

CONSUMER GRIEVANCES REDRESSAL FORUM;
MSEDCL NAGPUR (RURAL) ZONE NAGPUR
COMPLAINT NO. 17/2013

Shri Liladhar Dattobaji Dhandale
At. Po.Nara
Tq.Karanja
District - Wardha.

Complainant

,,VS.,

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

Respondents

Applicant represented by 1) Shri Liladhar D.Dhandale
Respondents represented by 1) Shri S.M.Wankhade, Assistant Engineer,Karanja.

CORAM:

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

JUDGEMENT

(Delivered on 29th day of April, 2013)

2. The applicant is an agriculturist. He has a pump set to irrigate his agricultural land. It is alleged that the power supply of agricultural pump was interrupted from 31-08-2012 to 30-10-2012. He claimed compensation on the ground that the respondent failed to attend fuse off call within stipulated time. He approached the IGRC Wardha. His application had been dismissed vide order passed in case No.SE/Wardha/Tech/IGRC /846 dated 08-02-2013. The instant grievance application is directed against the order passed by the IGRC Wardha. The respondent submitted the parawise reply.

The case was fixed for personal hearing on 08-04-2013. The applicant himself argued his case. Shri S.M.Wankhade, Assistant Engineer, Karanja represented the respondent. The arguments of both the parties were heard.

3. Shri Liladhar Dattobaji Dhandale vehemently argued that the power supply to his pump set was interrupted from 30-08-2012. He approached the Karanja office of the respondent on phone as well as in person. However the respondents have not taken any cognizance of his complaint. So he gave written complaints on 01-10-2012, 16-10-2012, 20-10-2012, 23-10-2012 and 30-10-2012. However the respondents have not taken the action in time. Finally the power supply was restored on 30-10-2012 in the evening. Since the respondents failed to perform standards as per the S.O.P. Regulation 2005 compensation may be given to the applicant. In addition to this Rs.60,000/- may be awarded towards a loss to the agricultural produce and Rs.10,000/- may be awarded for mental harassment and other expenditure. The order passed by the IGRC Wardha is improper, it may be set aside.

4, Shri S.M.Wankhade, Assistant Engineer, Karanja who represented the respondent refuted allegations. It was stated that it is not proved that the supply to agricultural pump of the applicant was interrupted from 30-08-2012. It was further stated that the applicant did not inform during 30-08-2012 to 30-09-2012 any way. The applicant, for the first time, submitted complaint on 01-10-2012. When the complaint was enquired, it was noticed that the applicant was in arrears of the electricity charges. So his power supply was temporarily disconnected on 29-09-2012. The applicant was accordingly informed under no.407 dated 03-10-2012. He was also requested to

deposit the bill amount. The applicant again submitted one complaint application on 16-10-2012. He was again informed under no.429 dated 25-10-2012. He was requested to deposit the bill amount. The applicant deposited Rs.1,000/- on 31-10-2012. His power supply was restored on the same day. There is no entry in the complaint book kept in Nara substation showing that the power supply to the pump set of the applicant was interrupted from 30-08-2012. The complaint application of the applicant can not be termed as fuse off call. The application has no force. The complaint application may be dismissed in toto.

The respondent submitted the following documents in support of his statement.

- (1) Letter of Junior Engineer, Karanja no.407 dated 03-10-2012
- (2) Letter of Junior Engineer, Karanja no.429 dated 25-10-2012
- (3) Xerox copy of the extract of complaint book of Nara substation showing the entries from 31-08-2012 to 30-10-2012.
- (4) The letter of Assistant Engineer, Karanja no.1446 dated 30-11-2012
- (5) A notice issued under Section 56(1) of The Electricity Act 2003 dated 30-07-2012.

5. At the time of personal hearing the applicant stated that he has not received any notice from the respondent. The statement of the respondent that his power supply was disconnected on account of non payment of the electricity charges is false.

So Ld. Member of the Forum directed Shri Wankhade to produce the list of the agricultural consumers whose connections were disconnected on 29-09-2012. He was also directed to produce the copy of the C.P.L. of the applicant. Shri Wankhade was

specifically asked that the notice dated 30-07-2012 neither bear the signature of the applicant nor it bear the signature of notice server. When asked why the notice was not served after following due process? Shri Wankhade could not give any satisfactory reply.

On 18-04-2013 the respondent produced a Xerox copy of the CPL of the applicant. A copy of the list of consumers who were in arrears of Rs.1000/- and more was also produced.

6. On 29-04-2013, Ld. Member and the Technical Member of the Forum submitted a note as under,

The applicant has filed this grievance application against the order of IGRC Wardha passed on 08-02-2012. In its order IGRC held that the supply of the applicants Ag. Pump was disconnected due to arrears pending on the connection. The same was conveyed by the respondent while replying to the complaints filed by the applicant. The IGRC further held that the applicant's complaint does not fall under fuse off call category and hence turned down the claim of compensation.

We have perused the CPL available on record, it is observed that consumer had paid Rs.1000/- on 24-11-2011 and thereafter no payment was made by the applicant. At the end of Sept-12, the applicant was in arrears of Rs.2991.31 as per CPL record. The respondent stated that it has served 15 days notice under section 56(1) on 30-07-2012 & disconnected the supply on 29-09-2012. The applicant however lodged the first complaint about disruption of supply to his Ag. Pump on 01-10-2012.. The applicant in his another complaint letter dated 23-10-2012 stated the respondent gave him

Electricity bill of Rs.1000/- which was received to him on 22-10-2012. However he mentioned in his complaint letter dated 31-10-2012 that he received the letter about payment of bill on 30-10-2012 by post. There is a contradiction in the applicant's own say. Upon replying to complaint the respondent informed to the applicant by letter dtd.03-10-2012 & subsequently on 25-10-2012 that his Ag. Pump supply has been disconnected due to non payment of bills since 24-11-2011 & asked the applicant to pay the bills till such payment his complaint could not be considered. The applicant did not pay but kept on complaining & demanded compensation for alleged loss of crop. The section 56(1) of E.A. 2003 empowers the licensee to cut off the supply of electricity of consumers if the consumer neglects to pay the dues of the licensee

. The record shows that the applicant was in arrears since 10 months, the same was conveyed by the respondent by issuing 15 days notice of disconnection. The provisions 56 (1) can not be construed to mean that a period of not less than 15 clear days given for disconnection of supply automatically exempts the applicant from paying the bill charges.

Had the applicant been informed about non supply to his Ag. Pump as alleged by him from 31-08-2012 immediately on the day or within a couple of days, the respondent would have been taken necessary steps about restoration of supply. If it fails to attend the complaint in that case only applicant can claim for compensation under fuse off call category. The case in hand is about non payment of electricity charges since 24-11-2011 It is amply clear from the documents on record that the applicants supply was disconnected on 29-09-2012 & it is only thereafter the applicant

on 01-10-2012 filed complaint about non supply to his ag. pump which implies that the applicant was aware about disconnection of his supply. He paid Rs.1000/- on 30-10-2012 & therefore his supply has been reconnected on 31-10-2012 by the respondent's official.

Considering above all circumstances we opinion that applicant's supply was disconnected due to non payment of arrears. Hence it does not fall under fuse off call category. The applicant's claim of compensation can not certainly be granted & it deserves to be dismissed.

7. We have perused the record carefully. We have heard the arguments advanced by both the parties. It is the contention of the applicant that his power supply was interrupted during 31-08-2012 to 30-10-2012. Initially he made oral complaints however when there were no response from the respondent he submitted written application on 01-10-2012. Even then there was no action, so he kept on writing applications. The respondent stated that there was no complaint what so ever from 31-08-2012 to 30-09-2012. They got the written complaint on 01-10-2012 for the first time. When the enquiry was made, it was noticed that the applicant is in arrears of the electricity charges. So his power supply was temporarily disconnected on 29-09-2012.

The respondents have a power to disconnect the electricity supply of the consumer under Section 56 of the Electricity Act 2003. However the power is subject to the conditions and the limitations specified by Section 56 itself. Section 56(1) state where any person neglects to pay any charge, after giving not less than 15 clear days notice in writing, the licensee can proceed to disconnect the electricity supply.

In the instant case the respondent submitted one notice dated 30-07-2012. However as stated above the notice neither bear the signature of the applicant nor it bear the signature of the notice server. In short it can not be said that the notice was properly delivered to the applicant. Unless and until the notice is properly delivered much less the notice is delivered to the customer as provided under section 171, the respondent can not proceed to disconnect the power supply. Since the notice was not served properly upon the applicant the stand taken by the respondent is not acceptable.

The representative was directed to submit a list of the consumers whose connections were cut on 29-09-2012. The respondents have not submitted any such list.

The respondent admitted that they got the written intimation of power failure on 01-10-2012. The respondent also admitted that there was no power supply to the pump set of applicant from 29-09-2012 as it was temporarily disconnected by them. The respondent also admitted that the power supply was restored on 31-10-2012 in the evening. So it is clear that the power supply to the pump set of the applicant was discontinued from 29-09-2012 to 31-10-2012. The respondent got the intimation on 01-10-2012. Even then the supply was restored on 31-10-2012. As such the applicant is entitle for compensation as provided under Regulation 6.1 of the MERC (Standards of performance of distribution licensee, period for giving supply and determination of compensation) Regulation 2005 w.e.f.02-10-2012 to 30-10-2012 (as claimed by the applicant.)

CONSUMER GRIEVANCE REDRESSAL FORUM
NAGPUR ZONE (RURAL) M. S. E. D. C. L.

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cgrfnz@gmail.com

NO. CGRF/NZ/

Date :

Certified copy of order dtd 29th April, 2013 in Case No.17 / 2013 is enclosed herewith.

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

To,

Shri Liladhar Dattobaji Dhandale, At., Po.Nara, Tq.Karanja, 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, Arvi
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