

CONSUMER GRIEVANCES REDRESSAL FORUM;
MSEDCL NAGPUR (RURAL) ZONE NAGPUR
COMPLAINT NO. 141/2014

Smt. Pushpabai Deorao Atram
At.Po.Tq.Samudrapur
District - Wardha.

Complainant

,,VS..

1. Executive Engineer,
MSEDCL,O&M Division,
Hinganghat.
2. Executive Engineer/Nodal Officer,
I. G. R. C., Circle Office,
MSEDCL,Wardha.

Respondents

Applicant represented by	1) Nobody present
Respondents represented by	1) Shri M.S.Vaidya, Executive Engineer, Hinganghat 2) Shri V.M.Hedao, Dy.Exe. Engineer Samudrapur

CORAM:

Shri Vishnu S. Bute, Chairman.
Adv. Gauri D. Chandrayan, Member
Ms. S. B. Chiwande, Member-Secretary.

JUDGEMENT

(Delivered on this 19th day of January, 2015)

2. The applicant presented this application under the provision of regulation 6.4 of the MERC CGRF and EO Regulations 2006 on 08-12-2014. She claims compensation under the provisions of fuse off call provision as the power supply to her agricultural pump was disconnected. It was not restored by the respondent within the stipulated period.

The respondent submitted written reply. The case was fixed for personal hearing on 19-01-2015. Neither the applicant nor her representative was present. So we presume that she has nothing to add anything more than her application. Shri M.S.

Vaidya, Executive Engineer, Hinganghat and Shri V.M.Hedao, Dy.Executive Engineer, Samudrapur represented the respondent. They were heard.

3. The applicant stated in her application that she got electricity supply to her agricultural pump in January 2014. In rainy season the electric poles turned to one side. The wires came at the height of 3 to 4 feet only. In anticipation of some accident the lineman stopped the power supply. The applicant submitted an application on 13-08-2014 to Junior Engineer, Girad. She requested to restore the power supply. However no action was taken by the respondent. On 25-08-2014 she submitted an application to the Assistant Engineer. He assured the applicant to restore the supply. However the supply was not restored. The applicant had to suffer a loss to her agricultural produce. She may be awarded compensation under the provisions of fuse off call.

4. The respondent referred to the written reply dated 08-01-2015. It was further added that the applicant was given power supply in January 2014. In rainy season the poles turned on one side. To avoid any untoward incident the supply was disconnected on 25-08-2014. The work to erect the power line was given to the contractor M/s.Dixit Enterprises, Wardha, by name. The contractor erected the poles on 30-10-2014. The power supply to the agricultural pump of the applicant was restored on 09-11-2014.

Since the supply is restored the grievance of the applicant is removed. So now no compensation may be awarded. The application may be dismissed.

5. The member and the technical member submitted a note as under,

In this case, it is very important to consider the load shedding criteria. Hon'ble

Commission issued order in case No. 5/2005 on the principles and protocol to be adopted for load shedding by MSEDCL, in view of the prevailing shortage of electricity in the State of Maharashtra on 16th June,2005.

The few key feature of the Commission's order are given below :

(a) The EA, 2003 casts certain obligations on Distribution Licensees with regard to supply of electricity to their consumers, except in certain circumstances outside their control. However, it is inevitable that, when there is a shortage of available power vis-à-vis the requirement of consumers, load shedding would have to be undertaken in order to maintain the system frequency and to ensure its security. The present Order deals with the basis on which such shortage should be apportioned among different consumers and areas through load shedding, rather than the actual extent of shortage that may prevail at any point of time. Thus, it should not be construed as the Commission having validated or accepted the figures presented by MSEB with regard to the shortfall or its reasons. Moreover, the load shedding requirement is dynamic, and would vary from time to time depending on the system demand-supply gap, system frequency, season, time of day, etc.

(b) The thrust of the EA, 2003 is on efficiency and economy of operations. Moreover, the immediate issue of concern in these proceedings is the equitable management and Regulation of the load in a situation of shortage. In order to do so in a fair and equitable manner, the Commission believes that it is necessary to distinguish between areas with better performance, and undertake lesser load shedding in areas with lower Distribution losses and higher collection efficiency, all else being equal. This would be in keeping

with the principle that, at a time of scarcity, areas where energy is not being efficiently utilized or paid for should rank lower in the rationing order.

h(i) Applying the above principles, the Divisions have been ranked in four Groups as follows, such that all Divisions within a Group would be subject to the same level of load shedding (except for Divisions comprising a major city, which would be clubbed):

	Group	Weighted average loss and collection efficiency level	
		Urban	Rural
1	Group A	0% to 25%	0% to 28%
2	Group B	> 25% to 35%	> 28% to 38%
3	Group C	> 35% to 50%	> 38% to 53%
4	Group D	Above 50%	Above 53%

The above features clearly specify that Hon'ble Commission has approved load shedding as per average loss & collection efficiency of divisions of the MSEB Area of supply. The maximum hrs. of planned load shedding was initially for 8 hrs. which was increased from time to time for 13 to 16 hrs. This load shedding protocol requires to be modified as and when the situation demands. The load shedding protocol is implemented in consultation with MERC Hon'ble Commission issued various orders regarding load shedding vide order dt.10.01.2006 in Case No.35/05, Case No. 78/06, date. 20.02.2007, based on that MSEDCL issued various circulars from time to time regarding revised load shedding programme. MSEDCL gives vide publicity in news papers & also displays the same at prominent places.

In this case, being the agricultural dominated region & as per recent load shedding programme, the applicant is liable to get supply maximum for 8 to 10 hrs. depending on the DCL groups in which it falls. Hence the applicant's request for compensation considering the period of failure for continuous 24 hrs. is improper & illegal. As per the various orders of Hon'ble Commission & based on that various circulars issued by MSEDCL, the applicant is not approved for getting supply for 24 hrs. in a day, hence he can not claim compensation for the same. Therefore, in our opinion, the applicant's claim of compensation considering 24 hrs. supply period is unjust & improper.

In view of the circumstances mentioned in the aforesaid grievance by both the parties we are of the considered opinion that the applicant is entitled for compensation during the period from 01-10-2014 to 09-11-2014 excluding the period of load shedding for delay in restoring the supply as per application dtd.30.09.2014.

6. We have perused the record. We have heard the argument of the respondent.

Both the parties admitted the facts given below,

- 1) The applicant got supply in January 2014.
- 2) In rainy season the poles turned to one side.
- 3) The representative of the respondent disconnected the supply.
- 4) The applicant gave written intimation to the respondent on 25-08-2014.

The application was duly acknowledged by the respondent.

- 5) The respondent stated that the power supply was restored on 09-11-2014.

If the power supply is disrupted due to some fault in overhead wires, the provision about the restoration of supply is given in Regulation 6.2 of the MERC (standards of performance, of Distribution Licensee, period for giving supply and Determination of compensation) Regulation 2014.

6.2 The Distribution Licensee shall, in case of 33kv/22kv/11kv/400v/230v overhead line breakdowns, restore the power supply to the consumer within four (4) hours in class I cities, within six (6) hours in Urban areas and within twenty four (24) hours of the receipt of a complaint in Rural areas.

The respondent got the complaint on 25-08-2014. So the respondent should have restored the supply on or before 26-08-2014. The respondents have restored the supply on 09-11-2014. So the applicant is entitle for compensation as per the provision contained in Appendix A item 2 (ii) for the period from 26-08-2014 to 09-11-2014.

As per the provisions contained in Regulation 8.1 of the CGRF Regulation 2006, the Forum has to take decision by majority of votes of the members of the Forum.

In the instant case the Chairman is of the opinion that the applicant is entitle for compensation for the period 26-08-2014 to 09-11-2014. However other two members of the Forum are of the opinion that she is entitle for compensation for the period 01-10-2014 to 09-11-2014 excluding the period of load shedding.

In view of the aforesaid situation we pass the following order, by majority,

ORDER

- i) Application No.141 of 2014 is partly allowed.

CONSUMER GRIEVANCE REDRESSAL FORUM
NAGPUR ZONE (RURAL) M. S. E. D. C. L.
Plot No.12, Shrikrupa, Vijaynagar, Chhaoni,
NAGPUR – 440013

Email.id- cgrfnz@mahadiscom.in
cgrfnz@gmail.com

(O) 0712- 2022198

NO. CGRF/NZ/

Date :

Certified copy of order dated 19th January, 2015 in Case No.141 / 2014 is enclosed herewith.

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

To,
Smt.Pushpabai Deorao Atram 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. 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