



on 18-01-2014. Feeling dissatisfied with the order of IGRC Wardha he presented this application on 24-03-2014.

3. A notice 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/1360 dated 09-04-2014. The case was fixed for personal hearing on 05-05-2014. 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 Subdivision, represented the respondent. Both the parties were heard.

4. Shri Betal argued for the applicant. He submitted the following points for the consideration of the Forum,

The power supply to the agricultural pump of the applicant discontinued from August 2013. The poles erected to lay the wires were not fixed properly. So 10 poles were collapsed & the wire were broken. The applicant approached the Junior Engineer of Allipur Distribution Centre. However no action was taken. So he submitted the written complaints to the Assistant Engineer & Executive Engineer on 28-10-2013, 22-11-2013, 25-11-2013, 29-11-2013 & 05-12-2013. However no cognizance was taken. Finally the poles were erected on 01-02-2014 and the power supply was restored on 03-02-2014. The applicant made the compliance of Regulation 12.2 on 02-04-2014.

Since the respondent failed to restore the supply as provided under the SOP Regulations the applicant is entitle for compensation.

In addition the applicant suffered a loss of Rs.3 Lakhs to his agricultural produce. The compensation therefor may be granted.

The respondent stated in the reply that the poles were collapsed due to storm & heavy rain. This is not true. There is no evidence on record in this regard.

He finally requested that suitable compensation may be awarded to the applicant.

5. Shri M.S.Vaidya, Executive Engineer & Shri V,M.Hedao, Assistant Engineer referred to the written reply dated 09-04-2014. It was further stated that the supply was given to the applicant as per seniority list & target given to the Hinganghat Division. The respondent admitted that the power supply was disrupted to the Ag. pump. However there were standing crops & it was a rainy season. The land was muddy. It was not possible to transport the poles to the spot. The farmers also opposed the work as there was likelihood of damage to their crops.

The applicant has not submitted any survey or inspection report of any competent authority. So his claim is not acceptable.

The respondent admitted that the applicant submitted complaint about disruption in power supply during August 2013 to 25-02-2014 on 28-10-2013. When the field officers carried out the spot inspection it was found that the poles were broken. It was a rainy season. So transportation of poles was not possible. As soon as the rain stopped the poles were erected & the power supply was restored on 01-02-2014.

As the power supply was disrupted due to storm & heavy rain. The provisions of Regulation 11.1 are applicable to the instant case. So the applicant is not entitle for any compensation.

As per SOP Regulations three (3) months period is admissible to create the infrastructure, so the applicant can not claim any compensation.

In view of the aforesaid facts there is no force in the application. 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 as the supply to his Ag pump had disrupted in August 2013. According to him the respondent had not erected the poles as per standard procedure which leads to tilting of poles & finally fallen on the ground with electric wires. He initially made oral complaints, as no one paid heed to his complaints he then made written complaints on 28.10.2013 & 22.11.2013 to the concerned Junior Engineer. As his complaints were unattended by the concerned J.E hence he reported the matter to the higher authorities on 25.11.2013,29.11.2013,05.12.2013 & 15.01.2014. He filed his grievance before IGRC on 18.01.2014. His Ag pump supply was restored on 01.03.2014. According to the respondent the supply was restored on 01<sup>st</sup> February 2014.

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 28.10.2013 wherein it is stated that the supply was disrupted due to fallen of around 10 poles of electric line due to flood to River Yashoda. As the supply did not restore, he kept on complaining till 15.01.2014. According to the respondent the supply was restored on 01.02.2014 after erecting poles which were broken. The respondent

contended that the applicant's supply was disrupted because the poles of low tension line catering supply to the applicant's Ag pump was broken. As that was the period of rainy season, the soil was wet & also the crops were standing in the field, the respondent could not transport the pole to the site. After the rain decreases the respondent took the work in hand & restored the supply on 01.02.2014 .

It is observed from the record that the applicant stopped complaining from 15.01.2014, hence the submission made by the respondent that the supply was restored on 01.02.2014 has force. The applicant himself in his written complaint had stated that the poles were broken due to the flood caused to river Yashoda in the month of August. The respondent also stated that the supply was disrupted due to rain & storm. The respondent reported about the loss caused due to heavy rain & storm for the period from 12.07.2013 to 10.09.2013 to the Tahsildar, Hinganghat . This shows that the supply was indeed disrupted due to rain & storm.

In view of above circumstances I am of the opine that the 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. In view of above 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.

According to the applicant his power supply disrupted in August 2013. He gave oral intimation to the Junior Engineer of Allipur Distribution Centre. However there is no evidence in this regard. Both the parties admit that the applicant gave written complaint in Hinganghat Subdivision on 28-10-2013. So it is clear that the respondent got the intimation of the power failure on 28-10-2013. It is also admitted fact that the interruption was due to damage to the over head line.

In the written reply dated 09-04-2014, the respondent gave clear admission as follows,.....

ijrqik; {kr xlgdph d'lh i ikpk fot i ppBk cn vl Y; kph rdij fn-28-10-2013 jksh mi foHkxh; dk; kZ; fgx.k?kV %xkz; Bsl knj dsh- Inj rdijhph "kgkfu"kk dsh vl rk vtZkjl fot i ppBk dj.W; k y?kic ofgultsrkj] i sy i ml o oknGleGsrlysgkss vtZkjl fot i ppBk [Wthr >KY; kpk dkyo/kh i kol kG; kpk vl Y; keG"kskr fi dso telu vsh vl Y; keG"kskrq i kypk okgrq dj.ks"ID; u0grs urj i ml deh >KY; koj fn- 30-01-2014 jksh rlyysrj i sy mlksd#u fn- 01-02-2014 jksh vtZkjlP; k d'lh i ikpk oht i ppBk I jGhr dj.; kr vkyk

Regulation 6.2 of the SOP Regulations 2005 reads as under,

*6.2 The distribution licensee shall in the case of 22KV / 11KV / 415V overhead line breakdowns, restore the power supply to the consumer within six (6) hrs. of receipt of complaint in towns & cities and within 24 hrs. of the receipt of the complaint in rural areas.*

The respondent also argued that the circumstances were beyond the control of the respondent hence no liability to pay compensation should be fastened on the respondent. Emphasis was laid on R. 11 of SOP regulations. However there is nothing

on record to show that the respondent approached the commission for grant of exemption.

Thus the respondent failed to perform its obligation to restore electric supply to the applicant's motor pump.

Since the respondent received the intimation on 28-10-2013. The power supply should have been restored on 29-10-2013. This was not done so it is clear that the applicant is entitle for compensation w.e.f.30-10-2013.

According to the applicant the power supply was restored on 03-02-2014 the respondent stated that as per their record the power supply was restored on 01-02-2014. The applicant has not produced any evidence in support of his say. So we confirm that the power supply restored on 01-02-2014. Naturally, the applicant is entitle for compensation till 31-01-2014.

The member of the Forum stated that the applicant is entitle for compensation during the aforesaid period excluding the period of load shedding.

8. As per the provisions of Regulation 8.1 of the MERC (CGRF & EO) Regulations 2006, the order is to the passed by majority. In the case in hand the Chairman is of the opinion that the applicant is entitle for compensation @ Rs.50 per hr. for the period from 30-10-2013 to 31-01-2014. As per the member he is entitle for compensation, for the above period, excluding the period of load shedding. According to the technical member, the applicant is not entitle for any compensation.

9. In view of the aforesaid situation, we pass the following order, by majority,

**ORDER**

- i) The grievance application No.34 of 2014 is partly allowed.
- ii) The respondent should pay compensation @ Rs.50/- per hr. for the period from 30-10-2013 to 31-01-2014 as provided under Regulation 6.2 & item 2 (II) of appendix A attached to the SOP Regulations 2005 excluding the period of load shedding..
- iii) The compliance of this order should be reported within 90 days from the receipt of this order.
- iv) The parties to bear their own cost.

|   |                                |                          |
|---|--------------------------------|--------------------------|
| Sd/-<br>(Adv.Gauri D.Chandrayan)                                      | Sd/-<br>(Ms.S.B.Chiwande)      | Sd/-<br>(Vishnu S. Bute) |
| <b><u>MEMBER</u></b>  | <b><u>MEMBER SECRETARY</u></b> | <b><u>CHAIRMAN</u></b>   |
| <b><u>CONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR ZONE NAGPUR</u></b> |                                |                          |
| <b><u>(Nagpur Dtd.08<sup>th</sup> day of May, 2014)</u></b>           |                                |                          |

**CONSUMER GRIEVANCE REDRESSAL FORUM**  
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**(O) 0712- 2022198**

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NO. CGRF/NZ/

Date :

Certified copy of order dated 08<sup>th</sup> May, 2014 in Case No.34 / 2014 is enclosed herewith.

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

To,  
Shri Narendra Vinayak Raut, At.Takli, Po.Sirasgaon, 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. 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