



**CONSUMER GRIEVANCE REDRESSAL FORUM
M.S.E.D.C.L., PUNE ZONE, PUNE**

Case No.09/2014

Date of Grievance : 13.05.2014

Date of Order : 09.03.2015

In the matter of getting compensation due to failure to meet standards of performance of restoration of supply within stipulated time.

DSK Sundarban,
Plot-C, Co-Op. Hsg. Socy.,
S.No.173/5, Near Pawar Public School,
Sadesataranali, Near Amnora,
Hadapsar, Pune.

Complainant

(Herein after referred to as Consumer)

Versus

Executive Engineer,
M.S.E.D.C.L.,
Bundgarden Division,
Pune.

Respondent

(Herein after referred to as Licensee)

Quorum

**Chair person
Member Secretary
Member**

**Mr. S.N.Shelke
Mr. Y. M.Kamble
Mr.S.S.Pathak**

Appearance

**For Consumer

For Respondent**

**Mr. Amol R.Patil
Representative
Mr.P.H.Shirke,
Ex.Engineer
Bundgarden Division.
Mr.A.K.Gedam,
Addl.Ex.Engr.Hadapsar-I**

- 1) The Consumer has filed present Grievance application under regulation no. 6.4 of the MERC (CGRF & E.O.) Regulations 2006.

- 2) Being aggrieved and dissatisfied by the order dated 20.02.2014 passed by IGRC Rastapeth Urban Circle, Pune thereby rejecting the grievance application, the consumer above named files the present grievance application on the following amongst other grounds.
- 3) The papers containing the above grievance were sent by the Forum to the Executive Engineer, M.S.E.D.C.L., Bundgarden Division, Pune vide letter no. EE/CGRF/PZ/Notice/09 of 2014/94 dtd.19.05.2014. Accordingly the Distribution Licensee i.e. MSEDCL filed its reply on 11.06.2014.
- 4) We heard both sides at length, gone through the contentions of the consumer and reply of the respondent and the documents placed on record by the parties. On its basis following factual aspects were disclosed.
 - i) On 26.11.2013 supply of the consumer was off early in the morning.
 - ii) The said consumer contacted to sub/dn. Office Hadapsar-I about supply of at about 10.00 a.m. & thereupon the licensee informed the consumer that it was problem of distribution transformer failure.
 - iii) There was heavy rain on 26.11.2013 in Hadapsar area due to which there were nos. of faults on the distribution system.
 - iv) Fault locating works on distribution system was in progress on 27.11.2013 in the said area.
 - v) On 27.11.2013 one of the employees of the Licensee when visited electrical installation substation the said premises at about 6.00 p.m. noticed that it was fuse off to the one of Ring Main Unit.
 - vi) Work of installation commission, testing of transformers Ring Main units, HT/LT cable in the said area was carried between D.S. Kulkarni Developers Ltd. & Licensee under the DDF Scheme of 1.3% normal Supervision Charges. Vide Sanctioned letter No.SE/RPUC/T/DDF/10-11/7008 dt.12.08.2010.

- vii) Under the said DDF Scheme the first party namely M/s. DSK Sundarban executed the agreement on Rs.200/- stamp paper & submitted the consent to Licensee for carryout the said work by own cost & material for guarantee period of five years against replacement of electrical distribution transformers, RMU etc. against damaged within guarantee period
 - viii) The RMU are connected to protect the transformers in the said distribution sub-station.
 - ix) On 27.11.2013 at about 9.00 p.m. the electrician deputed by DSK Developers had informed the licensee that they will verify the fault on the next day morning due to flashover on existing system.
 - x) After inspection of Sub/station, it was noticed that the RMU fuses was blown off hence licensee informed to DSK to replaced the same after thoroughly checking of installation.
 - xi) On 28.11.2013 the repair works was carried on behalf of DSK Developers but it was noticed that there was a problem in RMU & LT cable near glands thereafter on 29.11.2013 the licensee noticed it was fault on distribution system & then faulty LT cable cut near the glands etc .
 - xii) There after supply was restored on 29.11.2013 at about 07.00 p.m.
- 5) The consumer representative Mr. Amol Patil submitted that supply of their society was off on 26.11.2013 and it was informed to them that it was the fault on distribution transformer. Employee of the Licensee noticed that the fuse of breakers was off. It was the duty of Licensee to repair the transformer within stipulated time. The breaker of the transformer was burnt due to wrongly fixing of wire to the fuse by the employee. They had to purchase fuse for breaker of Rs.4000/- there after supply was continued on 29.11.2013 at about 07.00 p.m. They had to remaining dark for 36 Hrs. as per SOP norms supply should have

been restored within 24 Hrs. therefore compensation for 36 hrs. be paid and cost of breaker be also paid to them.

- 6) On the other hand MSEDCL was represented by Mr.P.H. Shirke, Ex. Engineer, Bundgarden Division, Mr.A.K.Gedam, Addl. Ex. Engineer, Hadapsar-I they submitted that on 26.11.2013 there was heavy rain in Hadapsar area due to which there were nos. of High Tension/ Low Tension breakdowns under Hadapsar Sub/division. Therefore employees of the Licensee trying their level best to restore the supply at the earliest. On 27.11.2013 complaint was received from consumer society that there was power failure in Phase-II. They requested to attend the problem & restore the supply. Thereafter employees of the Licensee visited the spot & found that the fuse of HT RMU was blown. They further submitted that entire Sub/station including 2 nos. distribution transformer RMU, HT/LT cable, feeder pillar etc. at the said society was installed under DDF scheme, 1.3% Supervision Charges by DSK the licensee restored the supply by replacing D.O. fuse of RMU. The said fuse was blown due to short circuited in HT RMU Unit & moisture problem which caused of heavy rain. They further submitted to the society member to informed to M/s.DSK Developers for replacement of RMU fuses of attended the HT work since the work was done under 1.3% Supervision Charges scheme. It was the duty of the builder to maintain & replace transformer, RMU & all other allied equipments within the guarantee period of 5 years. Since the faulty RMU was within guarantee period, the developers & concern electrical contractor of DSK should have arranged to replace the faulty equipment. The said incident occurred due to heavy rain in that area therefore licensee is not responsible to pay compensation to the consumer as it is exempted under regulation no.11 MERC (SOP of distribution licensee period for giving supply & determination of compensation) Regulations, 2014.

- 7) Following points arise for our determination & we give our findings thereon for the reasons recorded below :
- i) Whether Licensee is liable to pay compensation to the consumer as claimed for ?
 - ii) Whether Licensee is liable to pay the cost of fuse to the consumer ?
 - iii) What order ?
- 8) Our findings to the above mentioned points no. I & II are in the negative for the reasons stated below :
- 9) Admittedly the distribution transformer & other allied equipment was installed at the premises of the said society by M/s.DSK under DDF Scheme of 1.3% Supervision charges vide estimate sanction letter No.SE/RPUC/T/DDF/10-11/7008 dt.12.08.2010. Accordingly tripartite agreement dtd. 20.10.2013 was executed between M/s. D.S. Kulkarni Developers & MSEDCL & M/s. Sameer Electricals Contractor of DSK Builder. As per the terms of agreement the M/s.DSK Builders is given the consent for guarantee for workmanship & material used for installation of Electrical distribution transformer/RMU in Sub-station. Similarly the said guarantee is valid & subsisting for 5 years w.e.f. execution of the said agreement. Therefore since the fuse of RMU was blown due to short circuite in LT cable glands & Ring Main Unit was within guarantee period of 5 years, it was the duty of DSK Builder to replace the said fuse at his own cost. Hence it is not responsibility of the Licensee (MSEDCL) to pay the price of fuse as mentioned above to the Society (Consumer).
- 10) Under Regulation No.11 of MERC (Standards of performance of Distribution Licensees, period for giving supply & determination of compensation) Regulations, 2014, hereinafter referred to as the regulations, exemptions are provided to the Distribution Licensee in respect of paying compensation to the consumer.

It 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, lightening, earthquake, lockout, fire 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.

Provided that the distribution licensee shall not be excused from failure to maintain the standards of performance under these regulations, where such failures can be attributed to negligence or deficiency or lack of preventive maintenance of the distribution system of failure to take reasonable precautions on the part of the distribution licensee.

11) Therefore admittedly there was heavy rain in Hadapsar area on 26.11.2013 & therefore there were nos. of breakdowns in the distribution system of that area. As per Regulation No. 11.1 floods, storms, lightening come under natural calamities which have been exempted under Regulation No.11.1. Therefore distribution Licensee was prevented from meeting his obligations under these regulations. Floods, storms & lightening are result of raining. Failure to restore supply within 24 hrs. as per the regulations in the present case cannot be attributed to the negligence or deficiency or lack of preventive maintenance on the part of distribution licensee. Therefore Licensee is not responsible to pay the compensation as claimed by the consumer

nor the price of fuse for RMU. Hence we answer point no. I & II in the negative. Grievance application is liable to be dismissed

12) Post of Chairperson, CGRF of this Zone was vacant during the period from 28.7.2014 to 7.12.2014. Hence grievance could not be decided during a period of 2 months.

Hence the order

ORDER

Grievance application stands rejected with no order as to costs.

Delivered on: -

Y.M.Kamble
Member/Secretary
CGRF:PZ:PUNE

Suryakant Pathak
Member
CGRF:PZ:PUNE

S.N.Shelke
Chairperson
CGRF:PZ:PUNE