

**CONSUMER GRIEVANCES REDRESSAL FORUM;**  
**MSEDCL NAGPUR (RURAL) ZONE NAGPUR**  
**COMPLAINT NO. 31/2013**

Shri Sopan Chindhuji Bhongade  
At.Kanchangaon, Po.Arvi(small)  
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

Respondents represented by 1) Shri V.M.Hedao, Assistant Engineer,Hinganghat.

2) Shri Alok Karande, Junior Engineer, Hinganghat

**CORAM:**

Shri Vishnu S. Bute, Chairman.

Adv. Gauri D. Chandrayan, Member

Ms. S. B. Chiwande, Member-Secretary.

**JUDGEMENT**

**(Delivered on this 19<sup>th</sup> day of June, 2013)**

2) Shri Sopan Chindhuji Bhongade R/o. Kanchangaon post Arvi (small) Tq. Hinganghat Dist. Wardha ( hereinafter referred to as, the applicant) is an agriculturist. He is having the electricity connection to run a pump set for agricultural purpose. His connection no. is 397236000424. It is alleged that the supply of electricity to his pump set is interrupted due to breaking of poles and the wires due to storm. There is no supply to his pump set for last about four years. Initially he pursued the matter with the local officers of the respondent MSEDCL orally. There was no response, so he submitted the applications on 18-06-2012, 13-02-2013, 26-04-2013. But no reply was

given by respondents local office. The applicant filed a petition before the IGRC Wardha, seeking compensation from the respondent for violation of standards of performance Regulations. The IGRC rejected the petition vide order SE/Wardha/Tech/IGRC/2386 dated 22-04-2013.

The respondent was directed to submit parawise reply. The respondent submitted parawise reply under No.EE/O&M/ H'ghat/Tech/2480 dated 20-05-2013. The case was fixed for personal hearing on 04-06-2013.

Shri B.V.Betal, a representative, was present for the applicant. Shri V.M. Hedao, Assistant Engineer, Hinganghat (Rural) Sub Division was present for the respondent. Both the parties were heard.

3) On behalf of the applicant Shri Betal stated that the power supply to the agricultural pump of the applicant got interrupted for last four years. He personally contacted the local officers of the respondent many times. He requested to restore the power supply. However no cognizance of the oral complaints were taken. So a written complaint was submitted on behalf of the applicant on 18-06-2012. As there was no power supply to the agricultural pump the applicant suffered a loss of Rs.10.00 Lakhs. The applicant is entitle for compensation @ Rs.50/- per hour for this period.

The applicant approached the IGRC Wardha on 25-02-2013. The IGRC passed the order on 22-04-2013. The respondent submitted before the IGRC that the power supply was interrupted due to the rain and storm. However no evidence was placed before IGRC about the aforesaid natural calamity.

The respondent also stated that the applicant is in arrears of electricity bill. However the argument is baseless. There is no power supply to the pump set of the applicant for last four years. So there is no question of any arrears of electricity bill.

The applicant lastly prayed that the respondent may be directed to restore the power supply immediately. The applicant may be awarded compensation @ Rs.50/- per hour for the aforesaid period. The applicant may be awarded the compensation of Rs.10.00 Lakhs towards the loss to his agricultural produce. Penal action may be ordered against the employees of the respondent for not attending the complaint of the applicant in time.

4) Shri Hedao, Assistant Engineer represented the respondent. He reiterated the written reply dated 20-05-2013. It was submitted that the applicant has not submitted any survey or inspection report from the competent authority in support of his claim.

It was further submitted that the applicant say that there is no power supply for last four years, however he submitted the written complaint on 18-06-2012 for the first time. Probably the applicant was not in need of power supply to his pump set during this period. Five poles and the wires were damaged and broken due to rain and the storm. When the respondent received the complaint from the applicant the poles and the wire was not available with the respondent. The power supply will be restored as soon as the necessary material is available. The power supply was interrupted due to natural calamity. So the applicant is not entitle for any compensation. As such the application may be dismissed.

5) The member of the forum and the member secretary of the forum recorded their opinion as under,

In present grievance application, the applicant has demanded compensation under Fuse of Call category since his Ag pump supply has been disrupted from past 4 years & the supply is not restored till the date of filing grievance before this forum. After perusal of the documents on record it is seen that the applicant Shri. Sopan Chindhuji Bhongade is having one electric connection for Ag pump in his name. According to him, his Ag pump supply has been disrupted since four years till the date.

We have gone through the documents on record ,the sequence of the case is that Smt. Aruna Bhongade had complained to S/Dn. Office of the respondent on Dt.18.06.2012 for alleged disruption of supply of Ag pump of Shri.Sopan Bhongade from four years. Thereafter no complaint has been filed by the applicant as well as Smt. Aruna Bhongade for restoration of supply. Thereafter the respondent issued 15 days notice of disconnection under section 56(1) on 14.02.2013 to the complainant in which the respondent asked the complainant to pay the bill along with arrears upto December 2012 amounting to Rs.9540.63 .It is also stated in the notice that if the payment is not made , the supply would be disconnected after the 15 days period is over. It is after this incidence the complainant for the first time filed a grievance before IGRC on 25.02.2013 stating that his Ag pump supply has been disrupted since 4 Years till the date of filing grievance & demanded compensation under SOP regulations 2005. The respondent has contended that they received the complaint in this regard on dt.18.06.2012 first time .As there were no materials hence supply couldn't be restored. They also stated that the

alleged supply was disrupted due to natural calamity. From the documents on record it is seen that the complainant never approached to the respondent with the complaint before 18.06.2012, the said complaint too is not made by him.

It not known why the complainant has waited for such a long period since his supply has been disrupted for 4 years altogether & he had to sustain heavy financial loss of around Rs.1000000/- .The above circumstances clearly implies that the complainant might not require electricity to his Ag pump for the past 4 Years, otherwise he would have been approached to the respondent for getting his supply restored much before the dt of actual lodging of Complaint when he has been suffering heavy financial losses. The actual dt of supply disruption is not given, the complainant vaguely stated that it has been disrupted before four years & yet not restored by the respondent. The respondent came to know about this after the complaint filed by Smt. Aruna Bhongade on Dt.18.06.2012 & acted on the basis of this .The respondent stated during hearing on 04.06.2013 that the Poles have been erected & the supply will be restored after stringing of electric lines. They also stated that the complainant is in arrears, hence issued notice of disconnection.

In view of above we are of the opinion that since Smt. Aruna Bhongade is not the consumer of respondent's MSEDCL, her complaint can not be considered as a basis for determination of compensation. Secondly as the complainant has not approached any office nor lodged any complaint to the respondent's office for more than 4 years as specified by him certainly means that he was not in need of electric supply during that period. Moreover the complainant was in arrears ,the supply to his Ag pump

can be restored only when he clear all the electricity dues pending against his Ag. Pump connection.

In such circumstances it is concluded that the complainant should pay the electricity bill pending against his Ag Connection & upon receipt of payment the respondent should restore the complainant's Ag pump supply at the earliest .Merely saying that his Ag pump supply has been disrupted from past 4 years doesn't allow him to claim for compensation also when he is in arrears of Electricity. If the supply is disrupted, he must have contact to the local Dist. Section of MSEDCL's to get his supply restored. In absence of any documentary evidence, he is not entitled for any compensation. The Case should be dismissed.

6) We have perused the record. We have heard both the parties carefully. The applicant allege that the power supply to his pump set got interrupted for last four years. During the proceeding before the IGRC concerned Junior Engineer, Miss Nikde by name appeared. She submitted written statement and stated,

for the last 4 years the power supply to his pump set got interrupted. She stated that during the proceeding before the IGRC concerned Junior Engineer, Miss Nikde by name appeared. She submitted written statement and stated, during the proceeding before the IGRC concerned Junior Engineer, Miss Nikde by name appeared. She submitted written statement and stated, during the proceeding before the IGRC concerned Junior Engineer, Miss Nikde by name appeared. She submitted written statement and stated,

During the instant proceeding concerned Executive Engineer of MSEDCL, Hinganghat Division admitted that, the power supply to his pump set got interrupted for the last 4 years. She stated that during the proceeding before the IGRC concerned Junior Engineer, Miss Nikde by name appeared. She submitted written statement and stated, during the proceeding before the IGRC concerned Junior Engineer, Miss Nikde by name appeared. She submitted written statement and stated,

dj.; kdjhrk rkj o i ky mi yC/k u0grs l kfgR; kph mi yC/krk >KY; k c jksj vt zkj kpsd'kh i a kpk  
oht i jpbk l # dj.; kph dkjokbZdj.; kr ; bZP-

So the Executive Engineer also admitted that the power supply is interrupted and it is not restored till today.

At the same time, it is seen from the record that one Smt. Aruna Bhongade submitted written complaint in office of Assistant Engineer, MSEDCL Hinganghat for the first time on 18-06-2012. The applicant has not specifically stated that the date of the interruption of the supply. The IGRC also confirmed that the respondent got the knowledge of the interruption on 18-06-2012 for the first time. During the instant proceeding also the respondent admitted that the applicant submitted the written complaint on 18-06-2012. So it is ample clear from the record that the respondent got the knowledge of the interruption on 18-06-2013. The power supply is not restored till today.

It is also submitted by the respondent that applicant is in arrears of electricity bill of Rs.9,540/- and he has been given a notice under the provisions of Section 56(1) of the Electricity Act, 2003.

On perusal of the record it is seen that the respondent admitted that there is no power supply to the pump set of the applicant. In my view, there is much substance in the submission advanced by the applicant that there is no question of payment of electricity bill. Secondly if the applicant is in arrears of the bill the respondent can take suitable action after following due process of law. However till then they can not deny the right of the applicant.

The respondent also submitted that the power supply was interrupted due to natural calamity. On perusal of the record it is seen that there is no evidence about the occurrence of natural calamity. Secondly Regulation 11.1 of the MERC (Standard of performance of distribution licensee, period for giving supply and determination of connection) Regulations 2005 reads as under,

*“11.1 nothing contained in these Regulations shall apply, where in the opinion of the commission, the distribution licensee is prevented from meeting his obligations under these Regulations by Cyclone, floods, storms or other occurrences beyond the control of the distribution licensee”.*

In the case in hand there is no opinion or the notification from MERC giving exemption to meet the standard of performance. As such the matter does not fall under the exemption given in Regulation 11.1 of S.O.P.

It was also submitted by the respondent that probably the applicant was not in need of the electricity. It is difficult to appreciate this contention. It is not a question of requirement of power but failure on the part of the respondent to meet the standard of performance. So it is immaterial whether the applicant was in need of power supply or otherwise.

In view of the aforesaid position I arrive at the irresistible conclusion that the applicant is entitle for compensation @ Rs.50/- per hour, under Regulation 12.1 of the S.O.P. Regulations and appendix A item 2(ii) from 18-06-2012. The power supply is not restored till now. So the compensation is payable till the power supply is actually restored.



7) In absence of any evidence much less reliable and cogent evidence we are not inclined to accept other claims of the applicant.

8) As per the provisions of Regulations 8.1 of the MERC (CGRF & E.O.) Regulation, 2006 the order is to be passed by majority. In the case in hand the Chairman is of the opinion that the applicant is entitle for compensation @ Rs.50/- per hour for the period from 19-06-2012 till the power supply is restored. However the member and member secretary of the forum recorded their opinion that the applicant is not entitle for any compensation.

So, we pass the following order, by majority.

**ORDER**

- i) The application No.31 of 2013 is hereby dismissed.
- ii) In the facts and circumstances of the case, there shall be no order as to cost..

Sd/-

Sd/-

Sd/-

**MEMBER                      MEMBER SECRETARY                      CHAIRMAN**  
**CONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR ZONE NAGPUR**  
**(Nagpur Dtd.19<sup>th</sup> day of June, 2013)**

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

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NAGPUR – 440013

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cgrfnz@gmail.com

**(O) 0712- 2022198**

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NO. CGRF/NZ/

Date :

Certified copy of order dated 19<sup>th</sup> June,,2013 in Case No.31 / 2013 is enclosed herewith.

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

To,  
Shri Sopan Chindhuji Bhongade, At.Kanchangaon, Po.Arvi(small)  
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