



No.SE/Wardha/Tech/IGRC/6865 dated 03-12-2013. 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 16-01-2014.

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/687 dated 03-02-2014. The case was fixed for personal hearing on 03-03-2014. Dr.N.N.Behare, authorized representative was present for the applicant. Shri M.S.Vaidya, Executive Engineer, Hinganghat & Shri G.H.Bhagwat, Assistant Engineer, Samudrapur, 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 30-06-2013. The electricity poles were collapsed and the wires were broken. The applicant submitted the written complaints on 02-07-2013, 08-07-2013. The respondent did not restore the power supply within the prescribed time limit. So the applicant approached the IGRC on 14-11-2013. Subsequently, the power supply was restored on 22-11-2013. The applicant demanded compensation under the provision of fuse off call for the period from 02-07-2013 to 22-11-2013. 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 respondent have not produced any evidence in support of their say.

5. Shri Bhagwat, Assistant Engineer, referred to the parawise reply dated 03-02-2014. It was further stated that the poles were collapsed due to heavy rainfall & the storm. Due to continuous rainfall it was not possible to transport the poles to the site.

The land was muddy. So it was not possible to erect the poles & to lay the wires. After the rains decreased & the circumstances improved H.T line was laid. The power supply was restored on 22-11-2013. The situation was beyond the control of the respondent. As such 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.

Shri Bhagwat finally stated that the application has 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 @ Rs.50 per hr. as specified in standards of performance (SOP) regulation, 2005. According to the applicant his Ag pump supply was disrupted from 30.06.2013. He made written complaint on 02.07.2013 and requested for restoration of supply . His agricultural pump supply was restored on 22.11.2013. It is the contention of the respondent that the supply was disrupted as the poles of LT line were broken due to storm, the situation which was beyond their control.

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 02.07.2013. As the supply did not restore ,he gave another complaint on 08.07.2013. As no one paid heed to his complaints he approached to IGRC on 14.11.2013, subsequently his Ag pump supply was restored on 22.11.2013. According to the respondent as the period was rainy, it took some time to restore the supply.

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 16<sup>th</sup> 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):

	<b>Group</b>	<b>Weighted average loss and collection efficiency level</b>	
		<b>Urban</b>	<b>Rural</b>
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 discontinued as the poles were collapsed. The respondent also admitted this fact. The applicant submitted a written complaint on 02-07-2013. The copy of the application duly acknowledged by the respondent, is on record. So it is clear that the respondent got the intimation on 02-07-2013 for the first time. As per the provisions contained in Regulation 6.2 and 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 provisions 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 in our considered view the respondent failed to perform the obligations as provided under SOP.

Both the parties admitted that the power supply was restored on 22-11-2013.

The applicant requested for compensation for the period from 02-07-2013 to 22-11-2013. However the respondent got the intimation on 02-07-2013. So the compensation will be payable from 03-07-2013.

In view of the aforesaid discussion the applicant is entitle for compensation @ Rs.50 per hour from 03-07-2013 to 22-11-2013.

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 03-07-2013 to 22-11-2013. 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.06 of 2014 is partly allowed.



- ii) The respondent MSEDCL should pay compensation @ Rs.50/- per hour from 03-07-2013 to 22-11-2013 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.06<sup>th</sup> day of March, 2014)**

**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](mailto:cgrfnz@mahadiscom.in)  
[cgrfnz@gmail.com](mailto:cgrfnz@gmail.com)

**(O) 0712- 2022198**

---

NO. CGRF/NZ/

Date :

Certified copy of order dated 06<sup>th</sup> March, 2014 in Case No.06 / 2014 is enclosed herewith.

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

To,  
Shri Keshao Mahadeo Kolase, At.Undirgaon, 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

