

**BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM  
M. S. ELECTRICITY DISTRIBUTION CO.LTD.  
(NAGPUR ZONE – RURAL) NAGPUR.**

Application/Case No. CGRF/NZ/Rural/ **39** of 2007

Applicant : Shri Narayan Mahadeo Junghare,  
Resi. Bondsulla, Tal. Selloo, Distrit-Wardha  
**-- VS --**  
Non-applicant : 1.Executive Engineer/Nodal Officer, I.G.R.C.,  
Circle Office,M.S.E.D.C.L., **Wardha.**  
2.Executive Engineer,C.C.O&M Dn., M.S.E.D.C.L.,  
**Wardha.**

---

Presence: 1.Shri N. J. Ramteke, Chairman  
2.Shri M.G.Deodhar, Member.  
3.Shri S. J. Bhargava, Member/Secy.

Appearance. : 1.Shri Narayan Mahadeo Junghare-Applicant  
with Shri Rajendra Pahade.  
  
1.Shri P.B.Narkhede,EE/NO,  
2.Shri V.M.Kulkarni , A.E..  
Non-Applicants.

**ORDER**

( Passed this 13<sup>th</sup> day of March,2007 )  
( Per Shri N.J.Ramteke, CHAIRMAN )

Applicant presented this application in form Schedule 'A' of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter called the Regulations) on 20/2/2007 to this Forum. As required under the Regulations, the Forum issued acknowledgement to Applicant, called the parawise comments of the non-applicants thereon, a copy of the parawise comments was sent to Applicant, issued notices for hearing to both the parties, heard both the parties on 12/3/2007. Thus a fair and reasonable opportunity of hearing is given to both the parties for submission of their respective cases.

Applicant made this application on the grounds that he had sown the vegetables in the month of May, 2006, orange plantation and also mango plantation. The Distribution Licensee failed to supply electricity to his field from 12/5/2006 to 14/6/2006 and, therefore, the vegetables and plantation burnt out and, therefore, he came in severe financial loss and for this he claimed compensation of Rs. 2.00 lakhs. Applicant also submitted that despite of his strenuous

efforts and oral complaints to the Lineman and concerned officers, the electric supply was not restored at a crucial time and in result the newly planted vegetables and saplings died out.

The facts in brief in this case are that the Applicant is a consumer of the M.S.E.D.C.L. with consumer No. 393330002109. He holds the agricultural lands of survey No. 152 area 3.9 hectares and 149 area 1.11 hectares at village Bondsula Tah. Seloo, District-Wardha. Two electricity pumps are installed in his fields since 1988 and 1990. He irrigates his fields and takes vegetables with other fruit crops. In the month of May he had sown the vegetables and plantation of fruit trees in his fields as per the details given in the application in Schedule 'A'. He made an application in schedule 'X' of Regulations to the Internal Grievance Redressal Cell, Wardha on 31/7/2006. The I.G.R.C. under its order dated 28/9/2006 rejected the claim of compensation of Applicant as no proof was produced about the loss. Applicant being aggrieved by this order approached this Forum for the relief to grant compensation of Rs. 2.00 lakhs.

The Applicant also submitted xerox copies of the photographs under his letter dated 22/2/2007 (Record pages 16 to 31). The non-applicants submitted their parwise comments on 1/3/2007. The Forum heard both the parties on 12/3/2007.

The main contention of the Applicant is that due to negligence and non-cooperation of lineman and his superior officers, he came in severe financial loss of Rs. 2.00 lakhs as the newly planted and sown vegetables and saplings burnt out due to non-supply of electricity from the period 12/5/2006 to 14/6/2006. He made several oral complaints to the concerned lineman (Shri Patil) but in vain. He had no option but to declare for the hunger strike unto death and the same has been published in the local newspaper with T.V. coverage on 21/9/2006 and 22/9/2006. The Agriculture Officer, Sindhi has also made an enquiry into this matter and submitted the report on 5/10/2006 to his superior Agriculture Officer. From these documents it is clear that the Distribution Licensee is responsible for burning out his newly planted vegetables and saplings. He had taken a crop of Rs. 3.00 lakhs in the year 2005 but due to non supply of electricity in May-June, 2006 by the Distribution Licensee, he was put in severe financial loss. He contacted number of times to the concerned helper of the D.L. and made oral complaints. But no proper electricity supply was restored to his fields and in result from 12/5/2006 to 14/6/2006 his land was without any electricity and, therefore, no irrigation. He claimed the compensation of Rs. 2.00 lakhs. The Applicant also produced the photographs of the concerned fields showing the condition of the crops during the period of non-supply of electricity.

The main contention of the non-Applicants is that the Applicant presented the application on 31/7/2006 to the Internal Grievance Redressal Cell and the I.G.R.C. rejected the claim of compensation as he could not prove and produce any evidence about the loss. On receipt

of oral complaint on 9/6/2006 from the Applicant, the concerned helper attended the complaint and restored electricity supply on 12/6/2006. The J.E. visited the field of Applicant on 22/6/2006 and found that the fields of Applicant were green and contrary to the claim of Applicant.

Shri V.M. Kulkarni, A.E. submitted on behalf of the non-applicants that the Applicant has not followed the procedure of making the complaint. The transformer cable and kitkat were burnt and the J.E. of Kelzar was on C.L. from 9/6/2006 to 11/6/2006. However, all precautions were taken by the concerned helper to restore the supply of electricity by necessary repairs on 14/6/2006. The Applicant never approached sub/division or division office. He should have made complaint in writing to the superior officers if the helper was not responding to his oral requests. Shri Kulkarni also produced the concerned fuse call complaint register and brought to the notice the entry of 6/5/2006, showing that the complaint was attended and the line was started on 8/5/2006. Applicant never lodged any complaint in writing till 9/6/2006 to the concerned officers or even to the helper who is the custodian of the fuse call complaint book. Thus except complaint dated 9/6/2006, there is no complaint from the Applicant. His claim about compensation of Rs.2.00 lakhs is not justified and, therefore, be rejected.

On hearing both the parties and perusal of the record, the Forum come to the conclusion and decides unanimously as under.

It is a matter of fact that Applicant possesses irrigated lands as mentioned above and he takes the crop of vegetables and fruits. It is also a matter of fact that he has two electricity pumps on two wells in two fields. But it is not established on record by Applicant that the electricity was not in operation in his field for a period from 12/5/2006 to 9/6/2006. The photographs as produced by him can-not be accepted as they do not depict the clear picture whether these photographs pertain to the relevant period of May-June, 2006. No doubt the condition of the newly planted saplings is not healthy and one photograph shows the complete fallow land. The report dated 5/10/2006 of the Agriculture Officer can not be also taken into consideration as it pertains to October, 2006 i.e. four months after the relevant date. It is also seen from the statement of adjoining cultivators of Applicant as enclosed with the report of Agriculture officer that electric supply was not totally stopped though there may be interruption in the supply. The A.E., O&M Sub/Dn., MSEDCL, Seloo under his letter dated 15/9/2006 (record page 36) has pointed out that till 9/6/2006 no complaint was received from Applicant but this version can not be accepted as Applicant have made a complaint in writing on 2/6/2006 to the D.L. (record page 53) but unfortunately this complaint was returned on 7/6/2006 as per the endorsement of Applicant on this application. Thus the Forum is of the opinion that the Applicant made a complaint in writing on 2/6/2006 to non-Applicant and, therefore, it was their

duty to take necessary action in view of the complaint. The period of default starts from 2/6/2006 (record pages 53 & 54). The non-Applicants made the necessary repairs and restored the electricity supply on 14/6/2006.

The fuse call complaint register as produced by non-applicants bring very strange facts to the notice of the Forum. This register is not certified by any officer. The Applicant specifically alleged that this is not the true and correct fuse call complaint register. This is a different register produced by the non-applicants to misguide the Forum. The complaint is dated 6/5/2006 and there is endorsement of restoration of electricity supply by Shri Patil, Helper on 8/5/2006. The last complaint is dated 27/6/2006. It means since last eight-nine months no complaint is lodged. Thus the Forum can-not rely on this fuse call complaint register. In other entries, there are signatures of the complainants but there is no signature of the Applicant in the complaint dated 6/5/2006. It is clear that Applicant made the complaint in writing on 2/6/2006. The Electricity Act, 2003 laid down the Standard of Performance of Licensee under section 57. The Maharashtra Electricity Regulatory Commission also framed "MERC(SOP D.L. ....) Regulations, 2005. In Appendix 'A' of S.O.P. Regulations under Regulation 12, the level of compensation payable to consumer for failure to S.O.P. has been laid down in para 2 - Restoration of Supply. The normal fuse off call to be attended within 24 hours in the rural area and in default the compensation of Rs. 50/- per hour or part thereof on delay. As per the submission of the non-applicants the electricity supply was restored on 12/6/2006 though Applicant claimed that it was restored on 14/6/2006. Thus the submission of the non-applicants is to be taken into consideration that the electricity supply was restored on 12/6/2006 and not on 14/6/2006. The complaint in writing was given to non-applicants on 2/6/2006 and, therefore, there is a delay of 10 days to attend the complaint. It is a default in terms of Regulation 6.1 of Standard of Performance Regulations, 2005. The definition of "Hour" is not laid down under these Regulations and also in the Electricity Act and, therefore, the delay of working hours of the field staff of the Distribution Licensee is to be taken into consideration. As per the norms of the D.L. the working hours are 8 hours per day and, therefore, the delay is of 80 hours. As per Appendix 'A' at the rate of Rs. 50/- per hour or part thereof for delay amount comes to Rs. 4,000/- as compensation to be paid to Applicant in terms of Section 57 of the Electricity Act, 2003. The non-applicants are directed to recover this amount from the helper/ officer who were working during the relevant period. The Hon'ble Supreme Court in civil application No. 7633 of 2002 in Gazhiabad Development Authority Vs. Balbirsingh held that in any case the law has always maintained that the public authorities who are entrusted with statutory function cannot act negligently. In the instant case there is a delay on the part of the non-

applicants. Hon'ble Supreme Court further held that when the Court directs payment of damages or compensation against the state the ultimate sufferer is a common man. It is the taxpayer's money which is paid for inaction of those who are entrusted under the Act to discharge their duties in accordance with law. Section 168 of the Electricity Act, 2003 provides for action taken in good faith. But in the instant case, no relief can be given to the concerned helper/officer of the D.L. who delayed in attending the complaint under this section. The delay has been established and no good faith is found. Thus, the Forum is of the opinion that the concerned officer/helper are responsible for delay as mentioned above and, therefore, the amount of Rs. 4,000/- to be recovered from them and to be paid to the Applicant within 90 days from receipt of this order.

With the above observations, the Forum unanimously passes the following order.

### **ORDER**

- 1) Application is rejected.
- 2) Claim of Compensation of Rs. Two lakhs is rejected.
- 3) A compensation of Rs. 4,000/- is to be paid on recovery from the concerned officer/helper within 90 days to the Applicant.

CHAIRMAN

MEMBER

MEMBER-SECY

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

No. CGRF/NZ/R/

Date:

This is to certify that this is the true and correct copy of the above order.

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

Copy to :

1. Shri Narayan Mahadeo Junghare, Resi. Bondsula, Tah. Seloo, Dist.-Wardha.
2. The Chief Engineer, Nagpur Zone (Rural) MSEDCL, Vidyut Bhavan, Katol Road, Nagpur.
3. The Nodal Officer/E.E.(Admn), Circle Office, M.S.E.D.C.L., Wardha..
4. The E.E., C.C.O&M Dn., MSEDCL, Wardha for information and necessary action.

**Address of - Electricity Ombudsman is given as below.**

Office of - The Electricity Ombudsman,  
Maharashtra Electricity Regulatory Commission,  
606-608, Keshava Building,  
Bandra-Kurla complex,  
MUMBAI- 400 051

TEL.- 022 - 26592965 (Direct)  
022 - 26590339 (Office)

