

CONSUMER GRIEVANCES REDRESSAL FORUM;
MSEDCL NAGPUR (RURAL) ZONE NAGPUR
COMPLAINT NO. 523/2012

Shri Sitaram Waman Shende
AT.Antargaon
Po.Girad
Taluka- 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 Dr.N.N.Behare

Respondents represented by 1) Shri S.M.Vaidya, Executive Engineer, Hinganghat.

2) Shri D.W.Bhakare, Assistant Engineer, Samudrapur

CORAM:

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

JUDGEMENT

(Delivered on 22nd day of February, 2013)

1) The applicant presented this grievance application in schedule 'A' on 03-12-2012. The applicant claimed compensation as his fuse off call was not attended by the respondent within the prescribed time limit.

2) The respondent was directed to submit reply to the grievance application. The respondent submitted reply vide letter no.EE/O&M/H'ghat/Tech/8241 dtd.29-12-2012.

The case was fixed for personal hearing on 21-01-2013.

3) Dr.Behare was present for the applicant. Shri M.S.Vaidya, Executive Engineer and Shri D.W.Bhakare, Assistant Engineer were present for the respondent. Both the parties were heard. It was contended on behalf of the applicant that the power supply to his agricultural pump set got interrupted w.e.f.01-July-2012. He personally contacted the Samudrapur office of the respondent many times. He requested the respondent to restore the power supply. However the power supply was not restored. He submitted written applications dtd.13-10-2012, 31-10-2012 and 15-11-2012. He also submitted grievance application in form 'X' on 14-09-2012 to the IGRC Wardha. Finally, the applicant requested to award him the compensation @ Rs.50 per hour.

4) It was stated by the respondent that there was no communication from the applicant about non availability of power supply w.e.f.01-07-2012. The applicant submitted written application in the office of the Assistant Engineer Samudrapur Sub-Division on 31-10-2012 for the first time. On receipt of the application the sub-division initiated action to restore the power supply. It was noticed that the transformer was not working and it was necessary to replace the transformer. Due to heavy rain, the soil became sluggish. . So it was not possible to transport the transformer by Truck. So the transformer had to carry by the bullock cart. Finally the supply was resumed on 20-11-2012. Delay can not be attributed to negligence of any employee. With this submission, the respondent has prayed not to entertain any claim of compensation

5) At the time of personnel hearing the responded submitted a Xerox copy of one application dtd.28-12-2012. The application is addressed to the Junior Engineer, Girad and as per the respondent the application was written by the applicant. The respondent

stated that the applicant himself admitted that there were difficulties in transportation of the material/transformer. So the applicant is not entitled for the compensation.

6) The Technical member submitted a note as under

In the present grievance application dtd. 03.12.2012, the applicant has demanded compensation under Fuse off call @ Rs. 50 per hr. as specified in standards of performance (SOP) Regulation, 2005. According to the applicant, his agricultural pump set supply was failed from 01.07.2012. It is the contention of the respondent that the supply was failed due to failure of transformer on date 30.10.2012.

After perusal of the documents on record, I have observed that Applicant's complaint about supply disruption of his Ag pump set was received to the respondent on 31.10.2012. Record further shows that the Transformer which catered supply to the applicant's Ag pump was failed on 30.10.2012. The transformer was made available for replacement on 31.10.2012 by the respondent, however the situation in the field was not approachable & therefore T/F could not be replaced. The statement of the Applicant along with two other persons appears to substantiate the above fact. Hence it can be concluded that the respondent could not replace the transformer in the stipulated time because the situation was beyond their control.

The SOP Regulation 11.1 specifies that the occurrences which were beyond the control of distribution licensee are exempted from payment of compensation. In view of this, in my opinion the Regulation 11.1 is applied. The respondent can not be held responsible for the delay which was beyond his control & is not liable for paying compensation to the applicant as per SOP Regulation.

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 give vide publicity in news papers & also display 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 order 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 my opinion, the applicant's claim of compensation considering 24 hrs. supply period is unjust & improper.

From all the facts & circumstances mentioned above, the respondent can not be held responsible for delay in restoring the supply but the condition was beyond the control of MSEDCL. Therefore the applicants demand for compensation is unjust & untenable at law.

Therefore in my opinion, the applicant's grievance application should be dismissed.

7) We have perused the record. We have heard both the parties carefully. According to the applicant the power supply to his agricultural pump got interrupted w.e.f.01-07-2012. The respondent denied the contention. It was stated by the respondent that they got communication for the first time on 31-10-2012. The application written by the applicant dtd.31-10-2012 is on record. One application said to have been written by the applicant is on record. It is dtd.23-10-2012. However there is nothing on record to show that the said application was received in the office of the respondent. So we conclude that the respondent get the knowledge on 31-10-2012 for the first time.

8) The respondent initiated action to restore the power supply. It is stated by the respondent that the power supply was restored on 20-11-2012. So it is ample clear that

there was no power supply to the agricultural pump set of the applicant during the period 31-10-2012 to 20-11-2012.

9) The respondent contended that there was a mud and the wet soil and they could not transport the transformer by truck. So taking into consideration these difficulties the applicant is not entitle for compensation.

10) The MERC in terms of Regulation 12 has fixed standards of performance to be achieved by the licensee as regards restoration of supply. Appendix A to the said Regulation stipulates that the supply in rural areas is required to be restored within 48 hours in case of distribution transformer failure. In the instant case the respondent got the information on 31-10-2012. There was a transformer failure. So the respondent was required to restore the supply within the total period of 48 hours, i.e.by 02-11-2012. The power supply was restored on 21-11-2012. Naturally the Applicant is entitle for compensation from 03-11-2012 to 21-11-2012.

11) Thereafter the respondent produced one unattested xerox copy of the application dtd.28-12-2012. As a matter was fact the xerox copy can not be read as an evidence. Even then if we peruse the application, it is no where mentioned that the applicant waived his claim for compensation.

12) Though it is not mentioned, probably the respondent wish to take the defence of provision contained in Regulation 11.1 of the MERC (S.O.P.) Regulation 2005. However the provision in the said sub Regulation states that such situation has to be assessed by the commission and decide whether or not the situation was beyond the control of the distribution licensee. In absence of any such exemptions in this behalf, it

has to be concluded that the distribution licensee was required to meet the standard of performance and the time limits for restoration of supply. As such the defence is not acceptable. So the applicant is entitled for compensation as per the provision under Regulation 6 of the (S.O.P.) Regulation 2005.

13) Taking into consideration the facts discussed in the above para the point raised by the technical member about the situation (which is said to be beyond the control of the respondent) has no force.

Further more it is true that the commission approved the load shedding programme. However the commission has not amended any provision in the SOP Regulation taking into consideration the load shedding programme. So we are not inclined to consider this objection also.

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

ORDER

- 1) The grievance application no.523/2012 is partly allowed.
- 2) The respondent shall pay compensation @ Rs.50 per hour from 03-11-2012 to 20-11-2012 as per the provisions of Regulation 6.3 and Appendix A item 2(iii).
- 3) The compliance of the above order to be reported within 90 days.
- 4) No order as to cost.

Sd/- <u>MEMBER</u>	Sd/- <u>MEMBER SECRETARY</u>	Sd/- <u>CHAIRMAN</u>
<u>CONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR ZONE NAGPUR</u>		
<u>(Nagpur Dtd.22nd day of February, 2013)</u>		

CONSUMER GRIEVANCE REDRESSAL FORUM
NAGPUR ZONE (RURAL) M. S. E. D. C. L.
Plot No.12, Shrikrupa, Vijaynagar, Chhaoni,
NAGPUR – 440 013
(O) 0712- 2022198

NO. CGRF/NZ/

Date :

Certified copy of order dtd 22nd February,2013 in Case No. 523/2012 is enclosed herewith.

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

To,
Shri Sitaram Waman Shende, At.Antargaon, Po.Girad,
Ta.Samudrapur, Dist.Wardha

Copy S.W.R.to :-

1. The Chief Engineer(N. Z.), 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

