

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

“ Vidyut Bhavan” Ratanlal Plots, Akola : 444001 Tel No 0724 .2434476

Dt.11/06/2015

Complaint No. 8 to 10 / 2015

In the matter of grievance per taining to compensation / damages on
account of delay in replacement of Transformer with other reliefs, etc.

Quorum :

Shri T.M.Mantri, Chairman

Shri D.M.Deshpande, Member

Shri J.B. Deshmukh, Secretary

Shri . Balkrushna Parasram Tade	Complaint No.08/2015
Shri Kisan Narayan Gayki		Complaint No.09/ 2015
Smt. Dwarkabai Namdeo Gayki		Complainant No.10/2015
R/o Eklara Ta : Sangrampur Di :Buldana		

.....Vrs.....

The Executive Engineer (R.) Dn. Khamgaon Respondent

Appearances :

Complainant Representative : Shri Ashish Chandarana

Respondent Representative : Shri . S.N. Rathod, Executive Engineer

1. In this group of complaints, the grievance is the same and identical arising out of delay in replacement of failed transformer concerning of all the complainants. According to the complainants, inspite of intimation about the failure of Transformer on 9-3-2015, transformer has not been replaced in time, hence they are entitled for compensation as provided under the MERC (Standards of Performance of Distribution Licensee, Period for giving supply and Determination of Compensation) Regulation, 2005. The Transformer has been replaced according to the complainants on 2-4-2015. The grievance has

also been made for not considering the matter appropriately by the IGRC. The alleged Circular has been prepared in the interest of the Licensee and no information about the same was given to the complainants. There is no reference of the alleged Circular in the Regulation 2005. Even the complainants have been required to incur the expenses for bringing the transformer and no cognizance has been taken by the IGRC. The failed transformer has been replaced thereby, the complainants have been put to mental harassment as well as loss of crop, however, the N.A. did not bother to show courtesy therefor. The complainants are compelled to approach to this Forum for redressal of their grievance. Alongwith each of the complaints, relevant documents have been filed.

2. As per the Regulation, notice was given, calling the N.A. to submit reply. In spite of receipt of notice, neither the reply has been filed nor anybody attended the proceeding on the given date. On the date of hearing application came to be filed on behalf of the N.A. for granting permission to file reply. From the side of the complainants objection has been raised. Upon considering the matter, so also in the interest of justice, the said reply has been admitted on record, copies of which have been given to each of the complainants. According to the N.A. the present complaints have been filed to tarnish the image of the Licensee Company with malafide intention. As per the N.A. oral complaint was given to the Lineman of the Licensee about failure of Transformer on 9-3-2015. The said Lineman has inspected the said Transformer on 12-3-2015 and submitted report in the Sangrampur Office. The Officers of the said Office have carried out minute inspection of the said Transformer and submitted report on 23-3-2015. During the intervening period, Officers of the Company have informed to the complainants about the Circular dated 18-11-2014, wherein 70% amount is required to be remitted,

thereafter the Transformer will be made available. In spite of making attempts, the complainants did not remit payments of the amount of the Electric Bills. It was also informed to the Complainants that prior to the complainants, transformer needed to be replaced for 7 people as per the Seniority List, prior to the complainants till 24-3-2015.

3. It is stated that towards arrears of electric bills, the Complainant Balkrishna Tade has deposited Rs.3000/- on 20-3-2015, Ganesh Gayki Rs.3000/- on 23-11-2013, Dwarkabai Gayki made payment of Rs.12970/- on 20-3-2015. It is further stated that out of 4 consumers to whom supply has been given from the said transformer, only Dwarkabai and Balkrishna Tade have remitted meager amount from the arrears against the electric bills. The connection of the rest of the 2 consumers was already dis-connected, prior to failure of the said transformer. In spite giving information and demands of payment made, the complainants have deposited the amount, late. As per the Seniority List of the complainants, the transformer was made available on 28-3-2015. However, it was failed immediately, hence on 30-3-2015, transformer was made available.

4. It is stated that none of the complainants have given information about the details of failure of crop during the said period, so also not submitted any documents including report of Talathi. Hence, awarding of compensation for damages will be illegal. No Panchanama has been carried out for agricultural loses. In fact all the complainants are responsible for making availability of the transformer. Had they deposited 70% amount immediately, transformer could have been made available, immediately.

5. It is further stated that the documents pertaining to Vehicle No.MH-28 AB 2527 for Rs.1500/- So also the receipt for Rs.2000, dated 29-3-2015 towards Labour charges of down loading of Transformer by Pravin Hage, is not

known to the N.A. The complainants have not incurred expenses and only to win sympathy of the Forum these receipts have been filed with the complaints. Those receipts cannot be considered, as per Evidence Act.

6. It is further stated the Licensee Company as well as its Officers are performing the duties promptly as per the provisions of Electricity Act, 2003, So also Circular of the Company issued from time to time. It is further stated that in fact the complainants have contravened the said Act as well as the Circular of the Company and for no reason trying to blame the officers of the company. The complaints filed by the complainants having no substance are liable to be dismissed. Alongwith the reply, the N.A. has filed the documents, copies of which have been given to other side.

7. Heard Shri Ashish Chandarana, Learned Representative of the Complainant and Shri S.N. Rathod, Executive Engineer, Learned Representative of the N.A. As per the submissions made on behalf of the parties, as the grievance defence is the same and identical, common arguments were advanced and by this common order, the matters are being decided.

8. From the record as well as submissions, it is admitted position that on 9-3-2015, the concerned Transformer was failed, resulting in disruption of electric supply. Even from the reply of the N.A. as well as submissions made by the Learned Representatives, it is clear that according to the same, firstly inspection of the said transformer was made on 12-3-2015 by the Lineman of the Licensee and report was given to the concerned office. As per the N.A. Officers of the N.A. have thereafter carried out the "minute inspection" and given report to the concerned officers about the failure of the Transformer on 23-3-2015. What was the necessity of carrying out "alleged minute inspection" has not been disclosed. Even no documents about the alleged inspection has

been placed on record by the N.A. When the Lineman, who is concerned employee of N.A. dealing with the matter, has given report, the theory of “alleged minute inspection” appears to be after thought as submitted by the complainants.

9. As per the MERC Regulation, 2005, which prescribes the Standards of Performance on the part of distribution Licensee, provides period of 48 hours in Rural areas (Reference to MERC (Standards of Performance of Distribution Licensee, Period for giving supply and Determination of Compensation by the Licensee) Regulation, 2005 – Appendix-A – 2 (iii) clearly provides the said standards of performance, so also the liability of compensation payable for failure to meet that Standards of Performance and it provides Rs.50/- per hour for delay after the prescribed period of standards of performance i.e. after 48 hours . Here it needs to be noted, even as per the N.A. even the first inspection by the Lineman was made after the prescribed period of Standards of Performance itself, what about the “alleged minute inspection”. Here it needs to be noted that in the reply filed on behalf of the N.A. reference and reliance has been placed on the Circular No.4543 dated 18-11-2014 of the Licensee Company for remittance of 70% amount of arrears from the concerned agriculturists, then only the Transformer would be provided. Similarly, in the reply as observed above, it has been the defense that the complainants have delayed in making such payments. Even if one peruses the dates of making payments as given in the reply of the N.A. by the concerned agriculturists, it is clear that it was about 20-3-2015, much before “the alleged minute inspection by the concerned officer” as alleged in the reply.

10. At this Stage, it has been pointed out by the Learned Representative of the complainants that no Electric bills have been issued by the concerned

office of the N.A. earlier, inspite lapse of sufficient long time and for the first time, provisional bills have been issued to the complainants on or about 20-3-2015, specifically mentioning therein "Provisional Bills against NSC". It has been submitted that N.S.C. means "New Service Connection". It has been admitted by the Learned Representative of the N.A. If one peruses the said electric bills, it is clear that no details such as Readings, consumed units, earlier history etc are given. On the same dates the payments thereof has been made by the complainants. During the course of arguments, when query was made with the Learned Representative of the N.A. he has to admit that prior to this provisional bills, no bills of electric consumption / user have been given to any of the complainants concerned . It is really astonishing and depicts the picture of working style of the Officers / employees of the N.A. at the said office. By not issuing the bills earlier, in fact, the N.A. Licensee has been put to suffer loses. When query was made with the Learned Representative of the N.A. he has admitted that the concerned officers/employees are responsible for such latches. This also clearly shows that alleged defense of delay made by the complainants has no substance. When query was made with the Learned Representative of the complainants as to what steps complainants have taken for non-receipt of Electric Bills, the Learned Representative of the complainant has pointed out and shown the letter sent to the concerned Office of the N.A. by the RPAD about non receipt of the electric bills in the year 2013, the copy of the said letter and postal acknowledgement was also perused by the Learned Representative of the N.A. The Complainants' representative though submitted that he will produce Xerox copies thereof on record, but till the time of giving this dictation, the same are not filed on record. In any case, it is the duty and responsibility of the N.A. Licensee to issue Electric bills, even clearly there are latches on the part of the N.A. / its Officers/employees.

11. As observed above, though there is reference of the alleged Circular No.4543 dated 18-11-2014, however, the Learned Representative of the N.A. has to admit that at the relevant time the said Circular was already withdrawn. The reply came to be filed on the date of hearing. The present complaint came to be filed on 14-5-2015 and admittedly at the time of filing of the complaint the alleged Circular was not in force, inspite thereof attempt has been made to make reference thereof in defense, resulting in awkward position and the Learned Representative of the N.A. has not made any reference / submission in that respect during the course of argument but admitted that the said Circular was not in existence at the relevant time.

12. Similarly, in the last para of the reply the N.A. has tried to blame the complainants alleging contravention of the provisions of Electricity Act, 2003, so also contravention of the Circular of the Licensee with further averments that the complainants have unnecessarily blamed the officers of the N.A. When query was made as to which of the provisions of Act 2003 or that of Circular have been contravened by the complainants, the Learned Representative of the N.A. Could not give any answer and has to admit that there is no alleged contravention on the part of complainants.

13. The complainants, apart from the SOP compensation, have also claimed refund of the amount which required to be spent for bringing the Transformer, its down loading - uploading and labour charges. Documents in that respect filed on record, such as receipt of the Vehicle and Receipt of Labour Charges, i.e. the first Transformer, which was in fact failed transformer. Though on behalf of the N.A. attempts have been made to dis-own this documents, so also the charges required to be paid by the complainants. However, no documents or any piece of evidence in any form has been brought on record from the side of N.A. to show that the N.A. has brought the Transformer at

the spot, so also installed the same at its cost. When query was made during the course of argument that the office of the N.A. has to maintain the documents about sending of material from the stores, the vehicle by which the material was sent etc, the Learned Representative has to admit that such documents are required to be maintained however he submitted that in respect of this matter there are no documents available. The Learned Representative of the N.A. has filed on record the copy of the Gate Pass, which has been rightly pointed out by the Learned Representative of the complainants that in the said Gate pass the number of Vehicle is given in hand written as MH-28 AB 2527 and further pointed out that the receipt of the said Vehicle is filed by the complainants on record, giving details of said Vehicle No. for transferring the Transformer from Khamgaon to Eklara costing Rs.1500/- The Learned Representative of the N.A. has no answer thereon. Similarly, the complainants have also produced on record the receipt of Labour charges paid towards down-loading and uploading of Transformer for Rs.2000/- which the complainants have paid and obtained the receipt. The Learned Representative of the N.A. has no submission / explanation in that respect also.

14. Here it is needs to be further noted that the complainants have also filed on record the copies of report by Shri S.N.Shevalkar, Lineman of the N.A. dated 30-3-2015, mentioning the facts such as failure of transformer on 9-3-2015, giving direction to the named officer / engineer of Warwat Bakal to the complainants for bringing Transformer from Khamgaon at their cost, incurring all expenses by the complainants on this counts, failure of supply during the entire relevant period as well as damages to the crop for want of irrigation. He has gone to the extent of quantifying the amount of losses of Rs.6to8 lacs as per the report filed on record. The Learned Representative of the N.A. has admitted that the said document is given by the Lineman Shri Shevalkar and it

is signed by him. The Learned Representative of the N.A. has submitted that such expenses are not to be obtained from the consumer/ agriculturists and if it is done it was improper and illegal act. The Learned Representative of the complainant has made reliance thereon in the grievance and pointed out that IGRC has even not taken cognizance thereof in its order so also about the losses of the crop.

15. That upon considering the available material on record, it is clear that there are not only latches, but illegal actions on the part of the employees of the concerned office of the N.A. resulting in incurring of unnecessary expenses by the complainants, the same needs to be refunded. The complainants have also claimed SOP compensation at the rate of Rs.50/- per hour for delay in replacement of the Transformer. Admittedly the Transformer was failed on 9-3-2015 and the working transformer was replaced on 2-4-2015, resuming the electric supply of the complainants, after the period of 48 hours as per the Standards of Performance prescribed under the Regulation 2005 as referred above. For rest of the period, the complainants are entitled for compensation as mentioned in the Regulation 2005 i.e. at the rate of Rs.50/- per hour i.e. from 12-3-2015 till 1-4-2015. The complainants have also relied upon the order of Hon. Electricity Ombudsman, Nagpur dated 23-3-2015 in Representation No.33/2014, wherein the compensation for delay in replacement of transformer has been given. The said order is clearly applicable to the present case. That the complainants have also claimed compensation / damages for losses of agricultural crop. Apart from the report of Shevalkar, Lineman of the N.A. mentioning the losses suffered by the complainants to the crops for want of irrigation / water supply to the complainants, they have also filed on record Panchanama with signature of Talathi and Agril. Assistant with signatures of witnesses. Though the Learned

Representative of the complainants tried to submit that the Lineman Shevalkar who is employee of the N.A. in his report has admitted about the quantum of losses to all complainants, hence no further proof is required, however, this Forum is not impressed with such submission. The said Lineman is not a competent person to assess the losses to the crop etc. In the Spot Panchanama filed by the complainants bearing signature of Talathi / Agril Assistant is dated 4-6-2015, stating position as on date. Even it does not disclose the quantum of losses suffered. According to the Learned Representative of the complainant compensation / damages can be paid as per the Regulation, so also he has referred lacunas / deficiency on the part of the N.A. Licensee for not working properly about public awareness as well as not making arrangements designating the officers for providing information to the consumers. On going through the provisions of Regulation 8.2, 3 as well Regulation – 9 of MERC (CGRF & EO) Regulation 2006, there appears to be some substance. The N.A Licensee has not made any provision of designating any officer for providing information to the consumers, as mentioned in the Proviso of Regulation – 9 of 2006.

16. As far as the quantum of damages for alleged losses, this Forum is not inclined to accept the entire submission made on behalf of the complainants. However, the fact remains that for the period from 9-3-2015 to 2-4-2015, there was disruption of electric supply and as per the record agricultural crops were in the fields of the complainants, naturally they must have been suffered for want of watering / irrigation. For want of exact details on that count, this Forum thinks it fair to award reasonable amount towards damages on that count to each of the complainants and the said amount quantified to Rs.5000/- to each of the complainants.

17. In view of the above observations and conclusions, it is clear that there are deficiencies in providing service, failure in meeting Standards of performance, resulting in liability of compensation as provided for the period mentioned i.e. 12-3-15 to 1-4-15 at the rate of Rs.50/- per hour as provided in the Regulation, so also the complainants are entitled for refund of the amount of Rs.2000/- and Rs.1500/- spent by them for bringing and installing of the earlier Transformer, which was failed one. It is also necessary that the N.A. is directed to issue electric bills to the complainants promptly as per the Regulation.

18. From the available material on record and submissions it is needless to say that there are clearly laches, negligence on the part of the concerned officer / employee of the Licensee / N.A, as observed above non issuing of electric bills, not taking immediate steps for replacement of failed transformer etc resulting in imposing the monetary liability under this order. Because of such laches / negligence that the monetary liability has arisen against the N.A. Licensee, hence it will be just and proper that the N.A. Licensee to take appropriate steps for recovery of this monetary losses from the officers / employees, apart from taking action under its Service Regulation, so that in future the working efficiency of the officers/employees will be improved and attempts will be made to remove the said deficiency at the earliest. With such observations, this Forum, proceeds to pass the following unanimous order:

ORDER

1. That the complaints No.8 to 10 of 2015 are hereby partly allowed. The N.A. is liable to pay compensation of Rs.24,000/- as per the SOP Regulation 2005 to each of the complainants for the period from 12th March 2015 to 1st April 2015 i.e. for 480 hours(20 days).

2. The N.A. is also directed to refund Rs.2000/- and Rs.1500/- which has been spent by the complainants for bringing Transformer and uploading and downloading the transformer.
3. So also the N.A. is directed to pay Rs.5000/- to each of the complainants towards the damages of crop so Also to pay Rs.1000/- to all the complainants towards cost of the present proceedings.
4. The N.A. is also directed to issue regular Electric bills of actual consumption promptly, as per Regulation.
5. The N.A. Licensee to take appropriate steps against the erring officers / employees of the concerned office of the N.A. for latches /negligence on their part, resulting in monitory liability against the N.A. Licensee in terms of this order, apart from taking actions as per Service Regulations.
6. That the compliance report of this order be submitted within a period of one month from the date of this order.

Sd/-

(J.B.Deshmukh)
Secretary

Sd/-

(D.M.Deshpande)
Member

Sd/-

(T.M.Mantri)
Chairman

No.CGRF / AMZ/ Akola/

Dt. /06/2015

To
The Nodal Officer / Executive Engineer,
MSEDCL,
Khamgaon Division,
Buldhana.

The order passed on 11-06-2015 in the Complaint No. 08 to 10/2015, is enclosed herewith for further compliance and necessary action.

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

Copy to:

Shri Balkrishna Parasram Tade, Shri Kisan Narayan Gayki, Smt Dwarkabai
Namdeo Gayki At Po : Eklara Ta : Sangrampur Dist : Buldana for information.

Copy s.w.r.to:-

The Superintending Engineer, O & M Circle Office Buldana.