



Consumer Grievance Redressal Forum, Kalyan Zone
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No. K/E/1291/1523 of 2017-18

Date of registration : 08/02/2018

Date of order : 14/03/2018

Total days : 34

IN THE MATTER OF GRIEVANCE NO. K/E/1291/1523 OF 2017-18 OF SHRI. DILIP MADHUKAR JADHAV, KALYAN-MURBAD HIGHWAY, REVATI VILLAGE, POST RAYATE, TAL.KALYAN, DIST.THANE, PIN CODE - 421 301 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING TRANSFORMER FAILURE SOP TO BE GIVEN FOR RESTORATION OF SUPPLY.

Shri. Dilip Madhukar Jadhav,
Kalyan-Murbad Highway,
Revati Village, Post Rayate,
Tal.Kalyan, Dist.Thane,
Pin Code - 421 301.

(Consumer no. 021077000647) ... (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution
Company Limited,
Through it's Nodal Officer,
Kalyan Circle-II, Kalyan

... (Hereinafter referred as Licensee)

Appearance : For Licensee - 1) Mr.Ganesh Pawar, AE, Kalyan (R), Div.
2) Smt.Aparna Shelar, Jr.Engr, CSD, S/dn.

For Consumer- Shri. Dilip Jadhav

[Coram- Shri. A.M.Garde-Chirperson, Shri. A.P. Deshmukh-Member Secretary]

1) Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003 (36/2003). Hereinafter for the sake of brevity referred as 'MERC'. This Consumer Grievance Redressed Forum has been established as per the notification issued by MERC i.e. "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers vide powers

conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is referred as 'Regulation'. Further the regulation has been made by MERC i.e. Maharashtra Electricity Regulatory Commission. [Electricity Supply Code and other conditions of supply 2005] Hereinafter referred as 'Supply Code' for the sake of brevity. Even, regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply & Determination of Compensation) Regulations, 2014.' Hereinafter referred 'SOP' for the sake of convenience.

2) Brief contention of Consumer are :-

- i. There was no prior notice or intimation about failure of supply transformer from the side of MSEDCL.
- ii. No details particulars was given by MSEDCL as to cause of failure of distribution transformer inspite of several oral and written complaints to Sub Engineers, Goveli and Executive Engineer, Kalyan.
- iii. No communication or information was given from the side of MSEDCL resulting to Consumer's hardship and financial loss.
- iv. No action of any kind was taken by Sub Engineer, Goveli and Executive Engineer, Kalyan within prescribed time period of 48 hours and rectification of distribution transformer was done after 528 hours which resulted huge damage to my crop in the field.
- v. During the failure of transformer, MSEDCL conducted looping on transformer by Licensee, due to which it was see that 3 phase supply available. Hence We/I replaced 3 phase pump by single phase pump which was not necessary but due to lack of knowledge of looping carried out by Licensee, I purchased.

Hence Consumer demanded

- 1) Grant compensation of financial loss @ 50 Rs./hr.
- 2) Grant compensation for Consumer hardship, financial loss & mental harassment.
- 3) Stringent action may be taken against Sub Engineer, Goveli & Executive Engineer, Kalyan showing gross negligence and indisciplinary not performing their duties in accordance with the regulation.

- 3) On receiving the said Grievance, it's copy along with accompaniments sent to the Nodal Officer vide this Forum's Letter No. EE/CGRF/Kalyan/055 dated 09/02/2018. In response to it, the Officers of Licensee appeared and filed reply on letter no. DYEE/CSD/Tech/198 dt.21/02/2018. The hearing scheduled on 21/02/2018 at 12.00 hrs.
- 4) Licensee in their reply contended that
- i. 100 KVA of transformer of Revati village was failed on 25/09/2017. But after meggring of transformer it is found that one phase of transformer is working. Hence looping were done in distribution box for getting supply to all single phase consumers. The single phase lighting load supply of Shri.Madhukar Dilip Jadhav is restored on same day. As Consumer required three phase supply for agriculture purpose and that time rainy season was there so main priority given for only restoring lighting load.
 - ii. At that period there was natural calamity. Due to this overall 50 transformers were failed in Kalyan Rural Division and 7 transformers in Construction S/dn. Hence to avoid darkness to all the singles phase residential Consumers priorities to replace the transformer was decided by division office. Due to non-availability of transformer at distribution office and single phase supply available to Revati village the transformer was not replaced.
 - iii. But after receiving transformer from division office Revati village the transformer was replaced on 11/10/2017.
- 5) After going through the documents on record and hearing argument from both sides, Consumer claimed that transformer failed on date 24/09/2017. Consumer complained & claimed compensation vide his letter dated 07/10/2017 on which receipt from Executive Engineer, Kalyan (R) division office is given.
- Consumer again given letter to Superintending Engineer, Kalyan-II Circle on date 13/10/2017 on which receipt from Superintending Engineer, Kalyan Circle-II office is given.
- Licensee in their reply submitted that transformer failed on 25/09/2017, for that they have submitted transformer failure report which is showing that transformer is failed on 25/09/2017 due to heavy rain & lighting.

Hence from the record transformer failure date can be considered as 25/09/2017.

6) As per MERC (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations 2014 following regulations applies to present case :

6.3 *The Distribution Licensee shall restore the power supply caused by underground cable faults including service connection within eight (8) hours in Class I cities, within Eighteen (18) hours in the Urban Areas and within forty eight (48) hours of the receipt of a complaint in the Rural Areas*

11.1 *Nothing contained in these Regulations shall apply where, in the opinion of the Commission, the Distribution Licensee is prevented from meeting his obligations under these Regulations by—*

- (i) force majeure events such as cyclone, floods, storms, war, mutiny, civil commotion, riots, lightning, earthquake, lockout, fire affecting licensee's installations and activities;*
- (ii) outages due to generation failure or transmission network failure;*
- (iii) outages that are initiated by the National Load Despatch Centre/ Regional Load Dispatch Centre/State Load Dispatch Centre during the occurrence of failure of their facilities;*
- (iv) or other occurrences beyond the control of the Distribution Licensee: Provided that the Distribution Licensee shall not be excused from failure to maintain the standards of performance under these Regulations, where such failure can be attributed to negligence or deficiency or lack of preventive maintenance of the distribution system or failure to take reasonable precaution on the part of the Distribution Licensee.*

12.2 *The Distribution Licensee shall be liable to pay to the affected person, such compensation as provided in Appendix A to these Regulations:*

Provided that any person who is affected by the failure of the Distribution Licensee to meet the standards of performance specified under these Regulations and who seeks to claim compensation shall file his claim with Such a Distribution Licensee within a maximum period of sixty (60) days

from the time such a person is affected by such failure of the Distribution Licensee to meet the standards of performance:

Provided further that the Distribution Licensee shall provide information to consumers with regard to its offices/ competent authority to settle claims for compensation:

Provided further that the Distribution Licensee shall compensate the affected person(s) within a maximum period of ninety (90) days from the date of filing his claim.

7) As per transformer failure report & during the arguments it is clear that the transformer failed due to heavy rain and lightning. Consumer also agrees for the same but he is objecting about delay in replacement of transformer. As per regulation 11.1 MERC has given relaxation for SOP, but in present case the delay in replacement in transformer is also very huge.

As per regulation 6.3 Licensee should have replaced transformer within 48 hrs. But Licensee took approximately 18 days to replace it. As far as relaxation as per regulation 12.2 is concerned it may be extended one or two days considering heavy rains, but no such evidence is produced by Licensee which will show why so much delay is caused in replacement of transformer. Hence we cannot exclude the case from giving compensation.

8) Failed transformer is not replaced by Licensee within SOP limit & it is clear from reply submitted by Licensee. The failed transformer replacement gate pass issued by Executive Engineer, Kalyan (R) is showing date 11/10/2017, whereas Consumer has given application on date 13/10/2017 regarding no supply, to this letter there is no reply from Licensee. Which clearly shows that failed transformer was not replaced till 13/10/2017 & it was replaced either on 13/10/2017 or later. The Consumer also could not tell the exact date. From the above discussion it is clear that the transformer was not replaced till 13/10/2017.

9) First letter regarding complaint & compensation was received to Executive Engineer, Kalyan (R) on date 07/10/2017. It is known that the limit for replacement of failed transformer is 48 hours only & compensation is demanded by Consumer, the Licensee acted on the letter on 12/10/2017, by issuing the transformer. In fact Licensee could have replied to the Consumer regarding their difficulty regarding replacement of transformer. But Licensee failed to do so, hence Licensee does not comply regulation 11.1 of SOP in which “. to take reasonable precaution on part of Distribution Licensee”. Consumer again given letter to Licensee on date 13/10/2017, but Licensee failed to reply the said letter too. In which Licensee could have taken objection regarding.

- (i) Not granting compensation due to exception under regulation 11.1 of SOP.
- (ii) Objection about failure date.
- (iii) Objection about replacement date.
- (iv) Details of natural calamity and failure of large number of transformer. But no such activity is done by the Licensee hence we find this case can not be excluded from grant of compensation under SOP regulation.

10) As far as Consumer demand regarding Consumer hardship, financial loss and mental harassment, there is no evidence produced by Consumer hence the forum not find any merit in the allegation.

11) Consumer demand to take stringent action against Sub-Engineer and Executive Engineer, Kalyan for gross negligence and indisciplinary manner not performing their duties in accordance with the regulation, for which the forum is opined that the transformer is failed due to heavy rain and lightning, during that period overall 50 transformers were failed in the division, hence there may be delay in replacement of transformer, so no action can be proposed against the officers.

12) For Calculation of Compensation as per SOP regulation, as discussed in para number 5, the transformer failure date is considered as 25/09/2017 whereas transformer replaced on 13/10/2017. For replacement transformer in rural area standard period is 48 hours.

As per Appendix A of SOP regulation

2. Restoration of Supply

Supply Activity/Event	Standard	Compensation Payable
iv) Distribution Transformer Failure	Eighteen (18) hours (Class I cities)	Rs. 50 per hour or part there of delay
	Twenty-four (24) hours (Urban Areas)	
	Forty-eight (48) hours (Rural Areas)	

Calculation for compensation will be as follows :

Transformer failure period	Allowable period as per SOP for transformer replacement	Extra period taken by Licensee to replace transformer	Compensation amount (Rs.50 hr or Rs.1200/day)
25/09/2017 to 13/10/2017	25/09/2017 to 27/09/2017	28/09/2017 to 13/10/2017 15 days	15 X 1200 = 18000

Exact time of transformer failure was not available hence compensation calculation done as per days.

Hence the order.

ORDER

- 1) The Grievance application of consumer is hereby allowed.
- 2) Licensee failed to comply SOP regulation hence Licensee to pay compensation of Rs.18000/- to Shri Dilip Madhukar Jadhav within 90 days from this order.
- 3) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order

Date: 14/03/2018

(A.P.Deshmukh)
MemberSecretary
CGRF, Kalyan.

(A.M.Garde)
Chairperson
CGRF, Kalyan.

NOTE

- a) *The consumer if not satisfied, may file representation against this order before the Hon. Ombudsman within 60 days from the date of this order at the following address.*

“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”.

- b) *Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or*

- c) *delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” at the following address:-*

“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”

- d) *It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.*

