

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

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**Case No. CGRF(NZ)/68/2017**

Applicant : Smt.Isha Santosh Gedam,  
Flat No. 501, Nirmity Heights Apt,  
Plot No. 63, Beltarodi Road, Nagpur 27

Non-applicant : Nodal Officer,  
The Superintending Engineer,  
(D/F.) NUC,MSEDCL,  
NAGPUR.

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Applicant: - Shri Santosh Gedam, Applicant's & representative  
Non Applicant: - 1) Shri.Vairagade , EE, Nodal Office,MSEDCL  
2) Shri Dahasahastra, SNDL Nagpur.

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Quorum Present : 1) Mrs. V.N.Parihar,  
Member, Secretary & I/C.Chairman.  
2) Shri N.V.Bansod,  
Member

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**ORDER PASSED ON 14.08.2017.**

1. The applicant filed present grievance application before this Forum on 15.06.2017 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. Non applicant, denied applicant's case by filing reply dated 14.07.2017.
3. Forum heard arguments of both the sides on dt.10.07.2017 and due to adjournment sought by Non Applicant on dt. 17.07.17 and perused record.
4. Applicant case is in brief is that she has registered a complaint on dated 9.5.2017 with non applicant regarding non-availability of one phase supply to her

premises. But no action was taken by the Non Applicant hence she has again registered the same complaint on dated 11.5.2017 & 17.5.2017 and finally the complaint was attended on 18.5.2017, 19=30 Hrs. Hence for causing severe inconvenience due to summer she asked for relief for forum as under:-

1] Considering total delayed time for restorations of her supply is 219 hours from 9<sup>th</sup> May to 18<sup>th</sup> May 2017, compensation of Rs. 10950/- as per SOP penalty @ Rs. 50 per hours.

2] Any other damages, interest on compensation on account of inconvenience, legal procedure etc.

5. Non-applicant In his reply dated 14.07.2017 denied the contention of the applicant and stated that the applicant with consumer No. 410018246191 namely Smt Isha Santosh Gedam has 3 phase electric supply for residential purpose. As per email dated 03.06.2017 of their area manager complaints for non availability of 1 phase supply was registered with them on 09.05.2017, 11.05.2017& 17.05.2017. But due to incorrect contact number of the consumer, no staff was deputed to her premises. However, on getting correct contact number on 18.05.2017, the staff has visited the consumer's premises and found that one phase wire was cut from the main box due to which one phase was missing to the consumer's premises. The 3 phase supply was restored by attending the fault at 19.30 hours of 18.05.2017.

6. But they contended that, due to missing of one phase (out of 3 phases) a total premise of the consumer was not interrupted. Two phases were already available in

the consumer's premises. And as per SOP Regulations of 2014, the premises need to be completely interrupted for payment of compensation, if the supply is not restored within permissible time limit. As the premises of the consumer was not interrupted completely, therefore prayed to reject the applicant grievance.

7. The applicant filed his grievance with IGRC on dt 09.05.2017.IGRC vide order dated 06.06.2017, rejected the request of the applicant for payment of compensation, since in the instant case, the premises of the consumer was not interrupted completely,

8. The Applicant was not satisfied with IGRC order, and filed his grievance on 15.06,2017 before the forum.

9. During the argument and discussion, Non-applicant and Applicant reiterated the facts stated in their written statements.

10. During hearing, it was stated by the non-applicant that three phase supply was available up to the point of supply, but Single phase supply from meter box was cutoff. Although to maintain supply after point of supply is Applicant's responsibility, Non-applicant helped the consumer in restoring the said supply. Also it was stated by non-applicant that, the applicant is one of the flat owner of the flat scheme. The supply is extended to her from common bus-bar. Had there been any fault before the point of supply, other consumer residing in the flat scheme fed from common bus bar would also have suffered for the similar problem. But they did not receive any similar complaint from resident of the same flat scheme. In view of this pertinent fact, they strongly contended that the applicant is not entitled for any

compensation due to late restoration of supply. Hence, prayed to the Forum to dismiss the grievance application.

11. At the time of hearing on 10.07.2017 Non-applicant sought adjournment. As per mutual consent of both the parties hearing was adjourned till dt. 17.07.2017. During the hearing on dt.17.07.2017, the parties were informed that due to expiry of tenure of of the Chairperson holding additional charge of the Forum on dt.30.06.2017, the matter would now be heard by the two remaining Members. At the time of hearing Quorum present was

1) Member Secretary & I/C. Chairman.

2) Member (CPO).

As per in clause 4.1(c) of MERC (CGRF & EO) Regulation2006 which reads as under,

*4.1(c) "Provided also that where the Chairperson is absent from a sitting of the Forum, the technical member, who fulfills the eligibility criteria of sub-clause (b) above, shall be the Chairperson for such sitting".*

Needless to say that, in absence of Hon'ble Chairman, Member Secretary is In-Charge Chairman. There is difference of opinion amongst the two. Since I/Charge. Chairman has one additional casting vote, therefore as per provision given in clause 8.4 of MERC (CGRF & EO) Regulation2006 which reads as under,

*8.4 "Provided that where the members differ on any point or points the opinion of the majority shall be the order of the Forum. The opinion of the minority shall however be recorded and shall form part of the order".*

Hence, the Judgment is based on majority view of I/C chairman and Member Secretary. However the separate dissenting note of Hon'ble Member (CPO) is noted in the judgment and it is part and parcel of the judgment. But the judgment is based on majority view and reasoning thereof is as under:

12. During hearing, it was confirmed by the non-applicant that three phase supply was available up to the point of supply .Single phase supply from outgoing terminal of meter box was cutoff.

The MERC (SOP) Regulation, 2014section (2)(t) clearly states the definition of Point of supply as under:-

*“Point of supply “means the point at the outgoing terminals of the meter/Distribution Licensee’s cu-outs/switchgear fixed in the premises of the consumer.”*

The fact that the fault was beyond the point of supply can be very well seen from the fact that being a resident of tenement / the flat scheme, the supply is extended to her from common bus-bar. Hence it is clear to the forum that had there been any fault before the point of supply other consumer fed from common bus bar would have also experienced the similar problem. But in absence of similar complaint from any other resident of same tenement/ flat scheme where applicant is residing, it can be therefore concluded that fault was beyond point of supply and to maintain supply after point of supply is Applicant’s responsibility. In the instant case forum observed that Non-applicant helped the consumer in restoring the said supply even though fault lies beyond the point of supply, that does not mean that It was their

responsibility and as such Non-applicant cannot be held responsible for late restoration of supply.

13. Therefore the applicant's demand for compensation for late restoration of supply grievance application deserves to be rejected and grievance application is liable to be dismissed.

Separate dissenting note of Hon'ble Member (CPO) is given on dated 14.08.2017 as under

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**Dissent Note By Member (CPO) Mr. Naresh Bansod dated 10-08-2017 in Case No. 68/2017**

The arguments heard in this case on 17-7-2017 and file is sent on 10-08-2017 at 11.20 for writing Note, without discussion on any point or points of difference as expected as per Reg. 8.4 MERC (CGRF & EO) Regulations 2006.

1 I heard the arguments of both parties on 17-7-2017 and perused all papers on record.

2 The applicant having consumer no. 410018246191 has 3 phase electric supply at her residence. The supply of one phase was not available since 9-5-2017 and same was confirmed by local electrician. Complaint was lodged on Call Center number 18003139600 and same was registered and further assented to resolve the complaint within 4 hours, but till 11-5-2017 no one turned up. Applicant again lodged complaint on above Call Center at 8.59 A.M. on 11-5-2017 without satisfactory reply on previous complaint and New Complaint Number is 9507076395 on 11-5-2017.

3 During high temperature in May as no one turn up, again complaint number 0755967658 was registered on 17-7-2017 and one more complaint with number 9479997910 was registered. During hot summer due to sever inconvenience, sent letter to Nodal Office of MSEDCL on 17-7-2017 and copy to Energy Minister.

4 Applicant said on evening of 18-5-2017, AGM of SNDL from Mobile No. 7507773023 enquired about complaint & narrated the story to him, in response he assured to restore supply and sending technician. On 18-5-2017, technicians came at 19.30 hours (Mr. Sachin Shegokar, Mr. Sachin1 Kharabe Mob. 7507773105) and attended the fuse off call.

5 Applicant is claiming compensation for duration of restoration of supply i.e. 219 hours from 9-5-2017 to 18-5-2017 19.30 hours. @ Rs.50 per hour as per Appendix 'A' of SOP Regulations 2014.

6 Non applicant in reply admitted that due to non availability of 1 phase supply at applicant's residence, complaints were registered on 9-5-2017, 11-5-2017, 17-5-2017 but due to incorrect contact number of consumer, no staff was deputed to her premises. On getting correct contact number on 18-5-2017, staff attended the fuse off call and found that one phase wire was cut from the main box due to which one phase was missing to the consumer's premises and 3 phase supply was restored on 18-5-2017 at 19.30 hours.

7 Non applicant said due to missing of one phase (out of 3 phase) total premises was not interrupted and 2 phase were available. Non applicant said since premises was not completely interrupted, applicant is not entitle for sop. Compensation and IGRC rejected complaint on 6-6-2017.

Now it is an undisputed fact that one phase supply was not available to applicant from 9-5-2017 to 18-5-2017 at 19.30 hours during scorching heat of the summer.

The story Non applicant that due to incorrect contact number of consumer no staff was deputed. Non applicant failed to show the correct contact number as per

record or 'A' form as well as incorrect number from which he received the call on Call Center No. 18003139600 and rejected say of Non Applicant.

It is the prudent practice of Call Center to enquire consumer name & consumer's address. Consumer number and pole number, substation for sake of confirmation and record Mobile or Phone number and give call back for informing complaint number. Therefore it is the false story of the Non applicant that due to incorrect contact number of consumer, no staff was depute. Hence the submission of Non applicant is baseless deserves to be rejected as in the same way findings of IGRC deserves to be discarded due to no probe by IGRC when documents at page 29, 31, 33, 35 itself speaks the truth.

8 The contention of N.A. as well as IGRC is that due to missing of one phase total premises was not interrupted and denied the claim of the Applicant.

Firstly Applicant alleged that after complaint on 9-5-2017, no information about resolving fuse off call was given to him on 11-5-2017, 17-5-2017 which is total deficiency on part of the Non applicant which they cannot deny, it is duty to inform the consumer or Applicant.

On perusal of "Appendix A" i.e. level of compensation payable to consumer for failure to meet standards of performance (MERC standard of performance of Distribution Licensee period for giving supply and determination of compensation) Regulations 2014.

<u>2. Restoration of supply.</u>	<u>Standard</u>	<u>Compensation payable</u>
(i) Fuse off Call	Three (3) hours (Class I Cities) Four(4) hours (Urban Areas)	Rs.50/- per hour of part there of delay.



Definations.

2.1 (o) “Fuse of Call” – refers to a complaint handling procedure with regard to an individual consumer and involving restoration of supply by replacement of fuse at such consumer’s premises not simultaneously with any other failure.

3. Standard of performance of Distribution Licensees.

3.2 – Any failure by the Distribution Licensee to achieve and maintain the standards of performance specified in these regulations shall render the distribution licensee liable to payment of compensation under the EA2003, as specified in Appendix “A” to an person claiming such compensation.

I am of the firm opinion that non applicant or IGRC failed to understand the word “Any failure” as well as sprit of the sop Regulations and Hence contention of Non Applicant fails to prove that Applicant does not deserves to be entitle for compensation as claimed by Applicant.

The contention of Non applicant is again false & baseless because as per above appendix as well as definition of “Fuse of Call”, and Reg. 3.2 does not disallow the compensation if one phase is not available and total supply is not interrupted. The fact is that during scorching heat of summer in the month of May, fuse of call was not attended for non availability of one phase and hence applicant is entitle for sop. Compensation @ Rs.50/- per hour of part their off for.

10 In view of the observations, the complaint application deserves to be allowed. Hence the order. Non applicant is directed to pay amount of compensation by way of cheque/Demand draft for 219 hours from 9-5-2017 to 18-5-201 19.30 hours. @ Rs.50/- per hour of part there of delay within 30 days from the date of this order.

Member Secretary claims to be in charge chairperson. As per Reg. 4.1 (c) last provisio means that when chairperson is appointed in the CGRF and he is absent from sitting of the forum, then technical member, shall be the chairperson for such sitting (during leave, sick leave etc) but presently the Chairperson's post is vacant in the forum on date of sitting, so the technical member and member (CPO) can continue to run sitting and decides the cases as per 5.2 of Regulation but technical member does not get position of Chairperson and second & casting vote, which is done in earlier cases after 16/5/2017, Which is illegal as per me because in case of vacant post of Chairman of MERC, Hon'ble Shri Ajij Khan & Mr. Deepak Lad Saheb sign as member and not any one as chairman as per seniority or Regulations. Hence order of the Technical person or so called member secretary cannot be a "Majority order".

Naresh Bansod  
Member (COP)

14. In view of the majority, forum is of the that , as per the definition of point of supply of MERC's SOP regulation 2014, Non-applicant's liability of restoration of supply is for the fault up to the point of supply. As the fault was beyond the point of supply, forum holds that Non-applicant is not liable for rectification of the fault. Hence claim of compensation is rejected .Accordingly Grievance application deserves to be dismissed.

Therefore we proceed to pass the following order.

**ORDER**

- 1) Grievance application is dismissed.

Sd/-  
(Shri.**N.V.Bansod**)  
MEMBER

sd/-  
(**Mrs.V.N.Parihar**),  
MEMBER/SECRETARY  
& I/C. CHAIRMAN