

**CONSUMER GRIEVANCE REDRESSAL FORUM,  
AMRAVATI ZONE, AKOLA.**

*“Vidyut Bhavan”,  
Ratanlal Plots,  
Akola: 444 001  
Tel.No.2434476*

Dt-04/04/2013

**Complaint No.06,07,08,09,10/2013**

**In the matter of Shubhlaxmi Stone Crusher,& others at Hiwarkhed road Tq.Akot for load shedding dispute.**

**Quorum :**

Shri T.M.Mantri,  
Shri P.B.Pawar,  
Shri A.S.Gade

**Chairman  
Secretary  
Member**

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|---|--------------------------|
| <b>1) Shubhlaxmi Stone Crusher, Akot.</b> | ... Complainant no 06/13 |
| <b>2) Sai Stone Crusher, Akot.</b>        | ... Complainant no 07/13 |
| <b>3) Gajanan Stone Crusher, Akot.</b>    | ... Complainant no 08/13 |
| <b>4) Prerna Stone Crusher, Akot.</b>     | ... Complainant no 09/13 |
| <b>5) Pushpraj Stone Crusher, Akot.</b>   | ... Complainant no 10/13 |

...VS...

MSEDCL Rural Dn. Akola

... Respondent

1 These are the complaints filed for the same and identical grievance by the complainant against the N.A.licensee and as per submissions made from both the sides the grievance, submissions and arguments being same and identical, have been taken together for consideration/hearing as well as for passing the order. Consequently by this common order the above referred complaints are being decided. In nutshell the grievance of the complainant is pertaining to the improper implementation of load shedding, inspite directions of the HO and MERC. The complainant's case is that it being industrial consumer the electricity is feeded from Popatkhed feeder of Lakhmapur sub stn.

2       Averments have been made that the load shedding protocol is finalized by MERC, based on energy distribution loss and collection efficiency of the particular feeder. According to the complainant for making proper accounting of energy loss and collection efficiency the DTC and consumers feeded there from have been mapped with respective DTCs. If any mistake in mapping is done that would be reflected in wrong out - put in IT departments. The complainant has then given the details of various feeders emerging from Lakhamapur sub stn so also the energy data for August,12 in tabular form alleging that it is obtained from energy audit report of Akot Sub Dn. For Sept./ Oct.12 as Annexure/A-1 in the tabular form details of various five feeders including that of Popatkhed Gaothan is given with details of number of DTCs, percentage of LT lines, input to feeder and sale as per IT etc with further averments that from the above, the said Lakhamapur sub stn. has received energy 1745000 units whereas energy billed is 2662709 i.e. energy billing in excess than 917709 units alleging that whereas sub station loss is -52.59%. It is averred that from the details given above 3 feeders are having negative losses in August,12, which is not possible so also it is alleged that the standard loss of MSEDCL in the state is 15.38% including HT whereas it is around 30% excluding HT.

3       It is alleged that above referred data clearly means that number of consumers who are feeded from Popatkhed feeders are mapped on other feeders wrongly, resulting in very less sale on that feeders and higher sale on other feeder. It is further alleged that on account of wrong mapping with other factors the statistics of Lakhamapur sub station is showing negative loss in the mentioned percentage, for 3 feeders whereas Popatkhed Gaothan feeder is only showing positive. It is further alleged that the said Gaothan feeder is having 12 DTC. As industrial DTC having very good collection efficiency and there are no losses except technical losses. According to the complainant in any case there cannot be losses exceeding 18 to 20% if mapping is done correctly and by recording reading properly. Because of all such impropriety the present load shedding time table of the said factory is following in D-1 group having distressed load shedding-

6.00 a.m. to 8.45 a.m.       12.00 to 3.00p.m.       7.00 p.m. to 9.00 p.m.

Thereby it is causing great hardships to all industrial consumers and they are unable to carry out their industrial activities only because of fault of N.A.licensee.

4 It is further alleged that the activity of the complainant is possible to be carried out during day time and majority of the industries are running during 10.00 to 6.00p.m. Apart from this slot of 3 hrs, there are frequent tripping also. Averments have been made in respect of difficulties being faced on account of poor infrastructure of the N.A.licensee. Because of even a single trip alleged that about ½ of hour is required to restart the activities, resultantly the complainant is loosing one hour per day on account of such poor infrastructure thereby in fact there is period of only 4 hrs. for working, per day. The complainant has established the industry by availing bank loan and because of distressed load shedding there is adverse impact on its financial condition and it is nothing but because of negligence on the part of the N.A.licensee.

5 Averments have been made about incorrectness in statistical data of Oct.12 alleging that input energy for Stpt.12 is 103033 units whereas for Oct.12 it is 302500 units which clearly means there is variance of 341.59% in input of energy of these two months, similarly the LT billed energy is having variance of about 386.62% by giving details thereof. The complainant has given graph in that respect in the complaint alleging that it clearly gathers there from that there is mis-mapping and calculation mistakes from the side of the N.A.licensee.

6 Averments have been made in respect of directions given by C.E.(Internal Reform)of N.A.licensee to carry out energy audit of each and every DTC so also to do correct mapping, so as to curb losses. Reference has been made to Annexure A-2 in that respect with further averments that even instructions have been issued for taking appropriate action if the improvement is not satisfactory. In spite of these, no efforts are being taken by the officers of the N.A.licensee, resulting hardships to the complainants and in spite making approaches nothing has been done and having left no alternative the complainant is compelled to approach this forum, for getting remedy under the regulations . Reliefs has sought for vide the complaints.

7 On behalf of the complainant the matter was pressed for interium order cum stay to the load shedding as mentioned. After hearing the complainant's representative, this forum declined to pass ad interium order as prayed for. Notice was issued as order of issuing show cause notice was made. As per notice the concerned office of the

N.A.licensee has filed reply to the complaint on its behalf, stating that the complainants contention is for calling back the alleged protocol of load shedding stating that the load shedding protocol was duly approved by MERC so also revised programme of load shedding was also approved by it on the basis of line loss of the factory. It is stated that the said legal order could not be challenged before CGRF. The MERC is the competent authority constituted under Electricity Act and it has passed order after due consideration to all concerned. The order of MERC is to be challenged before the appellate tribunal, hence the present dispute does not fall within the purview of CGRF regulations and could not be adjudicated upon, hence the complaint be dismissed.

8 Hearing in the matter was undertaken on different dates as per submissions and requests made on behalf of the parties. Heard the learned representative of the parties on behalf of the complainants Mr.Ashish Chandarana has made submissions whereas on behalf of N.A.licensee Mr.Shahare, EE (R) Akola so also Shri Rajesh Mahulkar, JE have made submissions on the dates of hearing. Before proceeding with the controversy in the matter in hand, it needs to mentioned that various averments made in the complaint including the details action in tabular form, Annexure A-1, A-2 variation on the basis of statistical data etc have not been denied in reply as well as during course of hearing. The main bone of contention on the part of N.A.licensee is that load shedding protocol is approved by MERC and as per the directions of H.O. the timing of load shedding are being followed and it has no so powers therein. The learned representative of the N.A.licensee has submitted that in view thereof it cannot take any decision in respect of timing of load shedding. Admittedly different groups load shedding came to be formed on the basis of losses on the particular feeder such as Gr."A" to "G" and the timing of load shedding are provided therein. The more the losses the load shedding timings are more. Records are maintained with concerned office of the N.A.licensee in respect of feederwise DCL losses so also in respect of energy input to particular feeder and sale of energy from that particular feeder. The complainant has filed Annexure A-1 and DCL losses for the month of Serpt.12 wherein details of input, HT sale LT input, LT sale, percentage of Ag. sale, unmetered percentage Ag. sale, metered percentage of Ag.load, LT loss, LT loss including line loss, means the collection efficiency, DCL loss and DCL group are given if the relevant documents are seen. For Sept.12 the concerned Popatkhed feeder is placed under group G and admittedly the timing of load shedding therein as mentioned in para 2 of the complaint, in three slots. As far as present matter is concerned the grievance is only pertaining to the load shedding timing from 12.00 to 3.00p.m. from said slot. Admittedly the working of the

establishment is from 10.00 am to 6.00p.m. i.e. of total 8.00 hrs out of which the load shedding time is of 3 hrs as proposed. The submissions made on behalf of the complainant that the working of the industry is only till onset of rainy season and in rainy season it cannot work has not been disputed by the otherside.

9 At this stage it will be just and proper to take into consideration “Grievance” as defined in MERC (CGRF) Ombudsman Regulation 2006. In order to appreciate the contentions of the rival parties the said definition is reproduced as under:

2.1 (c) “**Grievance**” means any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which has been undertaken to be performed by a Distribution Licensee in pursuance of a licence, contract, agreement or under the Electricity Supply Code or in relation to standards of performance of Distribution Licensees as specified by the Commission and includes *Inter alia* (a) safety of distribution system having potential of endangering of life or property, and (b) grievances in respect of non-compliance of any order of the Commission or any action to be taken in pursuance thereof which are within the jurisdiction of the Forum or Ombudsman, as the case may be.

10 From the above it is clear that the definition is exhaustive and there is no ambiguity there is no scope for interpretation as far as what matter can fall under “Grievance”. Here also it is pertinent to note that the submissions made by the complainant that few months back this feeder was under B-1 group, as the losses shown therein 18 to 26%, has not been disputed from the side of the N.A.licensee. Consequently there was no load shedding on the said feeder depending upon the availability of energy with the N.A.licensee. That reason for grievance is on account of period of load shedding to be effective in pursuance to the advertisement issued by the N.A.licensee, Annexure A-3. In the feederwise DCL losses of Akot for Nov.12, the DCL loss is shown as 53.6%. . Upon considering the rival submissions made on behalf of the parties this forum has issued directions to the concerned office of the N.A.licensee to manually calculate and submit DCL report/proposal, as from the record there was apparent discrepancy in the figures mentioned in the report of the N.A.licensee though DCL loss for Nov.12 as per IT DCL report is shown as 534.6%, however in the statement of justification (justification for variation in DTC for DCL losses in month of Nov.12) it was mentioned that as per diagram and as per web master there are 27 feeders whereas as per IT there are 25 feeders and in the last column it was mentioned that “2810327/4281878 feeders not mapped” which clearly shows that there was incorrect

mapping, resulting in variation. The said format clearly shows that as per feederwise DCL losses for Nov.12 the DCL Gr. is shown as "F" as per IT DCL report. During course of submissions it has been admitted that earlier there were Ag. loads from the said feeders and it so reflects in the statement filed on behalf of the N.A.licensee. Considering the apparent discrepancy and great variance in the figures, the direction was given for manual calculation and to submit report accordingly. The E.E.(R) has filed letter dt. 4<sup>th</sup> March,13 at the time of hearing, wherein it has been stated that "as per Assistant Engineer Akot, it is not possible to calculate manual DCL proposal." The technical aspects in that respect were got explained and the format of the feeder DCL losses of Nov.12 filed on record shows that there are six notes at the bottom. The note no.3 is material as far as this aspect is concerned, it reads as –

*"Feeders with negative LT loss, Absurd DCL (DCL Loss <5 or DCL Loss >80), New feeders DCL are represented with Remark. DCL for such feeder should be calculated Manually."*

So it is clear that manually calculation are possible and has to be made in given circumstances as mentioned in the note. During the course of submissions the learned representative of the N.A.licensee was fair enough to admit that manual calculation is possible. In pursuance to such submissions order so passed, by the Forum in that respect.

11 At the time of next hearing the fresh statement of feederwise losses for the month of Sept. to Nov.12 came to be filed from the side of N.A. So one thing was clear that for arriving at DCL losses of that particular feeder there was incorrect mapping and two feeder was not at all mapped. That as per the communication made to Dy.G.M.(IT) Akola by E.E.(R)Akola dt. 5 March 13, it has categorically stated " while comparing individual sheet of FEMS report for 3 months with DCL report (Nov.12), it is marked that there is vast deviation in DCL parameters." So also details of Popatkhed feeder as per FEMS report Sept.Oct.Nov.12 given wherein the LT loss on average basis is shown as 37.46. It will further clear from the said communication that number of DTCs in Sept.12 is shown as 32 whereas for Nov.12 is shown as 25. As against this as per DCL Nov.12 the LT loss is shown as 51.58% vide communication dt.8/3/13 by E.E.(ER)Akola to S.E. the revised proposal for DCL group is given along with the relevant documents. On going through the said documents it is clear that as per manual DCL calculation of the said feeder LT loss is shown as 37.46 whereas DCL loss as 39.96 and it has been placed on manual DCL group D. At the same time as per IT DCL of Nov.12 the It Loss shown as

51.58% whereas DCL loss as 53.60% whereas the DCL group is "F". In the said statement details of manual loss detailed calculation are given, it is mentioned "IT DCL calculation Loss is taken as 51.58% (25 transformers) but while observing actual (manual) calculation LT loss for three months is 37.46 (Actual T/F = 27 Nos.).

12 As already observed above in the justification statement 2 DTCs mentioned above were not mapped, so it is apparent that even according to the officials of the N.A.licensee there is vast deviation in DCL parameters and impact of incorrect mapping of the DTCs resulted in showing of higher losses from the said feeder. The natural consequence thereof is that the benefit thereof is made available to other feeder and its losses have been reduced naturally.

13 This supports contention of the complainants as mentioned in para-4 of the complaint. It is clear that in number of feeders, the sale is shown much more than the input of the energy of that particular feeders. This cannot happen unless there is mistakes and these mistakes could have been noticed and rectified at proper time, but that has not been done so, for the best reasons known to the concerned officials/staff of the concerned office of the N.A.licensee. The simple logic that there cannot be more sale than the receipt in that particular feeder is overlooked. It all went on for the period though the complainant was making grievance. It is thus crystal clear that because of mistakes including that of not mapping of 2 t/fs as referred to above, there was difference and when this has been considered in manual DCL calculation the result is that the feeder comes in better group i.e. "D" group. Admittedly the protocol of load shedding depends upon the group in which that feeder is placed. No doubt MERC has laid down the protocol of load shedding but its implementation is to be carried out for field by the officers of the N.A.licensee on the basis of the correct mapping of the feeders. That has not been done correctly, resultantly the said feeder in question was placed in "G" group, wherein the timing of load shedding is more than what in actual that feeder could have run. On the basis of incorrect calculations made at local level that feeder is placed in particular group, resultantly it has to face the period of load shedding of that particular group as fixed by MERC and implemented through HO of the N.A.licensee. Had this mistake would not have happened, this particular feeder would have been placed in better group, with low load shedding or no load shedding. Consequently, the complainant could not have been put to sufferance. One has to realise on the working of the industry in question, as already submitted on behalf of the complainant the load shedding time is 12 to 3.00p.m. as per "G" group. From the

working hrs of the industry ie. 10.00 to 6.00pm, so substantial time of that working is consumed in period of load shedding, consequently it affects the entire working of the industries/establishment.

14 The E.E.(R)Akola along with letter dt.8<sup>th</sup> March,13 has filed the revised proposal of calculating details of the calculations made, to S.E.(O&M)Akola so also it is pertinent to note that on behalf of the complainant energy accounting for period Sept.12 ,Oct.12 and Nov.12 from the audit report of the N.A.licensee has been filed, wherein also the loss for different three months is shown as 33.46%. So considering the available material and the fact that the changes in load shedding timing is to be finalised by H.O. of the N.A.licensee, direction was given to send revised proposal on the basis of these calculations to the HO of the N.A.licensee for approval. During course of submissions the learned representative of the N.,A.licensee has submitted that proposals are to be sent for the month, by 12<sup>th</sup> March,13. Taking into consideration the said submissions directions was given by this forum, vide order dt.11.3.13 to treat it as on top priority basis, as the revised proposal could have been considered by the HO and approval could have been granted for the revised group of load shedding effective from next month. On the last date of hearing i.e. 25.3.13 the learned representative of the N.A.licensee has submitted that it has sent the revised proposal to the S.E. with the copy of order, immediately but till that date of hearing i.e. 25.3.13 the said proposal is not sent from Akola Circle office to HO, resultantly this could not have been considered by the HO for getting approval on the basis of the revised proposal. On the contrary the earlier proposal was sent, whereby it was proposed new DCL group as "F" for the feeder.

15 In view of the proposal sent whereby the said feeder has been placed in DCL group "F" consequently the load shedding time will be as per the said group. In fact as per the revised calculation this feeder could have been placed in DCL Gr."D" had the prompt action had been taken as per the orders passed by this forum. It is expected and also necessary that All concerned officials of the N.A.licensee to act promptly in making compliances of the regulation so also directions/orders in such types of the matters. In any case the complainant will get some relief in view of the placing of said DCL group "F" for the running period, consequently the timing of load shedding will be less than what was in "G" group. The record clearly shows that because of the mis mapping/mistake incorrect load shedding period has been made applicable. There is mistake/negligent attitude on the part of the concerned office /staff of the concerned office, more particularly A.E. Akot, who has even gone to the extent of stating that calculation of the

manual DCL is not possible, it clearly means that he has even not bothered to fulfilling and obeying the directions of superiors i.e. E.E.(R) and only after giving directions this manual calculation have been made, which resulted in bringing on record the vast deviation in DCL parameters.

16 This forum expects that the N.A.licensee would take appropriate action against such erring officials/staff for the lethargic attitude resulting in improper implementation of load shedding protocol and great sufferance to the consumers, so as to avoid disreputation to the name of the N.A.licensee. Ultimately the working efficiency of the officers/staff affects its reputation. It is also necessary to observe here that approval as per revised proposal of DCL "D" group will be given by HO of N.A.licensee at the earliest, thereby the complainant would not suffer further more, as it has already suffered a lot. With such observations the forum holds that it has jurisdiction to entertain the complaint and proceeds to pass following order, unanimously.

### **ORDER**

1) Complaint No. 06/2013 to 10/2013 are hereby partly allowed. The N.A.licensee is directed to place the Popatkhed Gaothan feeder under the new DCL group "F" with immediate effect and to take steps as early as possible for consideration and placing it under DCL group "D" as per revised proposal dt. 8/3/13 by E.E.(R)Akola.

2) That each of complainant is entitled for amount of Rs.1000/- towards cost of the proceeding/suffering for compelling to file the present proceedings.

3) The N.A.licensee to take appropriate steps against the concerned staff/officer of the concerned office of the N.A.licensee for latches/negligence on their part, including that of recovery of monetary liability arising out of order in the present complaint, apart from other action as per regulations.

4) Compliance report to be submitted within a period of three months from the date of receipt of this order.

Sd/-  
(A.S.Gade)  
Member

Sd/-  
(P.B.Pawar)  
Secretary

Sd/-  
(T.M.Mantri)  
Chairman