

3. A copy of the application was given to the respondent. The respondent was directed to submit parawise reply. The respondent submitted reply under no.EE/O&M /H'ghat/Tech/6539 dated 13-12-2013. The case was fixed for personal hearing on 06-01-2014. Dr.N.N.Behare, authorized representative argued the case for the applicant. Shri M.S.Vaidya, Executive Engineer, Hinganghat and Shri G.H.Bhagwat, Assistant Engineer, Samudrapur represented the respondent. Both the parties were heard.

4. Dr.Behare argued that the applicant is an agricultural consumer. The D.P. failed on 24-07-2013. So the power supply to the agricultural pump stopped from 24-07-2013. The applicant registered the complaint in the complaint register on 24-07-2013 & 10-08-2013. Eventhen the respondent had not taken any action to restore the power supply. As there was no power supply it caused damage to the cotton crop. Since the respondent failed to attend the fuse off call of the applicant in the prescribed time limit the compensation as prescribed under the MERC (standards of performance of distribution licensees, period for giving supply and determination of compensation) Regulations 2005, may be awarded.

5. Shri Bhagwat replied for the respondent. He stated that the applicant has a three phase power supply. He has 3 HP agricultural pump. His consumer number is 397160017292. It is not true that the applicant gave a complaint on 24-07-2013. The respondent received the complaint at Girad distribution centre on 10-08-2013 for the first time. During the enquiry it was found that the transformer stopped working. The transformer failure report was submitted to division office on 12-08-2013. At the same time it was also noticed that the consumers who get the power supply from this

transformer have not paid the electricity bills. 80% of the consumers were defaulters. So as per the directions contained in company's circular no.Dir.(O)/ letter/33329 dated 08-11-2011 & circular no.Dir.(O)/letter/137 dated 16-11-2011 the work to replace the transformer got lower priority. The defaulters were motivated to pay the bills. 80% of the consumers deposited the bills on or around 11-09-2013. The applicant also deposited the bill of June 2013 on 03-09-2013. So the transformer was replaced and the power supply was restored on 11-09-2013.

There is no force in the application it may be dismissed.

6. We have perused the record. It is admitted fact that the D.P. wherefrom the applicant is getting the supply failed on or around 10-08-2013. The applicant submitted the xerox copy of the complaint applications. However it is seen from the fuse call register that he recorded his complaint on 10-08-2013. So we conclude that the applicant registered his complaint on 10-08-2013 for the first time.

The respondent also admitted that the D.P. failed and there was no power supply to the agricultural pump of the applicant. However the respondent produced the copies of the circulars dated 16-11-2011 & 08-11-2011. The respondent stated that the company directed its officers to give low priority to replace the D.P. where 80% or more consumers are defaulters. In the instant case also 80% of the consumers were defaulters. So the consumers were motivated to pay the bills. As soon as 80% of the consumers deposited the arrears amount the D.P. was replaced. On 11-09-2013 the power supply was restored. So according to the respondent, the applicant is not entitle

for compensation in view of the directions contained in company's circular dated 16-11-2011 & 08-11-2011.

The copies of both the circulars are placed on record.

We have perused the contents of the circulars carefully. The main purpose of the directions contained in the circulars is recovery from the defaulters. So that the consumers who pay the bill regularly are not put to inconvenience. This purpose would be frustrated if we direct the respondent to replace the transformer eventhough 80% of the connection holders are defaulters. Therefore eventhough strictly speaking the action of the respondent of non restoration of supply within 24 hours is in contravention of the provisions contained in Regulation 6.1 of the Regulations, the prayer of the applicant is definitely subject to the directions contained in the MSEDCL circular. If this be so it is obvious that the question relating to award a compensation need a scrutiny in view of directions of 16-11-2011 & 08-11-2011 circulars.

It is admitted position that the transformer stopped working on or around 10-08-2013. The respondent filed complaint of the said defect on 10-08-2013. So as per the provisions the respondents were duty bound to restore the power supply within 24 hours i.e. on or before 11-08-2013.

However it is also admitted position that 80% of the consumers who get supply from this transformer were defaulters. So the respondent put the repair / replacement of transformer on low priority. The defaulters were motivated by the respondent. Some of the defaulters deposited the arrears. The applicant also deposited the electricity bill of June 2013 (which was due on or before 12-08-2013) on 03-09-2013.

The applicant is fighting for his rights however he is forgetting his duties. When the applicant expect the regular power supply he is duty bound to pay the bills also.

In view of the facts and circumstances discussed above the Forum is of the considered opinion that the applicant is not entitle for compensation.

So we pass the following order,

ORDER

- i) The application No.104 hereby dismissed.
- ii) The parties to bear their cost.

Sd/- (Adv.Gauri D.Chandrayan) (Ms.S.B.Chiwande) Sd/- (Vishnu S. Bute)
MEMBER MEMBER SECRETARY CHAIRMAN
CONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR ZONE NAGPUR
(Nagpur Dtd.23th day of January, 2014)

CONSUMER GRIEVANCE REDRESSAL FORUM
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NO. CGRF/NZ/

Date :

Certified copy of order dated 23rd January, 2014 in Case No.104 / 2013 is enclosed herewith.

Member-Secy/ Exe.Engineer,
C.G.R.F.(NZ)MSEDCL
N A G P U R

To,
Shri Ramdas Natthuji Khatik, At.Po.Girad, Tq.Samudrapur, Dist.Wardha.

Copy s.w.r.to :-

1. The Chief Engineer(NZ), MSEDCL, Vidyut Bhavan,Katol Road, Nagpur.

Copy f.w.cs.to:

1. The Executive Engineer/Nodal Officer., O&M Circle Office, MSEDCL.Wardha
2. The Executive Engineer,C.C.O&M Dn., MSEDCL, Hinganghat
for information and necessary action.

Address of the Electricity Ombudsman is given as below.

Office of - The Electricity Ombudsman,
12, Srikrupa, Vijay Nagar,
Chhaoni, Nagpur-440 013
0712-2596670

