

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

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

Dt-12/03/2013

**Complaint No.05/2013**

**In the matter of Sau Sharda Vinayak Prabhune,C-10A Sudhir Colony,Akola for failure in restoring electric supply.**

**Quorum :**

Shri T.M.Mantri,	<b>Chairman</b>
Shri P.B.Pawar,	<b>Secretary</b>
Shri A.S.Gade	<b>Member</b>

**Sau Sharda Vinayak Prabhune,C-10A Sudhir Colony,Akola** ... Complainant  
...VS...

MSEDCL Urban Dn. Akola ... Respondent

1 The complainant is a senior citizen & has approached this forum in respect of her grievance about failure on the part of N.A.licensee to meet standard of performance in restoring the electricity supply at her residence, claiming as compensation of Rs.2550/- Rs.1000/-towards mental and physical agony, Rs.500/- towards costs and disciplinary action against the concerned staff. In substance the complainant’s case is that she has lodged complaint No.115160 on 23/7/12 at 9.45hrs. on account of failure of electric supply, however, neither it was restored nor anybody reported for attending the said complaint, so on 24/7/12 written complaint was lodged with the respondent. In spite complaint and personal visits none bothered to attend the complaint, resulting that the complainant had to remain without electricity supply for three days i.e. 23.7.12 @ 9.45hrs. to 25/7/12 @18.00 hrs. Reference has been made to the Annexures, complaint letter, correspondence etc.

2 It is alleged that after lodging the complaint on 23/7/12 the complainant had received calls from Call Centre assuring restoration of the supply soon. At about

15.00hrs on 24/7/12 staff of the N.A.licensee attended during load shedding time and after checking the wires opined to that overhead wire connecting the complainant's house needs to be changed. The complainant purchased the same wire and immediately reported at 16.30hrs on 24.7.12 itself to the call centre, but nobody bothered. Lastly on 25/7/12 at about 15.30 hrs. the representatives of the N.A.licensee attended the complaint, however due to load shedding the work done could not be tested and the supply to the house was restored at 18.00hrs on 25/7/12. The complainant has suffered hardships. It is further alleged that letter dt.16/10/12 was submitted to the respondent for the grievance and claiming compensation. Reference has been made to Regulation 2005 and alleged that as the N.A.licensee has failed to meet the SOP it is liable for compensation as provided therein from 13.45 hrs of 23/7/12 till the time of restoration of supply amounting to Rs.2550/-. It is alleged that the complaint and letter of the complainant has not be replied, consequently the complaint has been filed.

3 Notice as per regulations issued to the office of the N.A.licensee for its comments. As per record reply came to be filed stating that the complaint of the complainant in respect of failure of electric supply was recorded at Fuse Call Centre on 24/7/12 at 10.00 morning hrs. On that date there were number of complaints on the said centre. Similarly in view of load shedding and heavy rains in the afternoon, the concerned lineman has visited the spot and it was reported that failure of service wire. On 25/7/12 the electric supply was restored at 12.00 hrs, by changing the service wire. The reply is short. Copies of certain documents came to be filed with the reply.

4 The complainant then filed written argument/submissions on 20/2/13 copy of which is given to other side. Heard Mr.V.V.Prabhune, husband of the complainant and the learned representative of the N.A.licensee, who has later on produced copies of certain documents such as time schedule of load shedding at the relevant time, Xerox of the complaint register, letter dt. 26/11/12 of E.E. to the complainant, letter dt.22/11/12 of J.E. to Dy.E.E., undated letter of A.R.Deogade, and K.K.Gunjil linemen to JE in respect of complaint of the complainant.

5 On going through the record as well as rival submissions of the parties it is clear that there was failure of electric supply of the complainant on 23.7.12, for which complaint was lodged under complaint No.115160 dt 23.7.12 itself. It is not in dispute that none attended and resolved the said complaint on that date, resulting in lodging

written complaint in person on 24/7/12, copy of said letter is on record, bearing seal and signature of recipient on behalf of the N.A.licensee. According to the complainant the electric supply was restored in the evening at 18.00 hrs. of 25/7/12 whereas as per reply and submissions of the N.A.licensee the electric supply was restored at 12.00 hrs of 25/7/12. Admittedly Regulations 2005 are applicable. The said regulation has been framed by Hon.ble MERC and the same is binding on the N.A.licensee In Appendix A thereof, provisions are made for payment of compensation in case of failure in SOP within time limit fixed. The relevant clause 2 of Appendix A of the said regulation is material as far as present complaint is concerned. Admittedly the complainant is senior citizen residing in Akola city, so 2 (i) of the said Appendix is attracted here in the present case.

6 Admittedly there is delay in restoration of the supply. Now it has to be seen whether there was any justification or sufficient reasons put-forth and made out by N.A.licensee, so as to justify the delay. As already observed above the reply filed on record is too short. From the record as well as submissions it is clear that on 24.7.12 in the afternoon for first time representative of the N.A.licensee attended the complaint on spot and failure of service wire noticed and accordingly in the register it was so mentioned. As per complainant though it was the N.A.licensee to change the service wire, however, in view of urgency the service wire was purchased by the complainant immediately on 24/7/12 and it was so communicated to the concerned call centre immediately, expecting prompt attendance. However, the fact remains that on 24/7/12 nothing was done. In the written complaint of 26/7/12 by the complainant to E.E.(U)Akola, it has been categorically mentioned about purchase of service wire, reporting thereof to the Call Centre at about 4.30 p.m. and non attendance of any representative of the N.A.licensee upto 3.30pm of 25/7/12. It has been further clearly mentioned that there was electric line from 11.30hrs to 3.00p.m. on that date as that time there was no load shedding. Further it is stated that wire was changed on 25/7/12 at 3.30 p.m. or so and the electric supply was made available at 6.00p.m.. Admittedly on the relevant date there was load shedding from 8.45am to 11.30hrs. and 15.15hrs to 18.00 hrs, as per the copy of the statement of load shedding program filed on record. If one considers the reply filed on behalf of the N.A.licensee coupled with the documents filed on its behalf on record, it is clear that there is variance in the same. Firstly it is stated that on 24.7.12 there were number of complaints, however the Xerox of the complaint register clearly shows that the complainant's complaint is registered at Sr.No.1 at 10 A.M. and at Sr. No.2 the other complaint said to be received at 10.10a.m.

No doubt there are further entries therein also, but the columns of dt., time, details of address, Pole No. etc. are blank. In any case it is not in dispute that complainant had lodged complaint initially on 23/7/12 itself with the complaint number as mentioned above. As none had attended again on 24/7/12 the written complaint was made. During course of submissions it has been admitted that it is the responsibility of the N.A.licensee to change the service wire if there is any fault therein. Here in the present case in the afternoon on 24.7.12 the representative lineman of the N.A.licensee attended the spot and made entry in the complaint register at the Fuse Call Centre “*सर्विस बदल*”. If the letter of J.E. dt. 22/11/12 filed on record as well as undated communication of A.R.Deogade and K.K.Gunjali to J.E. perused it will further show that they are not supporting the stand taken in the reply of the N.A. filed in the present proceeding. In N.A.’s letter dt. 26/11/12 to the complainant it has been mentioned that because of storm and heavy rains, tree was uprooted, resulting in failure of supply in the area. Whereas in the written communication of above named two persons to J.E. it is mentioned that some un-known person has cut down the tree, resulting in failure of electric supply. In the reply of 26/11/12 it has been admitted that there is delay in meeting out the grievance of the complainant but the same has been tried to be justified that because of natural calamities the delay has occurred. The record as referred to above does not support such stand. Further it cannot be accepted on available material on record that electric supply was restored at 12.—p.m. on 25.7.12. The complainant from the very beginning asserting that the electric supply was restored at 18.00 hrs. on 25.7.12. As per record of the N.,A.licensee the load shedding on that day was upto 11.30hrs. in the morning and thereafter from 15.15 hrs. to 18.00hrs. If in fact the electric supply was restored at 12.00 hrs as alleged then certainly the complainant could have got resumption of electric supply at that time. No doubt from 15.15 hrs there was load shedding till 18.00 hrs and immediately after the period of load shedding is over the line was on. Even according to the complainant the supply was restored at 18.00 hrs. It supports the version of the complainant in letter dt. 26.7.12 as well as written submissions made in the present proceeding. It appears that during load shedding time i.e. after 15.15 hrs the work for service wire was completed, resulting in restoration of supply at 18.00 hrs. i.e. end of the load shedding period on that date. Even during course of arguments the learned representative of the complainant has submitted that at about 3.30 hrs, the work was done. As it was load shedding time, the work done could not be tested and only at 18.00 hrs it could be tested, on resumption of electric supply.

7 In view of above observations and conclusions it is clear that inspite making complaint on 23.7.12 at the given complaint number, there was failure in maintaining the SOP as provided in regulation 2005 more particularly 2(i) of Appendix to the said regulations. Consequently the liability for compensation arises. Considering the submissions that during load shedding time of 25.7.12 i.e. at about 3.30p.m. the work of service wire was carried out, consequently that will have to be kept in mind. The standard period for performance provided in the regulations is of 4.00 hrs. So the complainant will be entitled for compensation from 02.00p.m. from 23.7.12 till 15.15hrs of 25/7/12 i.e. for 49 hrs. at the rate prescribed in Regulations. Needless to say that it is internal matter of the N.A.licensee whereby it cannot take advantage on the ground of receiving of complaint on 24.7.12 from Bhandup. The complainant had admittedly lodged complaint on 23.7.12 itself.

8 The complainant has also claimed compensation for mental harassment, agony, but nothing has been brought on record in support thereof and even during course of submissions nothing was submitted. As far as claim for costs, this forum is of the view that reasonable costs needs to be awarded to the complainant, keeping in mind that the complainant as well as her husband are senior citizens and are required to visit the offices of the N.A.Licensee time and again. Here it is required to be mentioned that if the concerned staff/officer of the concerned office of the N.A.licensee would have attended the complaint properly there would not have been reason for the complainant to approach this forum, resulting in monetary liability of compensation/costs on the N.A.licensee. It is the liability of these concerned staff/officer and the N.A.licensee to take appropriate steps in that respect against them. With such observations this forum proceeds to pass following order unanimously.

#### **ORDER**

- 1) Complaint 05/2013 is hereby partly allowed. The N.A.licensee is directed to pay compensation of Rs. 2450/- to the complainant on account of failure to meet the SOP in restoring the electric supply.
- 2) The N.A.licensee is directed to pay Rs. 500/- towards cost of the proceeding .

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 arisen on account 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