

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

Case No.03/2015

Date of Grievance : 27.01.2015

Date of Order : 20.03.2015

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

Mr. Shreekrishna Pandurang Chitale,
50-A, Manas, Hanumannagar,
Senapati Bapat Road,
Shivainagar, Pune-411016

Complainant
(Herein after referred to as Consumer)

Versus

Executive Engineer,
M.S.E.D.C.L.,
Shivajinagar 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

Mr.Satish Shreekrishna Chitale

For Respondent

Mr.A.V.Raidurg, Ex.Engineer
Shivajinagar Division.
Mr.V.S.Nale,
Addl.Ex.Engr.Ganeshkhind S/dn.

- 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 09.12.2014 passed by IGRC Ganeshkhind 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., Shivajinagar Division, Pune vide letter no. EE/CGRF/PZ/Notice/03 of 2015/39 dtd.27.01.2015. Accordingly the Distribution Licensee i.e. MSEDCL filed its reply on 11.02.2015 & 03.03.2015.
- 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) Residential phase-I energy connection vide consumer No.170010774619 is standing in the name of Shreekrishna Pandurang Chitale & supply has been provided to the consumer by underground cable.
 - ii) The consumer made complaint to call centre on toll free no. about failure of supply at above 12.00 Hrs. on 23.08.2014.
 - iii) The consumer received complaint no.1500978 from Call Centre.
 - iv) On 23.08.2014 there was heavy raining with storm in the area of Wadarwadi, Janawadi, Senapati Bapat Road, Janata Vasahat, Pandavnagar, Gokhalenagar, etc. The said areas come under Shivaji Housing Section office. Employees of the Licensees restored supply at about 5.15 p.m. on 25.08.2014 by detecting fault in the cable line.
 - v) According to the consumer the supply should have been restored within 3 hrs. as per standards of performance. However it required 29 Hrs.
 - vi) Consumer claims compensation of 26 Hrs. (29 Hrs. - 3 Hrs.) at the rate Rs.50/- per hour = Rs.1300/- for failure to meet standards of performance as per Standards of Performance norms of MERC.

- vii) IGRC. Ganeshkhind rejected the grievance of the consumer vide impugned order dated 09.12.2014.
- 5) The representative of the consumer Mr. Satish S. Chitale submitted that on 23.8.2014 supply was off, therefore he made complaint about failure of supply to the call centre from Toll Free No. thereafter he received complaint no.1500978 from Call Centre however employees of the Licensee came to the spot at about 5.15 p.m.on 25.08.2014 thereafter they restore the supply. He further submitted that as per SOP Norms of MERC supply should have been restored within 3 hrs. but it required 29 hrs. therefore as per SOP Norms. He may be provided for compensation for 26 Hrs. delay at the rate of Rs.50/- per hour.
- 6) On the other hand Licensee was represented by Mr.Anand Raidurg, Ex.Engineer, Shivajinagar Dn. & Mr.V.S.Nale, Addl. Ex. Engr. Ganeshkhind S/dn. They submitted that on 23.08.2014 there was heavy rain with storms in the area of Wadarwadi, Janawadi, Janata Vasahat, Pandavnagar, Gokhalenagar, Ashanagar, Senapatibapat road, etc. The said area comes under Section office of Shivaji Housing Socy. under Ganeshkhind Sub/dn. of Shivajinagar Dn. They were many faults in HT & LT lines, feeders, underground cables due to storm & raining in that area. Many complaints have been received from the consumer about failure of supply in that area. Therefore employees of Licensee had been engaged for restoration of supply as per priority. Moreover one of the consumers at Vaiduwadi area had assaulted the employees of the Licensees in Section Office at Shivajihousing Socy. for failure of supply. Therefore due to natural calamities, employees of the licensees could not restore the supply within stipulated time as per standards of performance. They further submitted that moreover the present consumer on 28.11.2014 had withdrawn his grievance with full understanding.
- 7) Following points arise for our determination. We give our findings thereon for the reasons stated below.

- | Points | Findings |
|---|---------------------|
| i) Whether consumer is entitled to get Compensation for failure to meet standards Of performance by licensee as claimed for ? | No |
| ii) What order ? | As per Final order. |
- 8) Admittedly on 23.8.2014 there was heavy rain & storming in the area of Wadarwadi, Janawadi, Janata Vasahat, Pandavnagar, Gokhalenagar, Ashanagar, Senapatibapat road, etc. Due to said natural calamities there were many faults in the HT & LT lines, feeders, faults to underground cables. There were many complaints from the consumers about failure of supply in that area at that time. The employees of the Licensee had been engaged in detecting of faults in that area. They were trying their level best for restoration of supply as per priority basis depending on the faults.
- 9) 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.

- 10) Therefore admittedly there was heavy rain & storms in Wadarwadi, Janawadi, Janata Vasahat, Pandavnagar, Gokhalenagar, Ashanagar, Senapatibapat road, etc. on 23.08.2014 & therefore there were number. of breakdowns, faults in the HT & LT lines, feeders of that area. As per Regulation Point 11.1 floods, storms, lightening come under natural calamities which have been exempted for paying compensation to the consumers. Therefore distribution Licensee was prevented from meeting his obligations due to raining. They could not restore the supply within stipulated time as per MERC (SOP of distribution licensee, period for giving supply & determination of compensation) Regulations, 2014. Therefore consumer is not entitled to get any compensation as claimed for. We answer no.I in the negative. Grievance is liable to be dismissed. Hence the order

ORDER

- 1) Grievance of the consumer stands dismissed with no order as to cost.

Delivered on: -20.03.2015

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| Y.M.Kamble | Suryakant Pathak | S.N.Shelke |
| Member/Secretary | Member | Chairperson |
| CGRF:PZ:PUNE | CGRF:PZ:PUNE | CGRF:PZ:PUNE |

Note :- The consumer if not satisfied may filed representation against this order before the Hon.'ble Ombudsman within 60 days from the date of this order at the following address.

Office of the Ombudsman,
Maharashtra Electricity Regulatory Commission,
606/608, Keshav Bldg.,
Bandra Kurla Complex,
Bandra(E), Mumbai-51.