

CONSUMER GRIEVANCES REDRESSAL FORUM;
MSEDCL NAGPUR (RURAL) ZONE NAGPUR
COMPLAINT NO. 03/2014

Shri Dada Marotrao Chaphale
At. Tembha, Po.Wadner
Tq.Hinganghat
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) Shri B.V.Betal, Authorized representative
Respondents represented by	1) Shri M.S.Vaidya, Executive Engineer, Hinganghat 2) Shri V.M.Hedao, Assistant Engineer, Hinganghat (R)

CORAM:

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

JUDGEMENT

(Delivered on this 05th day of March, 2014)

2. Shri Dada Marotrao Chaphale, r/o Tembha, Po.Wadner, Tq.Hinganghat, Dist.Wardha is an agriculturist (hereinafter referred to as, the applicant). It is the contention of the applicant that the power supply to his agricultural pump stopped, as the electricity poles were collapsed. The respondent MSEDCL (hereinafter referred to as, the respondent) failed to restore the supply within the time limit prescribed under the MERC (standards of performance of distribution licensees, period for giving supply and determination of compensation) Regulations 2005. He approached the IGRC Wardha. The IGRC Wardha dismissed his application.

Feeling aggrieved by the aforesaid order, the applicant presented the instant application under the provisions contained in Regulation 6.4 of the MERC (CGRF and E.O.) Regulations 2006 on 09-01-2014.

3. The 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/529 dated 24-01-2014. The case was fixed for personal hearing on 03-03-2014. Shri B.V.Betal, authorized representative was present for the applicant. Shri M.S.Vaidya, Executive Engineer, Hinganghat & Shri V.M.Hedao, Assistant Engineer, Hinganghat (Rural), represented the respondent. Both the parties were heard.

4. It was contended on behalf of the applicant that the power supply to the agricultural pump of the applicant stopped from 28-08-2013. The electricity poles were collapsed and the wires were broken. The applicant submitted the written complaints on 03-09-2013, 07-09-2013, 10-09-2013. The respondent did not restore the power supply within the prescribed time limit. The power supply was restored on 16-09-2013 at 2.30 p.m. The applicant submitted a written application to comply the provisions of Regulation 12.2 on 17-09-2013. The applicant demanded compensation under the provision of fuse off call for the period from 29-08-2013 to 16-09-2013. The applicant also submitted that the contention of the respondent that there was heavy rainfall & the respondent could not transport the poles on the site has no force. The compensation as stated above may be awarded to him.

5. Shri Hedao, Assistant Engineer, referred to the parawise reply dated 24-01-2014. It was further stated that the poles were collapsed due to heavy rainfall & the

storm. Due to continuous rainfall it was not possible to erect the poles & to lay the wires. The situation was beyond the control of the respondent. So as per the provisions of Regulation 11.1 the respondent was exempted from the obligation to restore the power supply within the prescribed time limit.

In view of the aforesaid situation the application no force, it may be dismissed.

6. The technical member of the forum submitted a note as under,

In present grievance application ,the applicant has demanded compensation under Fuse of Call category since his Ag pump supply was disrupted from 28.08.2013,despite of many complaints the respondent did not pay heed to his complaint immediately and restored the supply on 16th November 2013.

After perusal of the documents on record it is seen that, the applicant had reported about alleged disruption of his Ag pump supply to the respondent on 03.09.2013.As the supply did not restore ,he gave another complaint on 07.09.2013 & 10.09.2013 respectively . According to the respondent as soon as they received the complaint about supply disruption , the concerned J.E had inspected the spot. It was then observed that the poles of L.T line catering supply to the complainants Ag pump were broken due to storm .As the period was rainy ,it could not be possible for them to transport the poles & carrying out the maintenance work as the soil became wet. According to the respondent after the rain decreases ,poles were erected & the supply was restored on 16.09.2013.

In view of above I opine that the LT line poles were broken due to natural calamity. The respondent could not restore the supply because the condition prevailing

during rainy period in Agricultural field was beyond the control of distribution licensee. Hence there is no intentional delay occurred on the part of the respondent.

The SOP regulation 11.1 specifies that the occurrences which was beyond the control of distribution licensee are exempted from payment of compensation .In view of above ,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 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 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 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 distribution licensee & is not liable for paying compensation to the applicant as per SOP Regulation. Hence the applicant 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 the arguments advanced by both the parties carefully. It is admitted fact that the power supply to the agricultural pump of the applicant failed as the poles were collapsed. The copy of the letter of Junior Engineer, Wadner Distribution Centre, is on record. It is stated in the letter that the power supply stopped with effect from 28-08-2013. The applicant submitted the written complaint on 03-09-2013. So it is clear that the respondent got the intimation on 03-09-2013 for the first time. As per the provisions contained in appendix A item 2 (ii) it was obligatory on the respondent to restore the power supply within 24 hours.

According to the respondent the situation was beyond the control of the respondent. So no liability to pay compensation can be fastened on the respondent. On careful perusal of the provision of Regulation 11, the Commission may by, general or special order, exempt the distribution licensee from any or all the standards specified in these Regulations for such period as may be specified in the said order. For that purpose, the Commission has to form an opinion that the distribution licensee was prevented from meeting his obligations under the Regulation by cyclone, floods, storms or other occurrences beyond the control of the distribution licensee. In the case in hand, it is not the case of the respondent that they approached the commission for grant of exemption from meeting their obligations under SOP. In absence of any order from the Commission the oral argument of the respondent in this regard has no force. So we

are of the considered opinion that the respondent failed to perform the obligations as provided under SOP.

The applicant contended that the power supply was restored on 16-09-2013 at 2.30 p.m. As per the respondent the power supply was restored on 16-09-2013 at 12.30 a.m. The applicant has not produced any documentary evidence as support of his say. So we conclude the power supply was restored on 16-09-2013 at 12.30 a.m.

In view of the aforesaid discussion the applicant is entitle for compensation @ Rs.50 per hour from 04-09-2013 to 16-09-2013 at 12.30 a.m.

8. Smt. Gouri Chandrayan, a member of the Forum recorded her opinion that the applicant is entitle for compensation for the aforesaid period, excluding the period of load shedding.

9. As per the provisions contained in Regulation 8 of the MERC (CGRF & EO) Regulation 2006, the decision is to be taken by majority of votes of the members. In the instant case the Chairman is of the opinion that the applicant is entitle for compensation under Regulation 6.2 read with appendix A item 2 (ii) for the period from 04-09-2013 till 12.30 hours of 16-09-2013. However other two members of the Forum did not agree with it.

10. So we pass the following order, by majority,

ORDER

i) Application No.03 of 2014 is partly allowed.

- ii) The respondent MSEDCL should pay compensation @ Rs.50/- per hour from 00.00 hrs. of 04-09-2013 till 12.30 hrs. of 16-09-2013 excluding the period of load shedding, within the period of ninety days from the date of the receipt of the copy of this order.
- iii) The parties to bear their own cost.

Sd/-
(Adv.Gauri D.Chandrayan)
MEMBER

Sd/-
(Ms.S.B.Chiwande)
MEMBER SECRETARY

Sd/-
(Vishnu S. Bute)
CHAIRMAN

CONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR ZONE NAGPUR
(Nagpur Dtd.05th day of March, 2014)

CONSUMER GRIEVANCE REDRESSAL FORUM
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(O) 0712- 2022198

NO. CGRF/NZ/

Date :

Certified copy of order dated 05th March, 2014 in Case No.03 / 2014 is enclosed herewith.

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

To,
Shri Dada Marotrao Chaphale, At.Tembha, Po.Wadner,
Tq.Hinganghat, 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