDCL also produced letter correspondence to M/s. V.R.S. Electrical, Datta Mandir Ward, Hinganghat, terms and condition of MSEDCL etc. **“A man may lie, but not the document”**. Considering documentary evidence on record, we hold that on 05-06-2016 there was heavy storm in that area and in that storm not only in the field of the applicant, but in entire Hinganghat Tahasil 350 electric poles of LT line and 130 poles of HT line were broken, bent and damaged and there were electric wire which were damaged and supply was disconnected.

10. MSEDCL tried their level best to collect evidence of storm. MSEDCL approached to Meteorological. MSEDCL produced letter dated 04-04-2017 issued by Meteorology-B, Climatology Section, Mr.M.K.Murthy, Government of India, India Meteorological Department, Dy.Director General of Meteorology, Regional Meteorological Centre, Airport Nagpur (M.S.). In this important document it is certified that this office has no observatory at Hinganghat hence weather report of the same can not be supplied. However weather record of the part meteorological observatory

situation at Wardha is given. Therefore MSEDCL has produced best position evidence, which was able to collect, on record and proved that on 05-06-2016 there was heavy storm, therefore supply disconnected. Nos. of poles were damaged. It was heavy and tremendous work of restoration. Rainy season was going on therefore MSEDCL restored all those electric poles, reconnect new electric wire and restored the supply on 02-10-2016.

11. Needless to say that storm, lightening, heavy wind and heavy rains are occurrences which are beyond the control of Distribution Licensee. **Regulation 11.1(i) and (iv) of MERC (Standers of Performance of Distribution Licensees, Period for giving supply and determination of compensation) Regulation 2014** reads as under,

“11. Exemptions

*11.1 Nothing contained in these Regulations 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, fre affecting licensee’s installations and activities;**

(ii) outages due to generation failure or transmission network failure;

(iii) Outages that are initiated by the National Load Despatch Centre/Regional Load Despatch Centre/ State Load Despatch Centre during the occurrence of failure of their facilities;

(iv) **or other occurrences beyond the control of the Distribution Licensee:”**

12. Therefore as per this Regulations, storm, wind and heavy rain are the occurrence which are beyond the control of MSEDCL and hence no compensation can be granted to the applicant. Grievance application deserves to be dismiss”.

13. **Dissenting note of Hon’ble Member(CPO) is as under;**

”1. The applicant is consumer of opposite party, having 3 HP supply for agricultural pump. The grievance of applicant is that supply was off since 05-07-2016 due to breakage of 2 poles, wires & 1 pole was bent and same was informed to Assistant Engineer Allipur D/C. on 10-07-2016 and written application was given on 01-08-2016 due to non attention by opposite party official. Opposite party further avoided by various reasons orally. The supply was restored late 10-11-2016 by correcting the broken poles & wires etc. Applicant denied the order of IGRC dated 29-10-2016 and claimed SOP compensation for late restoration of supply for the period 05-07-2016 to 10-11-2016 @ Rs.50/- per hour (SOP Regulation 12.1 – Fuse of call).

2. Opposite party in reply admitted receipt of applicant’s complaint dated 01-08-2016 regarding non availability of electric supply to his pump. Accordingly Opposite party’s Junior Engineer, Alipur, during enquiry observed /noted that due to storm, wires bent & poles broken on 05-06-2016. Opposite party further stated that in Hinganghat Taluka 250 poles of LT & 130 poles of HT line were broken & company suffered huge losses and same was informed to higher office vide Division office letter no.3085 dated 24-06-2016. The above works could not be installed due to rain.

3. Op further stated that complaint received on 01-08-2016. On 02-08-2016 for repair of electric line Contractor’s Supervisor Shri Prashant Ramraoji Gavarle and employees of Alipur D/c. visited but could not install poles due to accumulation of water in the field and on 02-10-2016 supply was restored by erecting LT line poles and

filed paper cuttings as documentary evidence & extract of loss to company property.

There is no mention of villege Takli in Allipur D/c. is affected and visit of contractor's supervisor to applicant's village Takli & his field.

4. Op. further stated that as per MERC (SOP) Regulation 2014 – Regulation 11.1(1) & (4) compensation can not be granted on the pretext of loss & damage to Company's property due to storms.

5. I heard the arguments of both the parties and perused the paper's on record as well as documents filed by Opposite party etc.

6. Opposite party in reply admitted the written complaint dated 01-08-2016 for the first time and accordingly J.E. Alipur D/c. during enquiry noted that due to heavy storm, wires bent & poles broken on 05-06-2016. This shows that Op. (A.E. Alipur D/c.) was not aware till 02-08-2016 besides heavy storm, rains and breakages of wire & pole i.e.350 LT poles & 130 HT poles since 05-06-2016 which is glaring example of negligence of Opposite party and Opposite party cooked up the false story that no oral intimation of fuse call was received from the complainant.

7. It is noteworthy that Op. has made enquiry with Deputy Director General of Meteorology Dept. Govt. of India, Nagpur regarding weather report in respect of Wardha for date 04-06-2016 after receipt of notice of the forum, on 03-04-2017. After 10 months of storm, cyclone, rains on the contrary Op. came to know about storm on 05-06-2016 during enquiry & paper cutting which is extent of falsehood even though Opposite party suffered above mentioned huge losses. Op. failed to prove anything from report of metrology department.

8. It is necessary to mention that in case of heavy storm, natural calamity where

public is largely affected & losses are suffered, it is to be reported to the Revenue Authority i.e. Tahsildar of Taluka & Collector of District but Opposite party has neither filed any documents or report sent to Revenue Authority nor filed survey report of Revenue authority to substantiate his submission. Opposite party also did not obtain any report from Revenue authority regarding episode on 04-06-2016 or 05-06-2016 but intentionally with ulterior motive made an application to Meteorology Department Nagpur on 03-04-2017 and procured letter on 04-04-2017 regarding weather report in respect of Wardha for date 04-06-2016 which is of no use and Opposite party admitted as came to know of storm on 05-06-2016.

9. On perusal of paper cutting dated 05-06-2016 it is revealed that news is of 04-06-2016 (storm) published on 05-06-2016 in Daily News Paper "Deshonatti" but Op. came to know during enquiry on 02-08-2016 that storm has taken place on 05-06-2016 after receipt of complaint of applicant dated 01-08-2016 which is further blunder that Opposite party was not aware from 05-06-2016 till 02-08-2016 besides huge losses due to storm which is further extent of false statement on part of Opposite party.

10. In para 4 of reply of (Opposite party), Division office vide letter no.3085 dated 24-06-2016 informed the losses to higher office which is contradictory to their own statement that after complaint on 01-08-2016, Op. came to know of losses due to storm on 05-06-2016 and further false that Opposite party conducted enquiry on 02-08-2016. It is clear that Op. was aware of storm on 05-06-2016 or 04-06-2016 (As per paper cutting) but to avoid the risk of compensation under SOP Opposite party stated as per application of applicant on 01-08-2016, accordingly conducted enquiry on 02-08-2016.



(Para 1 &2) of reply is as under,

1. श्री अंकुश लक्ष्मण राउत रा.टाकली यांची कृषीपंपाचा विद्युत पुरवठा बंद असल्याबाबत दि.१.८.२०१६ रोजी प्रथम तक्रार प्राप्त झाली.
- २ त्यानुसार कनिष्ठ अभियंता वितरण केंद्र अल्लीपुर यांनी चौकशी केली असता दि.५.६.२०१६ रोजी भयंकर वादळामुळे तार झुकुन विद्युत खांब तुटलेले होते (२.८.२०१६).
३. वरील सर्व कामे पाउस असल्यामुळे विहित मुदतीत शक्य झाले नाही.

11. In the press news dated 05-06-2016, it is clearly mentioned that Hinganghat city, Khairati, Jam, Pohna, Vadner area is affected and trees collapsed, electric supply was disrupted and sheds of shops were broken due to heavy storm & Turalak (तुरळक) rains as well as traffic disturbed. त्यासोबत पावसाच्या किरकोळ सरी येत होत्या It further reveal that on 04-06-2016 at about 5.30 p.m. storm has come and there is no name of the village of applicant i.e. Takli (Allipur D/c.) Po.Sirasgaon Tah.Hinganghat Dist.Wardha. Hence Opposite party himself proved that applicant's 2 poles as well as wire were not broken due to storms on 4/6/2016 but in routine due to inferior quality of work which was orally informed to Allipur A.E. on 10-07-2016.

12. Op. relied on paper cutting with title “ वादळात घरावरील छप्पर उडुन गेल्याने गरीब कुटूंब उघडयावर ” and it is also written as under in page 2 last para i.e. 1) वादळाने झालेल्या नुकसानीबाबत महसुल विभागाला सुचना दिली असता तलाठी किशोर चौधरी यांनी घटनास्थळ पंचनामा केला.

13. It is further prove that disruption of power supply of applicant is not due to heavy storm but due to inferior quality work by Op's Contractor and if applicant would have affected due to heavy storm, definitely officials of Revenue department would have conducted the “panchnama” and assess the loss due to storm but cooked up

story of Op. proves false.

14. It is necessary to mention that "Village Takli" of applicant is 12 kms away from "Vadner D/c." and 30 kms from allipur D.C. which proves that applicant is not affected by alleged so called heavy storm at all.

15. On perusal of statement i.e. loss to Company property report due to heavy rains & storm or any other natural calamity" dated 15-06-2016 for duration 01-06-2015 to 14-06-2016 which is misleading as there is no relevance for period 01-06-2015 onwards till 05-06-2016. When complainant himself made oral complainant on 10-07-2016 & written complaint on 01-08-2016.

16. On perusal of statement/reports of Op. with title "Maharashtra State Elect.Co.Ltd, Hinganghat Rural S/dn. Name of applicant's village (Takli) is totally missing from Vadner, Kangaon, Alipur, Hinganghat Rural, Pohana D.C." which prove the false reliance of Op. before forum just to misguide the forum to get favourable order in their favour to escape from SOP compensation .

17. On perusal of letter of Op. dated 27-06-2016 addressed to M/s V.R.S.Electrical, validity of order is one year only w.e.f.01-05-2016 i.e. one month prior to heavy storm, cyclone on 04-06-2016 or -5-06-2016. Secondly in terms & conditions para 3, works at various sites of Allipur D/c. Rural S/Dn. Hinganghat issued by Sub Divisional officer should be done and no any other work should be carried out but name of village "Takli" of Allipur D/c. is totally missing.

Another letter of Op. dated 04-10-2016 addressed to M/s V.R.S Electricals is relating work order for erection of HT/LT line, Distribution Transformer, S/Stn. Loss of work in Allipur D/c (Area Wani, Bela, Sirud) under Hinganghat Rural S/dn. as per sanctioned estimate. In this also name of village "Takli" is missing. Secondly in

para 7 of reply, Opposite party claimed that by erecting poles of LT line, electric supply was regularized on 02-10-2016 but to misguide the forum, Opposite party filed the letter to contractor dated 04-10-2016. Hence entire story of Opposite party is false and baseless deserves to be discarded.

18. Hence entire story of Opposite party is false as well as documents of Opposite party does not support his contention. Therefore Opposite party cannot get shelter of MERC (SOP) Regulation 2014 Reg.11.1(1) & (4) to get exemption from payment of compensation.

19. Therefore there is gross negligence, deficiency or lack of preventative maintenance of the distribution system or failure to take reasonable precaution on the part of distribution licensee (Opposite party) and the contention of applicant that supply was disrupted since 05-07-2016 and restored on 10-11-2016 is proved beyond doubt and in absence of any reliable documentary evidence by Op. that after inspection & erection of LT poles, supply was restored on 02-10-2016 is baseless which is part of false cooked up story and cannot be relied.

19 A. In IGRC order dated 29-10-2016, there is no mention in pleading of Opposite party that supply was restored on 02-10-2016 and hence there is no mention in IGRC order that supply was restored on 02-10-2016 and further ordered as under, -- Order (1) कृषीपंप विद्युत वाहीनीचे पोल तुटून पडल्यामुळे ग्राहकांचा खंडीत झालेला विद्युत पुरवठा सुरळीत करण्याबाबत त्वरीत कार्यवाही करण्यात यावी. Therefore entire story of Opposite party is proved false.

20. In view of the above observations, complaint deserves to be allowed and applicant is entitle for SOP "Fuse off call" compensation for period excluding period of 18 hours ( for Rural area) from 05-07-2016 to 10-11-2016 @ Rs.50/- per hour or part there of delay: The compliance of the above SOP compensation is to be done within

30 days from the date of order.

By N.V.Bansod  
Member(CPO)”

14. **Concluding reasoning, finding an order passed by majority view of Hon'ble Chairperson and Hon'ble Member/ Secretary of the Forum,**

”For these reasons in our opinion applicant is not entitle for compensation and Grievance application of the applicant deserves to be dismiss.

15. Hence Majority view proceed to pass the following order.

**ORDER**

Grievance application is dismissed.

Sd/-

(N.V.Bansod)  
MEMBER

sd/-

(Mrs.V.N.Parihar)  
MEMBER/SECRETARY

sd/-

(Shivajirao S. Patil),  
CHAIRMAN