

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

*“ Vidyut Bhavan ”  
Ratanlal Plots,  
Akola : 444001  
Tel No.2434476*

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Dt.05/05/2014

**Complaint NO. 69 / 2014**

**In the matter of grievance about delay in restoration of electric supply,  
compensation etc.**

**Quorum :**

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

- 1.Sau Devkabai Madhukar Pagrut
  - 2.Madhukar Laxman Pagrut,
  - 3.Arun Madhukar Pagrut , (Con.No.297172002024) ..... Complainant
- ...vrs....

The Executive Enginee, MSEDCL, Khamgaon Dn. .... Respondent

**Appearances :**

Complainant Representative : Shri Pramod N. Khandagade.

Respondent Representative : Shri Shri U. M. Prakashnewala, Assist Engineer,  
Khangaoon (R) S/Dn.

1. The present complaint is signed by Sau. Devkabai Madhukar Pagrut, Shri. Madhukar Laxman Pagrut and Shri. Arun Madhukar Pagrut, alleging that though the complainant (Consumer Sau. Devkabai) approached IGRC Buldana, claiming compensation on account of failure of DTC alongwith the documents, however, the said application came to be rejected on 23.4.2013. It is alleged that the complainant is approaching this Forum for reimbursement of losses.

2. According to the complainant, the Complainant is consumer of the Licensee since long. There were grievances about the low voltage and inspite making grievance time and again, it was not resolved, resulting in losses of the consumer. It is alleged on 20.3.2010, there was failure of Bhdane DP resulting in problems of irrigating the fields. Number of plum grenade trees have been vanished, so also there were losses in the field of the consumer's son Aurn and husband Madhukar. The consumer was intending of sowing cotton, but because of the failure of DP, the consumer has suffered a lot. It has been alleged that the total losses caused of Rs.5.40 Crores, apart from losses of Rs.63 Lakhs of Cotton and N.A. is therefore liable, hence claim. It is, further alleged that as there was failure to meet the standards of performance as per the Regulation 2005, in restoration of electric supply, the consumer is entitled for compensation. Alongwith the complaint, copies of the documents came to be filed.

3. In spite of receipt of notice, no reply has been filed. The matter was posted for further date and again notice was issued. On that date also, no reply came to be filed from the side of the N.A., on the contrary, complainant's representative filed additional submissions. The matter was kept for hearing on that date. The representative of the N.A. has filed reply, which was taken on record, in view of the request made in application for admitting reply on record. According to the N.A. there was no grievance about the electric supply for all the years but no reason, notice dated 16.8.2012, came to be issued and reply was received on 17.9.2012. The reference has been made to approach made before the IGRC and the order passed therein rejecting the application of 23.4.2013. The averment has been made in respect of application under RTI filed by the complainant.

4. It is further stated that Bhal dane DP was failed on 14.6.2010 on account of heavy lightning. In view of the rainy season as well as objection raised by the Field Owner Shri Rambhau Laxman Bhal dane in whose field the DP was erected, the work of changing of DP could not be carried out. In any case in view of rainy season, as there were availability of water for irrigation, the DP was not changed immediately. On 24.9.2010, the said failed DP is replaced, none of the agriculturist has made any grievance during that time. However, the complainant as intimated has made grievance only causing harassment. The other named co-complainants Madhukar Pagrut and Arun Pagrut are not the consumer of the N.A. Licensee and hence they cannot claim any compensation. It is further stated that the complainant has claimed losses of Rs.330/- lakhs but the same has been now exaggerated to Rs.6.30 Crore, which itself proves the falsity in the claim.

5. It is further stated that on account of technical fault, there was failure in the DP on 8.12.2010 and the Licensee has replaced the same on 6.12.2010, which clearly shows that nearly period of 3 months for replacement of DP was taken on account of rainy season and standing crops in the fields. The N.A. has also made submissions and the documents submitted by the complainant with further submission that it was admitted during the course of hearing before the IGRC that the consumer has not given intimation to the appropriate authority i.e. Tahsildar about the losses. The complainant's claim being untenable, needs to be rejected. Alongwith the complaint, bunch of the documents came to be filed.

6. Herd complainant's representative as well as husband of the complainant Shri Madhukar Pagrut at length. Even as per the N.A. the

consumer is Sau.Devkabai Madhukar Pagrut and as per the submissions Field Survey No.442 is relevant, as far as the consumer is concerned. Arun M.Pagrut is having Field Survey No.228 and Madhukar Laxman Pagrut is owning Field Survey No.704, the objections raised on behalf of the N.A. that the consumer is only Devkabai Madhukar Pagrut, Field Survey No.432 and other two having no concerned and there is no relationship and they are not consumers of the Licensee. Nothing has been brought on record from the side of the complainant, to justify this objection. In view thereof, it has to be upheld and the claim for the consumer Devkabai Madhukar Pagrut only needs to be considered.

7. It is pertinent to note that admittedly there was a failure of DP, however, there is a controversy as to when exactly the failure was occurred. According to the complainant, it was in March 2010, whereas as per the N.A. it was on 14.6.2010, on account of heavy lightning. In the notice given on behalf of the complainant through Advocate, there is a vague submission of cause of failure in DP in April 2010. Even in the copy of the complaint, filed on behalf of the complainant, there is no specific date given, much less of 24.3.2010, on the contrary, it is alleged that there is a failure of DP and N.A. has filed on record the failure report of DP showing date of failure on 14-6-2010. So also the gate pass dated 24-9-2010 for sending of new DP for installation at the place of failed DP, why this document should not be believed, nothing has been submitted on behalf of the complainant. As per the defense, there was a technical problem in the DP on 1.12.2010 and it was replaced on 6.12.2010. The documents in that respect are also filed on record. So also N.A. has filed on record his statement of the concerned field, wherein the DP in question is erected i.e. is of Dinesh Bhalane, stating that Ramchandra Laxman is no more

alive and in September 2010 the cotton crop was standing and because of rains, it was not possible to take the DP in the said field. There is nothing in rebuttal to the same from the side of the complainant, except stating that these documents cannot be maintained. From the side of the N.A. documents about the delivery of wire to the complainant so as to have smooth electric supply on 14.10.2011 as filed on record, it has been submitted by the Learned Representative that it bears the signature of the complainant's husband Madhukar. It has been admitted during the course of submissions by the said Madhukar about the signing the said document. The other relevant documents signed on record also clearly show about the fault in December 2010 and rectification thereof on 6.12.2010.

8. If one considers the available material on record, it is clear that there is variance in the claim on behalf of the complainant. Initially, it was for few lakhs and in the present proceeding, it has been exaggerated to RS.6 Crore towards losses to the crop. Firstly, there is no basis for such a claim, in any case, now upholding of objection in respect of entertaining of only claim of Devkabai, in the present proceeding, the claim for others cannot be considered. It is further clear that neither there is any documentary evidence of competent authority about the alleged losses, nor anything is in support. The complainant's representative has submitted that the complainant will take appropriate steps in respect of claim for losses to the crop before the competent authority and here only the claim of failure to meet the standards of performance as per the Regulation to be considered.

9. In view of the submissions, it is clear that from the record, it appears that there was failure of DP on 14.6.2010 and it has been rectified / replaced

on 24.9.2010. No doubt, the N.A. has tried to justify the delay on the pretext of rainy season, but apparently no immediate steps have been taken, after failure of DP. As per the MERC (Standards of Performance of Distribution Licensee, Period of giving Supply, Determination of Compensation) Regulation, 2005, in Appendix-A the level of compensation payable to the consumer for failure to meet the standards of performance is provided. As per the said Regulation in Appendix-A Clause-2, deals with the restoration of supply and Sub-clause (iii) is about {distribution & transformer failure) period of 48 hours has been prescribed standard for restoration of supply in rural areas in that contingency and the compensation of Rs.50/- per hour for delay is prescribed. From the record and submissions, it is clear, it was delayed because of rainy season and in September 2010, there was a standing crop in the field wherein DP was erected. Had the concerned office of the N.A. has taken immediate cognizance of the grievance in 2010 itself, when there was no standing crop, the work could have been carried out, no doubt it was rainy season, but except some bare document of N.A., it was not the position to replace the DP that time, cannot be accepted when it has been submitted on behalf of the Complainant that there was no heavy rains in June 2010. There is a word against word, this forum is of view to consider the situation and circumstances when the complainant was making grievance in writing, there was no reply given from the side of the N.A., explaining its stand in the copy of the complaint dated 30.8.2010 on record, so it could not be said that there was no complaint. Considering overall position, this Forum is of view to award appropriate relief to the complainant in view of taking of less steps, may be for reasons given on behalf of the N.A., the following order will meet the ends of justice, according to this Forum, In respect

of granting compensation claimed by complainant for failure in the standards open the circumstances of the case, hence the following unanimous order is passed:

**ORDER**

1. The complaint No.69 / 2014 is hereby partly allowed, awarding Rs.2000/- compensation to the complainant for failure to meet the standards of performance by the N.A. and the said amount is to be adjusted in the electricity bills payable by the complainant consumer.

2. In the circumstances, parties to bear their own costs.

That the compliance report be submitted within the period of one month from the date of this order.

(A.S.Gade)  
Member

(P.B.Pawar)  
Secretary

(T.M.Mantri)  
Chairman

No.CGRF / AMZ/ 472

Dt. 06/05/2014

To  
The Nodal Officer / Executive Engineer,  
MSEDCL,  
Khamgaon Division,  
Dist Buldhana  
For information & necessary action.

Secretary,  
Consumer Grievance Redressal Forum,  
MSEDCL, Amravati Zone, Akola.

Copy To:

Sau Devkabai Madhukar Pagrut C/o Madhukar Laxman Pagrut, At. Post- Pahur-  
Jira, Tq. Shegaon, Dist:- Buldhana

Copy s.w.r.to:-

The Superintending Engineer, MSEDCL, O & M Circle Office Buldhana.