



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

Case No.66/2017

Date of Grievance : 05.12.2017

Date of Order : 29.01.2018

In the matter of interruption in power supply & SOP compensation.

Nea Co-Op.Hsg. Socy. Ltd.,
 S.No.41/2/3 to 13 and 15,
 Sus, Tal.Mulshi,
 Pune -411021.

Complainant

(Herein after referred to as Consumer)

Versus

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

Respondent

(Herein after referred to as Licensee)

Quorum

Chairperson

Mr. B.D.Gaikwad

Member

Mr. S.K.Jadhav

Appearance

For Consumer

Mr.K.S.Parihar, (Representative)

Mr.J.V.Hogade,

For Respondent

Mr.V.Pawar, AEE, Aundh S/dn.

Mrs.H.S.Thakur, Asstt.Acctt. Aundh S/dn.

- 1) The Complainant above named has filed present Grievance application under regulation no. 6.4 of the MERC (CGRF & Electricity Ombudsman) Regulations 2006.
- 2) Being aggrieved and dissatisfied by the order dated 7th Sept. 2017 passed by IGRC Ganeshkhind Urban Circle, wherein it is directed to investigate

the matter and conduct enquiry as per rules regarding the power failure and restoration work and applicability of SOP compensation.

- 3) The Nea Co.Op.Hsg.Socy. is the consumer and consumer no. is 160220493234. The present grievance is preferred by the Chairman of the said society. It is alleged that on 20.6.2017 and 21.6.2017 the electric supply was continuously interrupted for two days. The complaints made in the office of sub-division of the Licensee. The consumer thereby submitted grievance before IGRC on 4.9.2017. The consumer become unsatisfied with the decision of IGRC and preferred present grievance on 5.12.2017 before this Forum. The consumer claims SOP compensation as well as expenses of Rs.5000/- towards the diesel bill used for running generator during failure of power supply. The consumer also claims amount of Rs.5000/- towards the damages on account of mental harassment and torture.
- 4) The papers containing the above grievance were sent by the Forum to the Executive Engineer, M.S.E.D.C.L., Shivajinagar Division vide letter no.EE/CGRF/PZ/Notice/66 of 2017/337 dtd. 06.12.2017. Accordingly the Distribution Licensee i.e. MSEDCL filed its reply on 05.01.2018.
- 5) The Licensee in its reply submitted that the consumer has mentioned wrong dates of 17.6.2017 and 18.6.2017 as the dates of breakdown in power supply. As per the record of MSEDCL there was interruption in the power supply on 30.6.2017 and log sheet is produced on record. According to the Licensee on 30.6.2017 there was flash over in the Ring main unit at Teerth Tower Socy. through which supply is given to the consumers society. The flash over was occurred due to moisture in RMU due to heavy rain fall. The Incoming and outgoing cable termination was also damaged. The busbar of incoming supply and outgoing supply was totally damaged. The contact of the isolator was rusted due to flashover. Therefore due to failure of RMU supply to Teerth Tower and Nea Society was interrupted. The Nea Society was fed through this RMU only and the back feed arrangement was through the same RMU and so there was

no alternate arrangement to back feed supply. It is submitted that the agency and Company staff has attended work immediately and tried to repair RMU as early as possible. They have taken all the possible efforts for restoration of supply. The interruption in the supply took place mainly because of natural calamities as there was heavy rain fall and humid climate. It is submitted that the said consumer comes under Gram Panchayat areas and so standard of performance is 48 hours. It is submitted that the Licensee is entitled for exemption as there was heavy rain fall and Licensee was prevented from meeting obligation as the occurrence was beyond the control. It thereby prays for dismissal of the grievance.

- 6) We heard both sides at length and gone through the contentions of the consumer and Licensee as well as the documents placed on record by the parties. In view of the rival contentions of the parties, following points arise for our consideration and we have recorded our findings thereon for the reasons stated hereinafter.

POINTS

FINDINGS

- | | | |
|-----|---|---------------------|
| i) | Whether complainant is entitled for the reliefs claimed ? | No |
| ii) | What order? | As per final order. |

11)

REASONS

It is submitted on behalf of the consumer that the Society has incurred the expenses of Rs.5000/- for running diesel generator. The bills of purchase of diesel from Chandere Petrol Pump, Susgaon are produced. The generator was maintained for alternate supply during failure of power. It is submitted that dates mentioned in the application were wrong due to slip of pen and those were corrected. No any documents are produced to show that there was heavy rain fall. It is incorrect to say that there was failure of power supply on 13,14,15 June 2017. The Licensee has tried to

mislead the Forum by mentioning date of failure of power supply as 30.6.2017. There was negligence and lack of preventive measures on the part of Licensee. There were frequent failures on other dates also. There was no back feeding arrangement to supply the power.

12. On the other hand it is submitted on behalf of the Licensee that the said occurrence was beyond the control of Licensee as there was heavy rain fall. The log sheet and RMU maintenance bills are produced on record. The log sheet indicate that there was interruption in the power supply on 30.6.2017 because of the rain fall. The log sheet indicates that the repairing work was continuously in the progress. Even the photograph of RMU are produced on record which indicates that all the necessary steps were taken by the Licensee to restore the power supply.
- 13 Regulation - 11.1 of MERC (Standard of performance of Distribution Licensee, period for giving supply and determination of compensation) Regulations-2005 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 Dispatch

Centre/Regional Load Dispatch Centre/State Load Dispatch Centre

during the occurrence of failure of their facilities.

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

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 or failure to take reasonable precautions on the part of the distribution licensee.

There is nothing on record to indicate that there was any negligence or deficiency or lack of preventive measures on the part of the Licensee. In our opinion the Licensee can be exempted under the said regulations.

14. As per standard of performance under the said Regulations of 2005. In case of distribution transformer failure the standard of performance is 48 hours in Rural Areas and 24 Hrs.in Urban areas and in case of underground cable fault it is 48 hours in Rural Areas & 24 Hrs.in Urban areas. In the case in hand the records indicates that the supply was restored within the period of 10 to 12 hrs. According to the Licensee there was no any complaint received from the consumer for power failure on the dates mentioned in the complaint application.
15. The Licensee has also placed reliance on Representation No.22/2017 decided on 26th May 2017 by Electricity Ombudsman Mumbai wherein similar grievance was made by consumer and in that case also there was heavy and continuous rain fall and stormy weather. In the said case Licensee has made all efforts by working day and night for restoration of power supply like present case. The representation was dismissed by Electricity Ombudsman, Mumbai.
16. The Licensee has also placed the reliance on representation no.35/2015 wherein Representation was rejected in similar case. In the case in hand also there was underground cable and because of heavy rain fall, busbar of RMU was damaged and there was flashover in RMU. In such circumstance we are of the opinion that there is no failure in standard of Performance and consumer is not entitled for SOP compensation.

17. The consumer has claimed expenses of Rs.5000/- towards purchase of diesel to run generator. The bills are produced on record and those three bills are of Rs.5000/-. However the dates of the bills are 13, 14 & 15th June 2017. According to the Licensee there was failure of power supply on 30.6.2017. In our opinion there may be expenditure incurred by consumer society for running generator, but it is not clear as together there was failure of power supply on 13,14& 15th June-2017. However it will not be just and proper to grant compensation towards the purchase of diesel for generator because consumer is not entitled to indirect, consequential, incidental, punitive or exemplary damages, loss of profits or opportunity as per proviso clause to Regulations 8.2 of MERC (CGRF & Electricity Ombudsman) Regulations-2006. We therefore come to the conclusion that consumer is not entitled for SOP as well as compensation of Rs.5000/- towards purchase of diesel. We therefore answer above points accordingly and pass following order :

ORDER

1. The Grievance is hereby dismissed.
2. No order as to cost.

S.K.Jadhav
Member
CGRF:PZ:PUNE

B.D. Gaikwad
Chairperson
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.