

**Consumer Grievance Redressal Forum  
Maharashtra State Electricity Distribution Co. Ltd.  
Bhandup Urban Zone, Bhandup**

Ref. No. Secretary/MSEDCL/CGRF/BNDUZ/

Date :

Case No. 143

Hearing Dt. 21/11/07,  
31/12/07 & 08/01/08

**In the matter of failed DTC and Compensation towards failure to  
maintain standard of performance as per MERC Guidelines**

**Dr. Satyanand R. Khade**

- Appellant

Vs.

**MSEDCL, Bhiwandi Circle**

- Opponent

**Present during the hearing**

**A - On behalf of CGRF, Bhandup**

- 1) Shri S.L. Kulkarni, Chairman, CGRF, Bhandup.
- 2) Shri S.B. Wahane, Member Secretary, CGRF, Bhandup.
- 3) Mrs. Manik P. Datar, Member, CGRF, Bhandup.

**B - On behalf of Appellant**

Dr. Satyanand R. Khade, Consumer.

**C - On behalf of Respondent**

- 1) Shri R.P. Choudhary, Ex.Engr. & Nodal Officer, Bhiwandi Circle.
- 2) Shri Bharate, A.E., MSEDCL, Bhiwandi.

**PREAMBLE :**

Dr. Satyanand R. Khade is having a dispensary at Shree clinic, Khatija Manzil, Opp. Apsara Theatre, Kalyan Road, Bhiwandi – 421 302 having consumer No. 013012357162. The consumer has put up his grievance with this Forum on 1<sup>st</sup> November 2007. Consumer had approached this Forum, as he could not get adequate relief from the utility.

First hearing date was fixed on 22/11/2007, but it was postponed on the request of Nodal Officer being busy with assembly sessions. Next hearing date was fixed on 04/12/2007 followed by 08/01/2008.

**CONSUMER'S SAY :**

The said consumer runs a dispensary at Kalyan Road, Bhiwandi and getting power supply from DTC situating at Bharat compound, Bhiwandi. He is a general practitioner having no nursing facility. The dispensary is run in morning 9.00 a.m. to 15.00 hrs. and 18.00 hrs. to 22.00 hrs. (Sunday holiday).

As per the consumer's view, there were regular and daily power failures to his dispensary in addition to load shedding. As power supply was more irregular, he sent a letter to Dy. E.E./SD-V/ on 25/10/2006 for compensation claim due to DTC failure. He got a letter from EE/Div-2/BWD Circle, dtd. 21/11/2006 expressing regret for inconvenience and seeking for co-operation and gave an assurance of regular supply.

But the situation did not improve and he sent another complaint letter to concerned officials of Bhiwandi circle on 01/12/2006. But at this time he did not get any reply from MSEDCL-Bhiwandi circle so he put up his grievance in prescribed proforma about compensation due to DTC failure to ICGRU. He was told that MSEDCL persons in Bhiwandi were engaged in handling over the distribution system of entire Bhiwandi area to newly appointed franchisee, hence could not attend his case in prescribed time of two months.

The consumer had given a list of instances of date wise failures which have been tabulated below :

S.No.	Date	Power failure time in Hrs.	Cause of failure	Total hrs. of failure excluding load shedding in hrs.	Complaint No.	Compen sation
1	28/08/06	13-18	-	5	593 at 14.00	
2	31/08/06	13-18	-	5	No complaint	
3	04/09/06 to 06/09/06	21.00 18.00	-	33	404 on 05/09/06 at 15.00	
4	07/09/06 to 06/09/06	20.00 18.00	-	10	434 on 07/09/06 at 22.00	
5	09/09/06	21-24	-	3	No complaint	
6	11/09/06	0-7 & 18-24	-	13	479 at 20.30	
7	13/09/06 to 14/09/06	18.00 18.00	-	18	507 on 13/09/06 at 19.15	
8	16/09/06	21-24	-	3	No complaint	
9	18/09/06	00-7 & 20-23	-	10	No complaint	
10	19/09/06	13-18	-	5	597 at 10.55	
11	21/09/06	13-18 & 19-	-	6.30	625 at 14.30	

		20.30				
12	22/09/06 to 23/09/06	21.00 21.30	-	18.30	634 on 22/09/06 at 10.55 & 651 on 23/09/06 at 11.25 & 19.30	
13	28/09/06 to 21/10/06	14.00 20.30	T/F failures	424.30	40 on 28/09/06 at 14.15 & 55 on 29/09/06 at 11.15	424.30 – 24 = 400.30 x Rs. 50 = Rs. 20015/-
14	23/10/06	18-20	Fuse off	2	337 at 20.00	
15	24/10/06	18-20 & 22-24	Fuse off	4	341 at 19.45	
16	18.11.06 to 07/12/06		T/F failures	20 days/480 hrs.	512 at 11.00	

He also reiterated that the utility did not take any action to remove the illegal double supply which was causing overloading and break down of the said transformer. He also requested the utility in his letter dtd. 01/12/2006 to make an alternative arrangement to restore his supply

**PRAYER :**

Forum should award him a compensation through utility for delay in restoring the power supply due to failure of DTC as per MERC's rules and regulation and SOP.

**UTILITY'S SAY :**

The Nodal Officer who attended the hearing explained the reasons/remedial actions taken and admissions on the part of utility about the failures. Daily there are regular slots of load shedding of minimum six

hours plus sometimes distress (additional) load shedding as prescribed by higher officials of the utility in compelling circumstances of short supply of power.

Utility explained that due to unauthorized use of power supply on large scale by the consumer the instances of power failure due to over loading of DTC were frequent despite constant efforts to the situation.

Considering the importance of the consumer's service as running dispensary he was provided with alternate supply during he year 2006. He was benefited as can be seen from his power consumption pattern reflected in his consumer's personal ledger (CPL). It shows consumption of average of 30 units per month of course, his dispensary has a limited time period and only one bulb is put in use.

**OBSERVATIONS:**

- 1) It is true that in the area of consumer General Practitioner dispensary there were frequent instances of power failure, due to transformer failure and general fuse cell resulting into hardships to the consumer.
- 2) The utility local officials did try to minimise the instances of power failure as far as possible. They tried to help the complainant consumer by providing alternate supply causing much less power failures.

The say of the utility of giving the consumer alternate supply does not appear sound considering a long interval of transformer failure.

- 3) As per the chart of compensation claimed by consumer in Sr. No. 10 the timing of power failure and actual time of launching complaint do not match with each other. Hence not consider for any compensation.
- 4) Consumer deserves getting compensation for the hardships caused to him due to power failures. However, compensation to be awarded be based on following factors:

- a) Dispensary's actual working hours (also Sunday closure) as stated by the consumer
- b) Load shedding hours including distressed load shedding.
- c) Time of reporting complaint of power failure
- d) Considering standard time limit as per SOP i.e. 4 hrs. for fuse call and 24 hrs. for transformer replacement in towns & cities.
- e) Required time limit of sixty days from restoration of power supply for claiming compensation.

ORDER

(a) Considering the instances of power failure, the consumer be awarded compensation after carefully examining various factors as mentioned in the observation, accordingly compensation is to be calculated as per power failure hours mentioned below.

1)	28/08/2006	-	Nil
2)	31/08/2006	-	No complaint
3)	04/09/2006 to 06/09/2006	-	Five hrs.
4)	07/09/2006 to 08/09/2006	-	Two hrs.
5)	09/09/2006	-	No complaint
6)	11/09/2006	-	Nil
7)	13/09/2006 to 14/09/2006	-	Two hrs.
8)	16/09/2006	-	No complaint
9)	18/09/2006	-	No complaint
10)	19/09/2006	-	Nil
11)	21/09/2006	-	Nil
12)	22/09/2006 to 23/09/2006	-	8 ½ hrs.
13)	28/09/2006 to 21/10/2006	-	114 hrs.
14)	23/10/2006	-	Nil
15)	24/10/2006	-	Nil
16)	18/11/2006 to 07/12/2006	-	102 hrs.
	<b>Total</b>	<b>=</b>	<b>233.50 = 234 hrs.</b>

b) The consumer is paid compensation for total 234 hrs. (in words two hundred & thirty four hrs.) at the rate of Rs. 50/- per hour as prescribed in provision 12.1 of S.O.P. (Appendix A) prescribed by MERC which comes to  $(234 \times 50) = \text{Rs. } 11,700/-$

c) The utility should make the said amount of compensation to the consumer by cheque payment within 30 days from the receipt of this order.

d) The consumer and utility be informed accordingly.

(e) The present case could not be decided with prescribed time limit of sixty days from the registration to the Forum. This is because; the utility officials were engaged in assembly session as also non-availability of record in time.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 25<sup>th</sup> of January 2008.

Note : 1) If Consumer is not satisfied with the decision, he may go in appeal within 60 days from date of receipt of this order to the Electricity Ombudsman in attached "Form B".

Address of the Ombudsman  
The Electricity Ombudsman,  
Maharashtra Electricity Regulatory Commission,  
606, Keshav Building,  
Bandra - Kurla Complex, Bandra (E),  
Mumbai - 400 051.

2) If utility is not satisfied with order, it may go in appeal before the Hon. High Court within 60 days from receipt of the order.

**MRS. M.P. DATAR  
MEMBER  
CGRF, BHANDUP**

**S.B. WAHANE  
MEMBER SECRETARY  
CGRF, BHANDUP**

**S.L. KULKARNI  
CHAIRMAN  
CGRF, BHANDUP**

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