

CONSUMER GRIEVANCE REDRESSAL FORUM,
AKOLA ZONE, AKOLA.

“ Vidyut Bhavan ” Ratanlal Plot,Akola. Tel No 0724.2434475

ORDER.

Dt. 09/03/2017

Complaint No.4/2017

In the matter of grievance pertaining to failure of transformer & failure to meet standards of performance as per SOP regulation.

Quorum

Shri. R.A. Ramteke ,Member-Secretary

Shri. D.M.Deshpande-Member (CPO)

Shri Arun Ganptrao Dhule,
At Post Sungaon , Tq. Jalgon Jamod :- Complainant.
Consumer No.Ag- 290030162194

.....Vrs.....

Executive Engineer, O&M Division,
MSEDCL, Malkapur :- Respondent.

Appearances :-

Complainant :- Shri Dipak Tade.
Non Applicant :- Shri A.G. Kathode, Dy. E. E.,Jalgaon Ja.

1. On being aggrieved by the decision of IGRC Buldhana vide SE/BUL/IGRC/4645 Dt. 30.12.2016 the complainant Arun Ganptrao Dhule approached this forum. According to complainant he is Agriculture Consumer of N.A. MSEDCL having connection No. Ag- 290030162194 at mouje Wavdi Herdo Gut No. 24. According to complainant transformer from where electric supply was fed to Ag pump failed on 15.07.2016 and intimation was given to NA on 27.07.2016. According to complainant said transformer was in burnt condition and hence electric supply to Ag.pump remained disrupted for 4 months, and could not water his farm and put to loss of 100% fruits of mango, chiku and orange cultivation alongwith 60% loss of crops to Gram and Soyabin. According to complainant the cost of transportation of failed transformer and New after replacement has been borne by complainant as per instruction of N.A. and

also incurred expenditure of labour towards loading/unloading and erection. Complainant further prayed for SOP compensation as per Electricity Act-2003 section 57 and crop compensation of 25 Lakhs, alongwith refund of expenditure incurred for transportation and labour. Complainant also prayed for giving direction to MSEDCL to take action as per Electricity Act-2003 on illegal connection on the said transformer. Complainant Annexed bunch of documents such as Adhar Card, Ration card, Panchanama of revenue authority, bill towards expenditure incurred, information under RTI, and failure report of transformer.

2. In spite of 15 days notice to N.A. MSEDCL did not file reply on record on 24.01.2017. N.A. MSEDCL did not remain present for hearing on 04.02.2017 and reply to the notice was filed belatedly on 02.02.2017 to forum alongwith letter for postponement of hearing on 04.02.2017. Reply copy is also not given to complainant and further intimated to complainant not to attend the hearing on 04.02.2017. The attitude of N.A. officers is noted by the forum and imposed cost Rs.150/- payable to complainant by interium order dated 04.02.2017. Complainant's side was heard in absence of N.A. on 04.02.2017 with liberty, to argue on receipt of reply from MSEDCL, given to complainant.

3. During hearing on 04.02.2017, representative of complainant brought to the notice of forum about failure of transformer on 15.07.2016 which was replaced but with failed unit and three times said transformer was replaced up to 25.11.2016 hence damaging the crop for want of watering the field. It is also brought on record that N.A. MSEDCL have not provided the copy of reply and also MRI copy and hence according to complainant the N.A.'s say which was reproduced in the order of IGRC that supply was restored and fed from another transformer in Nov-2016 should not be accepted, as supply was never restored up to 25.11.2016. According to complainant N.A. MSEDCL failed to meet standards of performance specified in SOP regulation and entitle for compensation of Rs. 50/Hr alongwith compensation for loss of crop as per the valuation /panchanama of revenue authority.

4. After the rescheduling of the hearing on date 08.03.2017 heard learned representative of N.A Shri A.G. Kathode Dy.E.E. Jalgaon Jamod for which complainant was also present. N.A. in their reply have categorically denied that transformer was in failed condition for 4 months. According to N.A. supply was restored from another transformer. N.A. further stated that complainant has taken Ag.supply of 5 HP for cultivation of one hectare land and from panchanama of revenue authority it gathers that complainant was using connection for watering 9.4 hectare of land illegally. According to MSEDCL it is illegal use of electricity and hence complainant is responsible for failure of transformer repeatedly and hence complaint is not tenable before CGRF. According to N.A. complainant is also using electricity for Fish-farming illegally and responsible for loss to MSEDCL by way of transformer failure and hence complaint be dismissed. According to N.A. complainant is not entitle for SOP compensation as per section 12.2 since it is not claimed before 15.09.2016 which is 60 days from first occurrence of 15.07.2016.

5. During hearing N.A. brought to the notice of forum that said transformer was failed 3 times and not 4 times as claimed by complainant on 15.07.2016, 30.09.2016, and 26.10.2016 and admitted that transformer was not in working condition from 1) 15.07.2016 to 17.08.2016, 2) 30.09.2016 to 18.10.2016 3) 26.10.2016 to 25.11.2016 but supply to the Ag. pump of complainant was restored from another transformer for the period 02.11.2016 to 25.11.2016 and filed in support permission of Electrical Inspector dtd. 18.07.2016. During hearing N.A. brought to the notice of forum that panchanama on record filed by the complainant for claiming crop compensation has been objected and appeal has been filed before Tahsildar Jalgaon Jamod dtd.01.02.2017 and Tahsildar Jalgaon Jamod vide letter 21.02.2017 has ordered to carryout panchanama on facts, and report is still awaited. N.A. also brought on record about panchanama given by complainant on dtd. 16.12.2016 and submitted to Taluka Agricultural Officer Jalgaon Jamod dtd. 17.02.2017 differ and hence should not be accepted as evidence and hence requested forum to reject the claim for crop damages. Further N.A. during hearing brought to the notice of forum that from 15.07.2016 maximum period was rainy season and hence complainant is claiming compensation on false pretext. Further N.A. representative brought on record that

transformer was never issued to complainant for transportation and hence illegal claim of transportation and labour be rejected N.A. filed on record Electrical Inspector letter dtd. 18.07.2016, MSEDCL letter datd. 01.02.2017 and Tahsildar Jalgaon Jamod letter 21.02.2017

The N.A. representative also brought on record that the complainant having consumer No. 290030162194 has never paid the electricity bill since Sept-2013, the last Amount of bill being paid by the complainant on 24.09.2013 of Rs.1700/- vide receipt No. 6588138, & alleged that complainant is not a regular bill paying person for the electricity used by him but demand compensation for the deficiency of services from N.A.

6. On perusal of complaint with documents, N.A. reply and arguments of N.A. as well as complainant, Forum finds substance in the complaint that transformer from where supply was fed to Ag. pump of complainant failed on 15.07.2016 and continuity of supply is restored from 25.11.2016. As per MSEDCL supply was available during period 17.08.2016 to 30.09.2016 and 18.10.2016 to 26.10.2016. To ascertain the facts forum directed MSEDCL to submit failure and commissioning report of each transformer which has failed on 18.07.2016, 30.09.2016 and 26.10.2016, in spite clear directives as per provisions of the regulation MSEDCL have not submitted on record transformer failure report by JE/AE of the area and submitted some copies of ERP report Fed to computer which is not visible. N.A.MSEDCL have not brought on record either in reply or in further submission the facts such as Transformer gate pass for replacement on 17.08.2016 and 18.10.2016 and details of transportation on site which supports the N.A.'s plea about replacement on two times. No facts whatsoever, are brought on record to accept the plea taken by N.A. So there is every reason for forum to draw adverse inference that MSEDCL is not interested in bringing facts or record.

However complainant in his written complaint and during hearing has agreed that transformer was replaced on 17.08.2016 and 18.10.2016 for which transportation charges are claimed by complainant which proves the fact that

transformer was in service for the period 17.08.2016 to 30.09.2016 and from 18.10.16 to 26.10.2016.

Further document which is letter from Electrical Inspector No. 638 Dt.18.07.2016 for giving permission to charge 6 Nos transformer has no relation whatsoever with present case and does not prove the fact that supply to the Ag. pump of complaint was fed from another transformer from 02.11.2016 to 25.11.2016 . No work order or gate pass of additional material required for alternative arrangement has been filed by MSEDCL.

Also it is pertinent to note that how a consumer remain unpaid since 3 ½ years without paying a single bill, whether regular bills issued to complainant are monitored timely by the N.A. for necessary recovery of electricity consumer?. But it is to mention here that the issue of bills & recovery of bills, being the most important part of N.A. working system, is neglected by the concerned authority of N.A.

Forum is of the view that MSEDCL have failed to meet standards of performance under SOP regulation 2005 read with amendment in 2014 which has been filed within 60 days of rectification of the deficiency. Forum comes to the conclusion that supply was not available for the period 15.07.2016 to 16.08.2016 (32 days) , 30.09.2016 to 17.10.2016 (18 days) and from 26.10.2016 to 25.11.2016 (31 days). So complainant is entitle for SOP for 81 days after 48 Hrs of its first failure. Forum is of the view that complainant could not bring on record about the fact that MSEDCL have directed and issued transformer to complainant for which transportation and labour charges are claimed by him and hence same is not tenable and not entitled for. For the claim of crop compensation no order of revenue authority is filed on record by complainant, on the contrary two panchanama are on record signed by same authority which differ from one - another and forum finds substance in facts brought on record by N.A. that revise order from Revenue authority in appeal is awaited. Forum is not inclined to accept the claim for crop damages. With these observations forum proceeds to pass following unanimous order.

// ORDER //

1. That the Complaint No.04/2017 is hereby partly allowed. The N.A. MSEDCL is directed to pay SOP compensation to complainant for 79 days at the rate Rs.1200/- day amounting Rs. 94800/- (Ninety four thousand four hundred) as per Appendix "A" (2) (iv) of SOP regulation-2014,to be adjusted in the forthcoming bills of the complainant.
2. The N.A licensee to take appropriate action against the concerned officer of the N.A. licensee for negligence/latches, resulting in monetary liability against it as per ruling of The Supreme Court of India in the matter of M.K.Gupta Vrs Lucknow Development Authority, reported in 1994(i) SCC page 243, after due enquiry.
3. That the compliance report be submitted within period of two month from this order.

Sd/-
Member/Secretary

Sd/-
Member (CPO)

Contact details of Electricity Ombudsman appointed by MERC (CGRF&EO) Regulations 2006 under Regulation 10:

THE ELECTRICITY OMBUDSMAN,
Office of Electricity Ombudsman (Nagpur)
Plot No.12, Shrikrupa, Vijaynagar, Chhaoni,
Nagpur-440 013.
Phone : 0712-2596670

No.CGRF /AKZ/ AKL/ 45

Dt. 14 /03/2017

To,
The Nodal Officer,
The Executive Engineer
MSEDCL,O&M Division,
Malkapur

The order passed on 09/03/2017 in the Complaint No. 4/2017 is enclosed herewith for further compliance and necessary action.

**Secretary,
Consumer Grievance Redressal Forum,
MSEDCL, Akola Zone, Akola**

Copy fwcs to:-

- 1) The Superintending Engineer, MSEDCL, O&M Circle, Buldhana
- 2) Shri Arun Ganptrao Dhule, At Post Sungaon , Tq. Jalgon Jamod Distt. Buldhana